The Survey of Religious Hostility in America

www.religioushostility.org

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INTRODUCTION

An Open Letter to the American People

The free exercise clause of the First Amendment to the Constitution prohibits the government from interfering with a person's practice of his or her religion.

Our Founding Fathers considered religious liberty our "first freedom," and the bedrock upon which all other freedoms rest. They understood that one's right to worship God and follow his conscience according to the principles of his religious faith was foundational to civic tranquility. A man whose religious faith was repressed could never be a loyal citizen since the state was usurping his first allegiance and costing him his primary freedom. This is one of the most important distinctions that makes America an exceptional nation — if not the most important.

America today would be unrecognizable to our Founders. Our first freedom is facing a relentless onslaught from well-funded and aggressive groups and individuals who are using the courts, Congress, and the vast federal bureaucracy to suppress and limit religious freedom. This radicalized minority is driven by an anti- religious ideology that is turning the First Amendment upside down.

In 2004, Liberty Institute President and CEO Kelly Shackelford, along with a number of the organization's clients, testified before the U.S. Senate about the growing religious hostility in America. Because the opposition insisted these select testimonies were simply isolated incidents, Senators Kennedy and Cornyn asked Liberty Institute to provide additional information, which led to the development of the first "hostilities document." The shocking number of cases made it clear ... hostility to religion was a very real problem, and it affected every age, and every religious group, in every community across the country.

Fast-forward eight years, and hostility against religious liberty has reached an all-time high. America's First Freedom — the freedom of religion — is being pushed out of public life, our schools, and even our churches.

The Obama administration no longer even speaks of freedom of religion; now it is only "freedom of worship." This radical departure is one that threatens to make true religious liberty vulnerable, conditional, and limited. As some have said, it is a freedom "only within four walls." That is, you are free to worship within the four walls of your home, church, or synagogue, but when you enter the public square the message is, "leave your religion at home." President Obama and Secretary of State Hillary Clinton have repeatedly echoed this same message in international forums, acknowledging only a right to the "freedom of worship." This is no accident, and it has huge ramifications.

Liberty Institute and the Family Research Council have joined forces to take a bold stand to protect and restore religious liberty in America. This includes opposing and exposing the escalating efforts by government bureaucrats to regulate religious freedom. So, from the local district courts to the U.S. Supreme Court and in the halls of Congress, we will face each challenge head-on to ensure that our sacred First Amendment rights are protected.

The following collection of cases, detailing religious bigotry throughout America, offers stunning insight into the attacks against people of faith that are permeating our nation. We invite you to visit www.religioushostility.org to view the full version of this powerful document, which includes more than 600 recent examples of religious hostility.

As our country enters into one of the most critical elections of our time, we ask that people of all faiths join together and stand with us as we continue the important work of defending our most precious liberty — our freedom of religion.

Kelly Shackelford, Esq.
President & CEO
Liberty Institute

Tony Perkins
President
Family Research Council

Kelly Shackelford, Esq.

Kelly Shackelford, Esq., has been President and CEO of Liberty Institute since 1997.

Mr. Shackelford is a constitutional scholar who has argued before the United States Supreme Court, testified before the U.S. House and Senate on constitutional issues, and has won three state landmark First Amendment and religious liberty cases in the past few years alone.

He was recently named one of the 25 greatest Texas lawyers of the past quarter-century by Texas Lawyer, and is the recipient of the prestigious William Bentley Ball Award for Life and Religious Freedom Defense for his leadership and pioneering work protecting religious freedom.

Mr. Shackelford is a highly sought after speaker and frequent guest on national TV news and talk show programs including The O'Reilly Factor, Fox and Friends, Hannity, Good Morning America, NBC's Today Show, CNN, and MSNBC. He also has been featured in the National Law Journal, Associated Press, The New York Times, The Washington Times, The Washington Post, and The L.A. Times, among many others.

Mr. Shackelford is on the Board of Trustees of the United States Supreme Court Historical Society and is a graduate of Baylor University.

Tony Perkins

Tony Perkins is President of the Washington, D.C.-based Family Research Council.

Mr. Perkins is a former member of the Louisiana legislature where he served for eight years, and he is recognized as a legislative pioneer for authoring measures like the nation's first Covenant Marriage law. Although he had no opposition for re-election, he kept his pledge to serve only two terms and left office at the completion of his term in 2004. He was a Republican candidate for the United States Senate in 2002. Since joining FRC in the fall of 2003 he has launched new initiatives to affirm and defend the Judeo-Christian values that this nation is founded upon.

Tony Perkins and FRC have led the way in defending religious freedom in the public square, protecting the unborn and their mothers, defending and strengthening one man/one woman marriage and promoting pro-family public policy. Tony hosts a regular national radio program, "Washington Watch Weekly," broadcasts a daily commentary heard on over 300 stations nationwide, and sends daily email updates to tens of thousands of grassroots activists. An effective communicator, he frequently appears on national broadcast and cable news programs. Tony's first book, Personal Faith, Public Policy, co- authored with Bishop Harry Jackson, Jr., was released in March 2008. In addition, he has been a keynote speaker for organizations across the country.

Tony has a tremendous burden to reclaim the culture for Christ and believes that this revival will begin in the churches across America, reach across denominations and racial and economic lines, and build on shared values of family and freedom. Under his leadership FRC has established a thriving Church Ministries program that is rapidly expanding and engaging Christians in civic affairs as never before.

A veteran of the U.S. Marine Corps, and a former police officer and television news reporter, Tony brings a unique blend of experience and leadership to the pro-family movement. He received his undergraduate degree from Liberty University and a Master's Degree from Louisiana State University in Public Administration. In May 2006 he received an honorary doctorate in theology from Liberty University. Tony and Lawana, married in 1986, have five children.

EXECUTIVE SUMMARY

This updated edition of the *Survey of Religious Hostility in America* is a testament to the radical shift in our culture's worldview that started with the rise of secularism following World War II and has accelerated with each passing year of the twenty-first century. While by no means exhaustive, this survey now presents over 600 incidents of religious attacks and hostility in the United States—most of which occurred within the past 10 years.

Examples of the increasing hostility to religion described in this survey include:

- A federal judge threatened "incarceration" to a high school valedictorian unless she removed references to Jesus from her graduation speech.
- City officials prohibited senior citizens from praying over their meals, listening to religious messages or singing gospel songs at a senior activities center.
- A public school official physically lifted an elementary school student from his seat and reprimanded him in front of his classmates for praying over his lunch.
- Following U.S. Department of Veterans Affairs' policies, a federal government official sought to censor a pastor's prayer, eliminating references to Jesus, during a Memorial Day ceremony honoring veterans at a national cemetery.
- Public school officials prohibited students from handing out gifts because they contained religious messages.
- A public school official prevented a student from handing out flyers inviting her classmates to an event at her church.
- A public university's law school banned a Christian organization because it required its officers to adhere to a statement of faith that the university disagreed with.
- The U.S. Department of Justice argued before the Supreme Court that the federal government can tell churches and synagogues which pastors and rabbis it can hire and fire.
- The State of Texas sought to approve and regulate what religious seminaries can teach.
- Through the Affordable Healthcare Act ("ObamaCare"), the federal government is forcing religious organizations to provide insurance for birth control and abortion-inducing drugs in direct violation of their religious beliefs.
- The U.S. Department of Veterans Affairs banned the mention of God from veterans' funerals, overriding the wishes of the deceased's families.
- A federal judge held that prayers before a state House of Representatives could be to Allah but not to Jesus.

These examples—indeed, all of the examples presented in this survey—are but a few of the innumerable acts of hostility to religion occurring in the United States each year.

To aid the reader in understanding how these hundreds of incidents are related, this survey is divided into three broad categories: attacks on religious liberty in the public arena, attacks on religious liberty at the schoolhouse, and attacks against churches and ministries.

Attacks on Religious Liberty in the Public Arena

Attacks on religious liberty in the public arena is perhaps the most widely recognized form of religious hostility in the United States today. These cases traditionally include challenges to praying at legislative assemblies, challenges to publicly displaying crèches (nativity scenes) or menorahs, and challenges to displaying the Ten Commandments in courthouses. Since the first edition of this survey, however, secularism has pushed the boundaries of religious hostility in the public arena into new areas in which personal religious freedom was heretofore left inviolate. For example, secularists are now challenging memorials to fallen soldiers and veterans if those memorials include religious imagery, such as a cross. As of this writing, the U.S. Court of Appeals for the Ninth Circuit has held that two veterans' memorials that include crosses in California violate the Establishment Clause. Even ten years ago, successful challenges to veterans' memorials because they are in the shape of a cross were unthinkable. The many crosses in Arlington National Cemetery, in Normandy, and in veterans' cemeteries around the nation were widely accepted as fitting symbols of the sacrifices made by so many for this country. Even more shocking, the U.S. Department of Veterans Affairs instituted a policy that effectively mandated that funerals for veterans at national cemeteries be secularized, stripped of any reference to God or the veteran's faith, even when it was the express wishes of the veteran and his family that he be given a religious funeral. The following are some of the most significant cases in this category:

Attacks on Veterans' Memorials

- *Salazar v. Buono*
- *Trunk v. City of San Diego*

In these cases, the U.S. Court of Appeals for the Ninth Circuit held that two veterans' memorials containing crosses violated the Establishment Clause. Congress saved one of these memorials by transferring the land to private ownership, but the government required that a fence be built around the memorial. The Ninth Circuit held that the other memorial is unconstitutional.

Attacks on Ten Commandments Displays

- *Van Orden v. Perry*
- *McCreary County v. ACLU*

These cases both involved challenges to Ten Commandments displays, one at the Texas capitol and one in a courthouse in Kentucky. The Supreme Court heard both cases at the same time and held that the Texas display is permissible because there were other, secular monuments around it but the Kentucky display is impermissible because there were insufficient secular displays nearby.

Attacks on Public Invocations

- *Pelphrey v. Cobb County, Georgia*
- *Joyner v. Forsyth County, North Carolina*
- *Galloway v. Town of Greece*

These cases involved challenges to legislative assemblies' opening with prayer. In *Marsh v. Chambers*, a 1983 U.S. Supreme Court case on legislative prayer, the Court noted that Congress has opened with prayer since the beginning

of the country and that Congress hired a chaplain to give these opening prayers the same week it passed the First Amendment. Despite the historical evidence and the Supreme Court's holding that legislative prayer is constitutional, threats and lawsuits challenging these prayers are growing more frequent. Both *Joyner* and *Galloway* are federal appellate court cases in which courts of appeals rejected the Supreme Court's decision in *Marsh* and held that having prayer before a legislative assembly violates the Establishment Clause.

Public Speech and Expression

- *Rainey v. U.S. Department of Veterans Affairs*
- *Barton v. City of Balch Springs*

These two cases are examples of the increasing hostility to religious speech in public. In *Rainey*, the director of the Houston National Cemetery informed a pastor, Scott Rainey, that he could not pray "in Jesus' name" at a Memorial Day service. Following the filing of a lawsuit, it was discovered that the U.S. Department of Veterans Affairs had a policy that funerals at national cemeteries could not include religious content. Government officials told grieving families that wanted a religious funeral that the service could not reference God. A federal district court held that the government could not dictate prayers at memorial services and funerals, and the U.S. Department of Veterans Affairs agreed to change its policy at all national cemeteries to allow the families' wishes regarding religious content to be followed.

In *Barton*, city officials told senior citizens at a senior center that they could not pray before their meals, listen to religious messages, or sing gospel songs because religion is banned in public buildings. After the senior citizens filed a lawsuit, government officials told the senior citizens that if they won the lawsuit their meals would be taken away because praying over government-funded meals violates the "separation of church and state."

Attacks on Religious Liberty at the Schoolhouse

Attacks on religious liberty at the school house is the second broad category of religious hostility chronicled in this survey. These cases primarily involve school officials prohibiting students or parents from sharing their faith or schools prohibiting teachers from exercising their religious free speech rights. Many of these cases arise because of the misinformation that secularist organizations send annually to school officials, threatening lawsuits should the officials not stamp out all religious expression within the school. While these types of cases have been common for decades, they continue with alarming frequency. The following are some of the most significant recent incidents of religious hostility in the school house:

- *Morgan v. Swanson*

Public school officials told Jonathan Morgan, a third-grader in Plano, Texas, that he could not include a religious message in the goodie bags that he was bringing to the "Winter Party" to share with his classmates. School officials prohibited other children at the school from distributing pencils that stated "Jesus

is the Reason for the Season" and "Jesus Loves me this I know for the Bible tells me so." A government school official ordered another student to discontinue distributing tickets to a Christian drama and to discard the remaining tickets. In a fractured *en banc* opinion, the U.S. Court of Appeals for the Fifth Circuit stated that the students are protected by the First Amendment but that their protection was not clearly enough established to award damages against the school officials involved.

- *Pounds v. Katy I.S.D.*

A Houston-area school district banned religious items at Christmas and Valentine's Day cards that contained religious content, merely because they were religious. When one student was asked what Easter meant to her, she was told that she could not say, "Jesus." A federal court held that the Katy I.S.D. violated the students' constitutional rights because of its hostility to religion.

- *Schultz v. Medina Valley I.S.D.*

Angela Hildenbrand, the valedictorian of her class, wanted to say a prayer during her graduation ceremony from Medina Valley High. A fellow student from an agnostic family filed a suit to prevent Hildenbrand from praying. The federal district court judge issued an order prohibiting Hildenbrand from using words like "Lord," "in Jesus' name," and "amen." The U.S. Court of Appeals for the Fifth Circuit reversed the ruling and allowed the prayer. On June 6, 2011, Hildenbrand gave her speech, which included a prayer.

- *Barrow v. Greenville I.S.D.*

A public school district denied Karen Jo Barrow an assistant principal position because she refused to remove her children from a private Christian school. The U.S. District Court in Dallas ruled against Ms. Barrow, arguing that the right of parents to choose private education was not a fundamental right. The U.S. Court of Appeals for the Fifth Circuit, however, found that the superintendent had violated Ms. Barrow's constitutional parental rights.

Attacks against Churches and Ministries

The final broad category of religious hostility covered by this survey is attacks against churches and ministries. These cases represent a new front that secularism has opened against religious liberty. Only five years ago, the idea that the federal government would argue before the Supreme Court that it could regulate churches to the extent of determining who a church may choose as its pastor was unthinkable, yet the government made that very argument—effectively arguing that the religious liberty clauses of the First Amendment are meaningless—in *Hosanna-Tabor Evangelical Lutheran Church & School v. EEOC.* Not only did the government, for the first time, argue that it may regulate churches and determine qualifications for pastors, but the past ten years have seen an explosion in cases involving local governments discriminating against churches, particularly in the local governments' use of zoning laws and granting of permits. The following cases illustrate this new front in the secularists' war on religious liberty:

- *Hosanna-Tabor Evangelical Lutheran Church & School v. EEOC*

A private Christian school fired Cheryl Perich, a minister and a teacher at Hosanna-Tabor Lutheran School, for threatening to sue the school after she was asked not to return because she had narcolepsy. Perich sued under the Americans with Disabilities Act. In response, the school argued its right to hire or fire Perich based on the "ministerial exception," which legally protects the rights of churches to select its religious leaders without government interference. The Justice Department argued that the "ministerial exception" does not exist and the government may regulate churches' selection of pastors. The U.S. Supreme Court unanimously upheld the ministerial exception and specified that government regulation of the hiring and firing of ministry leaders would violate both the Free Exercise Clause and the Establishment Clause.

- *Plano Vietnamese Baptist Church v. City of Plano*

A city told a Vietnamese Baptist church that it could not use a former church building it purchased for a house of worship because the lot on which the church building was located was not two acres or more in size. The church appealed the city's decision to the district court, which overruled the city's denial and permitted the church to use the building.

- *Barr v. City of Sinton*

A city completely banned Pastor Barr's Christian organization, which provides housing and religious instruction to men who have been released from prison for misdemeanor offenses, from existing anywhere within its city limits. In a landmark decision, the Texas Supreme Court applied the Texas Religious Freedoms Restoration Act to rule in favor of Barr and his ministry.

- *HEB Ministries, Inc. v. Texas Higher Education Coordinating Bd.*

A state passed a law forcing all seminaries to get state approval of their curriculum, board members, and professors. The state fined Tyndale Seminary $173,000 for using the word "seminary" and issuing theological degrees without government approval. The ministry filed a suit to prohibit the government's attempts to control religious training. Both the district court and the court of appeals upheld the law. Finally, after nine years of suffering and losses, the state Supreme Court reversed and held that the law violated the First Amendment and the state Constitution.

- *Westbrook v. Penley*

A member of a church had an unbiblical relationship and desired to divorce her husband without a biblical reason. She refused to repent of her sin, and the church, through its church disciplinary process according to the book of Matthew, sent a letter to the congregation informing them of the member's lack of repentance and the unacceptability of her behavior. She sued the church, the elders, and the pastor, dragging secular courts into an internal church matter. The state Supreme Court unanimously held for the church.

While this survey shows that religious hostility in the United States is dramatically increasing, both in frequency and in type of cases, this survey also shows that those persons and organizations, like the Liberty Institute and the Family Research Council, that stand up for religious liberty are winning. When those who value religious liberty fight, they push back the secularists' agenda. While *Hosanna-Tabor* is a stunning example of the executive branch's rejection of religious liberty, the Supreme Court unanimously held that churches are free from government control. Furthermore, for the first time in *Hosanna-Tabor*, the Supreme Court held that *both* the Free Exercise Clause and the Establishment Clause provide protection for religious liberty, greatly strengthening the Establishment Clause as a tool to protect our freedom. As dark as this survey is, there is much light. The secularist agenda only advances when those who love liberty are apathetic. Let this be a call to stand for religious liberty in these United States.

CASE SUMMARIES

A. ATTACKS ON RELIGIOUS LIBERTY IN THE PUBLIC ARENA

1. Public Expressions of Faith

a. Private Citizens

- ***Cutter v. Wilkinson,* 544 U.S. 709 (2005)**
  Current and former Ohio prison inmates filed suit when prison officials would not accommodate their exercise of religion. The lower courts split over whether the government needed to accommodate the inmates' exercise of religion. The Supreme Court's ruling indicated that the government's accommodation of individual exercise of religion did not violate the Establishment Clause.

- ***Bays v. City of Fairborn,* 668 F.3d 814 (6th Cir. 2012)**
  Two Christian men were prevented from presenting the gospel at a Festival in Fairborn, Ohio, because they did not have a permit. The Sixth Circuit held that the policy was unconstitutional because it was not narrowly tailored to serve a significant government interest.

- ***Walden v. Centers for Disease Control & Prevention,* 669 F.3d 1277 (11th Cir. 2012)**
  A Christian counselor for the Center for Disease Control ("CDC"), Marcia Walden, was fired because she refused to lie about why she was referring clients with same-sex relationship problems to other counselors. Walden told a homosexual client that her personal values would interfere with the client/therapist relationship, never mentioning her religious objections. In response, the client complained to the CDC that Walden was homophobic. Walden reiterated to her supervisors that she had no problem counseling gay and lesbian individuals, but her religious beliefs prevented her from conducting relationship counseling for those in homosexual relationships. Her supervisors suggested that she lie to homosexual clients and tell them she did not have much experience with relationship counseling. Walden refused to lie about why she was referring clients and was ultimately fired for not "altering her approach." The Eleventh Circuit rejected claims that Walden's free exercise rights were violated under the First Amendment, affirming the district court's summary judgment ruling against her.

- ***Saieg v. City of Dearborn,* 641 F.3d 727 (6th Cir. 2011)**
  Dearborn, Michigan, instituted a new policy prohibiting the distribution of leaflets in and around the Arab International Festival. Saieg, founder of the Arabic Christian Perspective (ACP), wanted to distribute religious tracts to Muslims at the festival. Dearborn provided ACP with a booth at the festival from which to distribute tracts, but prohibited Saieg from distributing tracts outside of the booth. The Sixth Circuit held that Dearborn's restrictions on distributing flyers in and around the festival violated Saieg's free speech rights.

- ***Cenzon-DeCarlo v. Mount Sinai Hospital,* 626 F.3d 695 (2d Cir. 2010)**
  A nurse was forced to participate in a late-term abortion against her conscience and religious convictions. She was threatened with severe penalties including termination and loss of license. The nurse lost in both the district court and the Second Circuit.

- ***Dixon v. The Hallmark Companies, Inc.,* 627 F.3d 849 (11th Cir. 2010)**
  Daniel and Sharon Dixon managed an apartment complex. In the apartment office, the Dixons placed a stained glass piece of artwork that had a picture of lilies and contained the words "Consider the lilies… Matthew 6:28." The Dixons' supervisor, upon seeing the stained glass artwork, fired the Dixons and evicted them from their apartment for being "too religious." The Dixons sued, and the case settled.

- ***American Atheists, Inc. v. Duncan,* 637 F.3d 1095 (10th Cir. 2010)**
  An atheist group filed suit in federal court claiming that allowing the Utah Highway Patrol Association to erect memorial crosses bearing its logo on state property in memory of fallen patrolmen violated the U.S. Constitution.

- ***Byrne v. Rutledge,* 623 F.3d 46 (2nd Cir. 2010)**
  Vermont resident Byrne applied for a "vanity" license plate that had a combination of letters and numbers that could be interpreted as a Bible verse. The state refused to give Byrne that license plate because of the religious content. Byrne filed suit against the state commissioner. The Second Circuit found that the state was wrong to limit Byrne's ability to put religious content on his license plate and that there was no legitimate government interest served by their action.

- ***Boardley v. U.S. Dept. of the Interior,* 615 F.3d 508 (D.C. Cir. 2010)**
  Boardley, a Christian evangelist, brought suit against the U.S. Department of the Interior for restricting him from passing out Gospel tracts at Mt. Rushmore National Park. The appellate court found the national park policy against distributing materials was overbroad and unreasonable.

- ***Hood v. Keller,* 229 Fed. Appx. 393 (6th Cir. 2007)**
  A man was arrested for publicly preaching without a permit. He filed a lawsuit seeking declaratory and injunctive relief, compensatory damages, costs, and attorney's fees from public officials for violating his First Amendment rights to freedom of speech and free exercise of religion.

- ***Teen Ranch, Inc. v. Udow,* 479 F.3d 403 (6th Cir. 2007)**
  A faith-based child services provider filed suit against the Family Independence Agency (FIA) when the FIA decided to discontinue referring children to the provider based on its incorporation of religion into its programming. The district court ruled in favor of the FIA. On appeal, the court affirmed, stating that funding for placements of children with Teen Ranch would violate the Public Act and the Establishment Clause.

- ***Deegan v. City of Ithaca,* 444 F.3d 135 (2nd Cir. 2006)**
  The city warned a minister that he would be arrested if he persisted in preaching loudly in

the public commons. The minister sued for First Amendment violations and the court ruled in favor of the city on summary judgment.

- ***Peterson v. Hewlett-Packard Co.*, 358 F.3d 599 (9th Cir. 2004)**
  A 21-year HP employee was fired for refusing to remove scriptures from his office cubicle opposing homosexuality that he posted in response to a company poster hung in the office that depicted a homosexual employee and sought to encourage tolerance.

- ***Sewell v. City of Jacksonville*, 69 Fed. Appx. 989 (11th Cir. 2003)**
  Reverend Wesley Sewell stood at the local post office on a public sidewalk to share his Christian faith with those who passed by. He used limited amplification a single 10-inch speaker. He was told he could not use his speaker and that he would have to get a permit to share his faith on the public sidewalk. Police directed Sewell to the director of Parks and Recreation, who told him that no written application or guidelines existed for issuing a permit. Nonetheless, the director said Sewell could only preach in one location with the volume set so low that only people who approached him could hear his message. A lawsuit was filed to protect Rev. Sewell's right to share his beliefs without excessive restriction.

- ***Doe v. Village of Crestwood*, 917 F.2d 1476 (7th Cir. 1990)**
  A long-standing tradition of the Village of Crestwood's "A Touch of Italy" festival was to include an Italian mass, but a citizen filed suit challenging the mass tradition. The Northern District of Illinois granted an injunction preventing the mass. The Seventh Circuit affirmed.

- ***Stand Up America Now v. City of Dearborn*, 2012 WL 1145075 (E.D. Mich. April 5, 2012)**
  Pastors that work with Stand Up America Now applied for a permit to preach to Muslims in Dearborn, Michigan, but were told they must sign away their constitutional rights in order to get the permit. The court sided with the organization by issuing a temporary restraining order that allows the pastors to preach in public areas in Dearborn without signing away their rights.

- ***Stormans, Inc. v. Selecky*, No. 3:07-5374, 2012 U.S. Dist. LEXIS 22370 (W.D. Wash. Feb. 22, 2012)**
  In 2006, the Washington State Board of Pharmacy unanimously supported a conscience-protection rule that would protect pharmacists from dispensing abortifacient drugs. Matters became complicated, however, when then-governor Christine Gregoire and the state's Human Rights Commission pressured the Board to reverse its decision. The Board eventually obliged, forcing pharmacists to either violate their consciences or lose their livelihoods. Ralph's Pharmacy and two pharmacists filed suit to protect their right to the free exercise of religion. The district court held that the regulations were unconstitutional because they were designed to force religious objectors to dispense abortifacients.

- ***Jankowski v. City of Duluth,* 2011 WL 7656906 (D. Minn. Dec. 20, 2011)**
  A federal district court granted a preliminary injunction allowing a preacher to speak at the Bentleyville Tour of Lights festival in Duluth, Minnesota. The preacher sued the City of Duluth for stopping him from preaching at the public festival, claiming that the city's actions were in violation of the First Amendment.

- ***Teesdale v. City of Chicago,* 792 F. Supp. 2d 978 (N.D. Ill. May 26, 2011)**
  Police arrested proselytizers at a Catholic festival for disturbing the peace. The U.S. District Court for the Northern District of Illinois held in favor of the proselytizers, allowing them to enter the public streets where festival was being held, speak to people at the festival, hand out pamphlets, and carry signs within a certain size.

- ***American Freedom Defense Initiative v. Suburban Mobility Authority,* No. 10-12134, 2011 U.S. Dist. LEXIS 35083 (E.D. Mich. Mar. 31, 2011)**
  The Suburban Mobility Authority for Regional Transportation (SMART) prohibited the American Freedom Defense Initiative from running advertisements on SMART buses that stated, *"Fatwa on your head? Is your family or community threatening you? Leaving Islam? Got questions? Get Answers!"* A federal judge ruled that SMART violated the American Freedom Defense Initiative's First and Fourteenth Amendment rights.

- ***Graning v. Capital Area Rural Transportation System,* No. 1:10-523 (W.D. Tex. 2010)**
  Pastor and bus driver Edwin Graning was fired for refusing to drive a woman to Planned Parenthood. According to federal law, employers must accommodate their employees' religious beliefs. Graning and the Capital Area Rural Transportation System settled, with Graning receiving $21,000.

- ***Gaskell v. University of Kentucky,* No. 09-244 (E.D. Ky. 2010)**
  Professor Martin Gaskell applied for the position of Observatory Director at UK, but he was turned down after the hiring committee found out that he was a Christian. Professor Gaskell filed a lawsuit under Title VII alleging religious discrimination. The court found that there was clear evidence of religious discrimination. Gaskell agreed to a settlement of $125,000.

- ***Shatkin v. University of Texas at Arlington,* No. 4:06-882, 2010 U.S. Dist. LEXIS 68500 (N.D. Tex. July 9, 2010)**
  The University of Texas at Arlington ("UTA") fired two women for privately praying for an absent co-worker after work. The women sued UTA for violations of their religious liberty. The case settled.

- ***Elane Photography, LLC v. Willock,* CV-2008-06632 (N.M. Dist. Ct. Dec. 15, 2009)**
  A Christian photography company was sued after declining to take a job photographing a same-sex couple's ceremony. The New Mexico Human Rights Commission ordered the photographer to pay over $6,600 in attorney's fees.

- ***Gray v. Kohl,* 568 F. Supp. 2d 1378 (S.D. Fla. June 18, 2008)**
  Two members of the Gideons' Key Largo Camp were arrested for distributing Bibles on a public sidewalk.

- ***Gee v. Kempthorne,* No. 03-432, 2007 U.S. Dist. Lexis 6695 (D. Idaho Jan. 30, 2007)**
  On June 3, 2000, Kenneth Gee received an email from his boss at the Department of the Interior regarding President Clinton's proclamation encouraging government employees to celebrate and "observe gay and lesbian pride" during the month of June. Mr. Gee responded, notifying his boss of his sincere religious objection to receiving the emails. Mr. Gee's boss then asked him to retract and delete the email questioning the Department's policy of promoting and celebrating homosexuality. Mr. Gee obeyed the order and deleted the email. Four days later, however, Mr. Gee was formally chastised in a meeting with three supervisors. Mr. Gee's boss informed him that management would review all of his outgoing email and that random checks of his computer and email would be done to ensure his compliance with Department policies. Mr. Gee filed a suit to protect his rights. The court dismissed Mr. Gee's First Amendment and Religious Freedom Restoration Act claims as moot because the Department changed its email policy.

- ***Schaffer v. City of Jacksonville,* No. 3:07-00053 (M.D. Fla. 2007)**
  John Schaffer was standing on public property at the Jacksonville Landing shopping center speaking to others about his faith in Jesus Christ. Officers approached Schaffer as he was talking with a passerby and told him to either stop speaking or leave the premises. When Schaffer attempted to tell the officers that he had the constitutional right to speak in public just like any other citizen, he was arrested and jailed overnight.

- ***Baumann v. City of Cumming, Georgia,* No. 2:07-0095 (N.D. Ga. Nov. 2, 2007)**
  Baumann was arrested for distributing religious tracts on a public sidewalk outside the City of Cumming's fairgrounds. It was alleged he had violated a city ordinance requiring parade and demonstration organizers to obtain a permit before engaging in such activities. The permit requirement, however, only applied to private organizations or groups of more than three persons. Baumann's multiple requests to view a copy of the ordinance were denied. After serving two days in jail, he was convicted before a municipal court judge and sentenced to time already served. Baumann was not notified that he would stand trial that day nor was he given the opportunity to obtain legal counsel.

- ***Steiger v. Lord-Larson,* No. 05-0700 (W.D. Wis. 2006)**
  Lance Steiger, a resident assistant at the University of Wisconsin, Eau Claire, was told he could not lead a Bible study in the basement of the dormitory where he was living. He was forced to file a federal lawsuit to protect his right to lead Bible studies in the dorm.

- ***Colston v. Crowley I.S.D.*, No. 4:06-00097 (N.D. Tex. 2006)**
  Mrs. Colston was banned from handing out religious literature on a public sidewalk in front of a public high school. The school district only allowed her to do so after she filed suit to protect her constitutional rights.

- ***Barton v. City of Balch Springs,* No. 3:03-2258 (N.D. Tex. 2004)**
  Senior citizens in Balch Springs, Texas, were told to stop praying before their meals, listening to inspirational religious messages, and singing gospel songs in their senior citizens' center because of a new city policy banning religion in public buildings. The citizens sued to defend their right to religious freedom. The Department of Justice also opened an investigation. The seniors were told that if they won their lawsuit, their meals would be taken away since praying over government-funded meals violates the "separation of church and state."

- ***Barnes-Wallace v. Boy Scouts of America,* 275 F. Supp. 2d 1259 (S.D. Cal. 2003)**
  An agnostic family sued San Diego and the Boy Scouts because the city had leased some public parkland to the Boy Scouts. The family claimed the lease violated the Establishment Clause because the Boy Scouts do not allow agnostics to become members. The Southern District of California held that the lease did violate the Establishment clause.

- ***Morr-Fitz, Inc. v. Blagojevich,* No. 2005-495 (Ill. Ck. Ct. Apr. 5, 2011)**
  Pharmacists Luke Vander Bleek and Glen Kosirog filed a lawsuit after Governor Rod Blagojevich issued an "Emergency Rule" stating that pharmacists cannot refuse to fill prescriptions for emergency contraceptives. After a five-year legal battle, an Illinois judge ruled that the "Emergency Rule" violated the First Amendment and the Illinois Religious Freedom Restoration Act.

- ***Snatchko v. Westfield, LLC,* 187 Cal.App.4th 469 (Cal. Ct. App. 2010)**
  Snatchko wanted to preach the Gospel to shoppers in Westfield, LLC's shopping mall in Roseville, California. After being prohibited from sharing the Gospel to shoppers, Snatchko sued the mall's owner. Snatchko alleged that the restriction violated his First Amendment rights. The California appellate court agreed with him and found the mall's policy to provide stress-free shopping to patrons vague and not a substantial enough interest to take away Snatchko's free speech rights.

- **Pro-Homosexual Organization Sues Christian-Owned T-Shirt Company for Refusing to Make Pride Shirts**
  http://religionclause.blogspot.com/2012/04/public-accommodations-complaint-filed.html
  The Gay and Lesbian Services Organization sued a Christian-owned T-shirt making company called Hands on Originals for refusal to make homosexual-pride t-shirts. The company had bid on the order before it knew the message the shirts would carry or that they were for the Pride festival. The suit alleges discrimination based on sexual orientation in public accommodation.

- **Freedom From Religion Foundation Complains Florist Refuses to Deliver Their Flowers**
  http://www2.turnto10.com/news/2012/jan/19/10/florists-wont-make-delivery-prayer-banner-teen-ar-902053/
  Freedom From Religion Foundation ("FFRF") forced a Rhode Island school to remove a fifty-year-old school prayer banner from the auditorium, which contained a prayer for the academic success of the students, because it said "Our Heavenly Father" and "Amen."

Following the removal of the banner, a florist refused to deliver flowers from the FFRF to their successful plaintiff. FFRF filed a formal complaint against the florist.

- **Judge Holds Jewish Prison Guard May Schedule Work Around the Sabbath**
  http://www.colorado.gov/cs/Satellite?blobcol=urldata&blobheader=application%2Fpdf&blobkey=id&blobtable=MungoBlobs&blobwhere=1251759857274&ssbinary=true
  Schutte, a Jewish prison guard, sued the Department of Corrections in Colorado for not allowing him to schedule his work around the Sabbath, which spans from Friday night to Saturday. As a Messianic Jew, Schutte does not believe in working on the Sabbath. An Administrative Law Judge found the Department of Correction's refusal to work to accommodate Schutte a violation of Title VII.

- **Hawaiian Bed and Breakfast Sued for Refusing to Rent Room to Lesbians**
  http://www.lambdalegal.org/news/hi_20111219_lambda-legal-files (Dec. 19, 2011)
  Lambda Legal filed suit against the owner of a Hawaiian Bed and Breakfast that refused to rent a room to a Lesbian couple. The court denied a motion to dismiss filed by the bed and breakfast owner. The suit is pending.

- **Social Media Sites Censor Christian Views**
  Dave Bohan, "Study Shows Social Media Sites Censor Christian Views," *The New American,* available at http://www.thenewamerican.com/culture/faith-and-morals/item/997-study-shows-social-media-sites-censor-christian-views (Sept. 18, 2011)
  Social media websites are censoring Christian viewpoints, according to a new study from the National Religious Broadcasters association. The NRB published a press release claiming a recent study conducted by the organization found that Apple, the iTunes App Store, Google, Facebook, MySpace, Twitter, AT&T, Comcast, and Verizon are potentially censoring Christian views from websites as part of a routine business practice.

- **Army Allows Jewish Man to Keep His Beard and Become a Chaplain**
  http://www.chabad.org/news/article_cdo/aid/1696300/jewish/Faced-With-Chaplain-Shortage-Army-Letting-Rabbi-Keep-Beard-After-All.htm
  Rabbi Menachem Stern filed suit against the Army for not allowing him to be in the Army without shaving his beard. As a Chabad rabbi, Menachem's beard carries important religious significance. The rabbi claimed that the Army's refusal to let him keep his beard was a violation of his equal protection rights. The Army relented, allowing Stern to keep his beard and enter the reserves.

- **NBC Removes "Under God" from Pledge of Allegiance**
  Huffington Post, "NBC Apologizes For Omitting 'Under God' From Pledge Of Allegiance," available at http://www.huffingtonpost.com/2011/06/19/nbc-us-open-under-god_n_880114.html (June 19, 2011)
  NBC omitted the phrase "under God" from the Pledge of Allegiance during an opening segment of the U.S. Open. NBC later apologized for the omission and changed its policy to ensure that senior level approval accompanies each piece of a broadcast.

- **Cisco Employee Fired for Religious Views About Marriage**
  Mike Adams, "The Cisco Kid," *Townhall*, available at http://townhall.com/columnists/mikeadams/2011/06/16/the_cisco_kid/page/full/ (June 16, 2011)
  Dr. Frank Turek, a Cisco employee, was fired for his religious view that marriage should be between a woman and a man. He had never expressed this view at work, but did express it through a book he authored. Leadership discovered on the Internet that he had authored the book. The employee was fired without having been addressed about the issue or given opportunity to speak and despite high regard from other employees and managers.

- **Sheriff's Personally-Funded Ad Draws Criticism From Atheist Organization**
  http://www.jdnews.com/articles/watchdog-97742-group-county.html
  The sheriff of Onslow County, North Carolina, ran an ad in the local newspaper encouraging citizens to live by good values, which he claims in the ad line up with Christian values. The sheriff paid for the ad with his own money, although it did bear the image of his badge. The Freedom From Religion Foundation wrote a letter to the county claiming that the ad showed that the police supported Christianity. The sheriff denies the claims in FFRF's letter and says that he will continue to run the ad.

- **County in South Carolina Permits Political Signs but Bans Religious Signs**
  http://religionclause.blogspot.com/2010/10/suit-says-county-sign-control-ordinance.html
  Berkeley County, South Carolina, requires its residents to obtain a permit to place signs in their yards. Political signs and for sale signs are deemed appropriate, but signs that carry a religious message are not. One resident, Moultrie, was cited for having signs with Bible verses on them. Moultrie filed suit against the county alleging violations of free expression, free exercise, and equal protection rights.

- **Kentucky Rejects "In God We Trust" License Plate**
  http://www.foxnews.com/us/2010/10/07/kentucky-group-sues-rejection-god-trust-license-plate/
  A group that advocates against pornography, called ROCK, applied for a special license plate that had "In God We Trust" on it. Kentucky rejected the application, stating that the primary purpose of ROCK is to advance religion because there is one Bible verse on ROCK's website. The group filed suit against Kentucky, claiming a violation of its equal protection rights.

- **Good Messengers at the NCAA Final Four in Indianapolis (2010)**
  http://www.lc.org/index.cfm?PID=14102&AlertID=1179
  A group of street evangelists called the Good Messengers distributed tracts on a public sidewalk outside Lucas Oil Stadium during the NCAA Final Four game. They were question by two police officers, and one of the evangelists was detained and accused of solicitation and trespass. As a result of this event, Indianapolis released a legal bulletin to local law enforcement officers clarifying that street evangelists are engaging in constitutionally protected activity.

- **Tennessee Attorney General Finds "Jesus is Lord" License Plate Unconstitutional**
  http://religionclause.blogspot.com/2010/04/tennessee-ag-opinion-says-jesus-is-lord.html
  The Tennessee Attorney General decided that a specialty license plate bearing the message, "Jesus is Lord" was unconstitutional. Tennessee refused to issue the plate.

- **Federal Reserve Board Demands Bank Remove Religious Christmas Decorations**
  http://www.koco.com/After-Outcry-Feds-Back-Down-Banks-Can-Display-Crosses/-/9844716/10744924/-/blj7m4/-/index.html
  An Oklahoma bank was forced to remove Bible verses from its website, crosses from teller stations, and buttons that carried a Christian Christmas message for a day after a visit from Federal Reserve employees. The Federal Reserve Board ruled that banks may not make any religious statement as doing so might discourage people from applying for loans. The Federal Reserve employees checking the bank to make sure it complied with regulations cited the religious material and demanded its removal. After the president of the bank challenged the Federal Reserve, however, the religious items were restored while the Federal Reserve made a more thorough investigation of the issue.

- **Street Preachers Threatened with Arrest in Canon City, Colorado**
  Liberty Counsel, "Police Back Away From Threats to Arrest Christians for Publicly Sharing Their Faith," available at http://www.lc.org/index.cfm?PID=14100&PRID=560 (Mar. 30, 2007)
  Norman Robinovitz and Bill Phillips stood on public sidewalks talking to people about their Christian faith and handing out literature. One evening, after they shared their Christian faith with individuals outside of two local bars, someone called police to investigate their activities. The men were threatened with arrest for disorderly conduct and were told if they continued their activities they were "headed for jail time."

- **Employee Fired for Religious and Political Message Written on His Car**
  Crosswalk.com, "Virginia Man Rehired After Flap Over Pro-Marriage Slogan," available at http://www.crosswalk.com/1441745 (Oct. 27, 2006)
  A Cargill Foods employee was fired over the display of a sign on his private vehicle. The sign said, "Please vote for marriage on Nov. 7." The statement reflected the employee's religious conviction that marriage should remain a union of one man and one woman. The company tried to force him to remove the hand-painted sign from his rear window after other employees claimed to be offended.

- **Police Officer Banned from Posting About Prayer Meeting**
  Alliance Defense Fund, "Another Effort to Censor Religious Speech Halted…," available at http://oldsite.alliancedefensefund.org/userdocs/updates/2004_0810.html (Aug. 10, 2004)
  The chief of the Janesville, Wisconsin, police department banned officer Sean Jauch from posting announcements for his prayer group on the police department's bulletin board after receiving a complaint that one of the posts was harassing and offensive because it quoted Hebrews 11:6. After Jauch sought legal assistance, the police chief relented.

- **Employee Fired for Wearing Ten Commandments Lapel Pin**
  Jeremy Gray, "Man Fired Over Lapel Pin Garners Support," *Birmingham News* (June 27, 2004)
  The Hoover Chamber of Commerce fired employee Christopher Word because he wore a Ten Commandments lapel pin.

- **Honor Guardsman Fired for Saying, "God Bless You and This Family, and God Bless the United States of America" During Grave-Side Burial Services for Veterans**
  "'God Bless You' Suit Prevails," *WorldNetDaily*, available at http://www.wnd.com/2003/08/20198/ (Aug. 8, 2003)
  Military veteran and honor guardsman Patrick Cubbage was fired from the New Jersey Department of Military and Veterans Affairs ("NJDMVA") for saying "God bless you and this family, and God bless the United States of America" to families as he presented a folded flag in honor of a fallen veteran. Though the families did not object to the practice, one of Cubbage's co-guardsmen complained to their supervisor, and Cubbage was warned not to say the blessing to the families. Later, Cubbage gave the blessing to a family after a request from the fallen veteran's son. Shortly thereafter, Cubbage was terminated. Cubbage settled with the NJDMVA for ten-months' back pay and his job back.

- **Vermont Couple Denied License Plates with Religious Message**
  FoxNews.com, "Tongue Tied: A Report From the Front Line of the Culture Wars," available at http://www.foxnews.com/story/0,2933,28025,00.html (June 27, 2001)
  Robert and Nancy Zins attempted to purchase specialty plates in Vermont for herself and for her husband with the messages "ROMANS8" and "ROMANS5" on the plates, but her request was denied by the Vermont DMV, which claimed that the messages might be offensive. After first going through the Agency of Transportation, a lawsuit was filed to protect her free speech rights and her ability to select a message for her license plate, just as other non-religious citizens were free to do.

- **Girl Barred from Singing "Kum Ba Yah"**
  SunSentinel.com, "Kum Ba Yah Flap Draws Apologies," available at http://articles.sun-sentinel.com/2000-08-16/news/0008160005_1_talent-show-girls-club-club-s-executive-director (Aug. 16, 2000)
  Samantha Schulz, an eight-year-old girl from Port Charlotte, Florida, was barred from singing "Kum Ba Yah" at a Boys & Girls Club talent show because the song included the words "Oh, Lord." The club's director said, "You have to check your religion at the door." The executive director of the Sarasota County Boys & Girls Club apologized and invited Schulz to perform the song at another talent show.

- **Post Office Promotes Secularization of Christmas Season**
  Bill McAllister, "Gearing Up for Christmas," *Washington Post*, Sept. 29, 1995, at N66
  The Post Office issued guidelines advising clerks to use words like "Happy Holidays" and to avoid any decorations with a religious theme.

- ***Noesen v. State of Wisconsin Department of Regulation and Licensing, Pharmacy Examining Board***
  A pharmacist was fined over $20,000 and had restrictions placed on his license after he refused to give a patient oral contraceptives because their use is against his religious beliefs as a devout Roman Catholic.

- **Coach in Northglenn, Colorado, Banned from City Recreation Facility for Religious Speech**
  Alliance Defense Fund, "ADF: Past Religious Freedom Victories," available at http://oldsite.alliancedefensefund.org/actions/victories/freedom.aspx?cid=3176#victory27
  A swim coach shared his faith as he coached swimming in the city recreation facility. The city recreations director sent the coach a letter, informing him that he was no longer welcome on the premises of the city recreation facility. A concerned parent inquired to the city to find out why the coach had been banned and was told that the coach used offensive language, but upon further investigation the parent discovered that the coach's religious speech was the problem. A lawsuit was filed to protect the man's right to access the city recreation facility.

b. Government

[1] Invocations and Prayer

- ***Marsh v. Chambers,* 463 U.S. 783 (1983)**
  A member of the Nebraska legislature filed suit challenging the longstanding practice of employing a chaplain to pray before the opening of each legislative session, claiming the practice was unconstitutional. The District Court of Nebraska enjoined the chaplaincy practice, and the Eighth Circuit affirmed. The Supreme Court reversed, holding that legislative prayers do not violate the Establishment Clause.

- ***Atheists of Florida, Inc. v. City of Lakeland, Florida,* No. 12-11613 (11th Cir. 2012)**
  Atheists of Florida, Inc. challenged the Lakeland City Commission's opening with prayer. The district court upheld the prayers, but Atheists of Florida, Inc. has appealed to the Eleventh Circuit Court of Appeals.

- ***Joyner v. Forsyth County, North Carolina,* 653 F.3d 341 (4th Cir. 2011)**
  The Fourth Circuit Court of Appeals struck down a county policy permitting any community religious congregation to lead invocation at the Forsyth County Board of Commissioners because too many of the prayers being offered were Christian.

- ***Galloway v. Town of Greece,* 681 F.3d 20 (2d Cir. 2010)**
  The Town of Greece, New York, was sued for opening town board meetings with a prayer. Defendants claimed the prayers violated the Establishment Clause. The district court upheld the prayers, but the Second Circuit reversed, holding that the prayers "impermissibly affiliated the town with a single creed, Christianity."

- ***Newdow v. Roberts,* 603 F.3d 1002 (D.C. Cir. 2010)**
  Michael Newdow and approximately thirty other atheists filed suit to challenge the phrase "so help me God" when used in the oath at the presidential inauguration. The federal district court dismissed the lawsuit, and the D.C. Circuit affirmed.

- ***Pelphrey v. Cobb County, Georgia,* 547 F.3d 1263 (11th Cir. 2008)**
  A group of taxpayers sued Cobb County, Georgia, because the Cobb County Commission and the Cobb County Planning Commission open in prayers that often include references to particular religions. The Eleventh Circuit Court of Appeals held that under *Marsh v. Chambers*, opening legislative assemblies with prayer is constitutional and that theologians, not courts, should determine what is a "sectarian" prayer.

- ***Mullin v. Sussex County,* 2012 WL 1753662 (D. Del. May 15, 2012)**
  The Delaware Federal District Court granted a preliminary injunction against the Sussex County Council from opening their meetings with the Lord's Prayer on the grounds that the practice violated the Establishment Clause. However, the court stayed the effectiveness of the injunction for thirty days to allow the parties to come up with a compromise that would allow the meeting to be opened with a prayer in a manner that did not violate the state or U.S. constitutions. The council voted to have a rotation of different prayers read before the meetings to comply with the Establishment Clause.

- ***Doe v. Pittsylvania County, Virginia,* No. 4:11-43, 2012 WL 363978 (W.D. Va. Feb. 3, 2012)**
  A federal district court in Virginia held that the Pittsylvania County Board of Supervisors violated the First Amendment's Establishment Clause by opening its meetings with Christian prayer.

- ***Rubin v. City of Lancaster,* 802 F. Supp. 2d 1107 (C.D. Cal. July 11, 2011)**
  A federal district court in California upheld the invocation policy of the Lancaster, California, city council. The policy invites all religious congregations in the community to volunteer to give the invocation, limited to three times per year, and requires that the invocation not be used to disparage other faiths or proselytize. Representatives from four different religious traditions have participated. The plaintiff plans to appeal.

- ***Staley v. Houston,* No. 4:09-3394 (S.D. Tex. 2009)**
  Houston City Council member Anne Clutterbuck was sued for praying the Lord's Prayer at the beginning of a council meeting. Ms. Clutterbuck had chosen the Lord's Prayer because she believed it to be inoffensive to persons with various religious views. The Court dismissed the case after a motion for summary judgment.

- ***Freedom From Religion Foundation, Inc. v. Hickenlooper,* 2012 WL 1638718 (Co. App. May 10, 2012)**
  The Colorado Court of Appeals held that the governor's 2004 Day of Prayer proclamation violated Colorado's constitution because it implied that those who pray enjoy a more favorable political status than those who do not.

- ***Hackett v. Town of Franklin,* No. 77-11 (Ver. Super. Ct., filed May 29, 2012)**
  A citizen of Franklin, Vermont, regularly attended annual town meetings. The town included prayer in its meetings, often led by a local minister. The citizen sued the town, and the court enjoined the town from continuing such prayers, finding that by including the prayers, the town compelled the citizen to attend religious worship.

- **Freedom From Religion Foundation Complains About Email Containing a Prayer**
  Religion Clause, "Group Says E-mail of Department Head's Prayer to Employees Violated Establishment Clause," available at http://religionclause.blogspot.com/2012/05/group-says-e-mail-of-department-heads.html (May 5, 2012)
  The Freedom From Religion Foundation sent the governor of Florida a letter complaining about an email sent by the Secretary of the Department of Children and Families, David Wilkins. The email included a prayer that was read at the Florida National Day of Prayer ceremony. Wilkins claims that the email was merely a recap of a public appearance.

- **City Council Reacts to Atheist's Complaints About Opening Prayer**
  Religion Clause, "Move of Prayer to Precede City Council Meeting Draws Protest," available at http://religionclause.blogspot.com/2012/05/move-of-prayer-to-precede-city-council.html (May 21, 2012)
  An atheist University of Ohio student complained that the usual opening prayer of the Mount Vernon, Ohio, city council did not reflect the diversity of the community. After the council president moved the prayer to two minutes before the meeting, in answer to the student's request, several council members protested the move in the prayer time.

- **Freedom From Religion Foundation Fights Prayers Before the Hamilton County, Tennessee, County Commission Meetings**
  http://www.timesfreepress.com/news/2012/jun/16/chattanooga-citizens-sue-over-county-prayers/
  After the Freedom From Religion Foundation (FFRF) sent a letter to Hamilton County Commissioners objecting to the practice of praying before County Commission meetings, the Commission continued the practice. The FFRF then filed suit, alleging the prayers violate the Establishment Clause.

- **Freedom From Religion Foundation Determined To End Arizona's Day of Prayer**
  http://www.azcentral.com/news/articles/2012/01/05/20120105arizona-day-of-prayer-lawsuit.html
  The Freedom From Religion Foundation (FFRF) filed a complaint against the state of Arizona to end the Arizona Day of Prayer. After a U.S. District Court dismissed the suit because FFRF could not show injury, FFRF filed a complaint in a state court alleging violations of the state constitution. The suit is ongoing, and FFRF is considering appealing the district court ruling.

- **ACLU Silences Religious Prayer at City Council Meetings**
  http://pointpleasant.patch.com/articles/point-beach-to-settle-lawsuit-with-aclu-after-changing-prayer
  The city council of Point Beach, New Jersey, was opening its meetings with prayer, but a resident objected to the Lord's Prayer because it was Christian. The ACLU filed a claim against the city, but dropped it after an agreement was reached that the city council would use general prayers, not specific to any religion. The council must now pay over $11,000 in attorney's fees to the ACLU.

- **Hawaii Citizens for Separation of Church and State Opposed Honolulu City Council Prayers**
  http://religionclause.blogspot.com/2010/04/prayers-at-honolulu-city-council.html
  The Honolulu City Council opens its meetings with an "aloha message." Many people who deliver the message choose to do so with a prayer. The Hawaii Citizens for Separation of Church and State complained to the city council about the practice, saying it is unconstitutional. The council chairman, however, refused to stop the practice.

- **Freedom From Religion Foundation**
  http://www.examiner.com/article/lodi-city-council-votes-to-keep-prayer-as-uncensored-invocation-local-reactions
  http://www.lodinews.com/news/article_5aec0fac-b0a5-11e1-9ae5-001a4bcf887a.html
  http://www.fox40.com/news/headlines/ktxl-news-lodiprayer,0,2350438.story
  The Freedom From Religion Foundation threatened to file a lawsuit against the City of Lodi, California, unless it ended its tradition of opening meetings with an invocation. The City Council unanimously chose to continue its invitation to people of any faith or no faith to pray or offer a "call to civic responsibility" before its meetings. Opponents were still unhappy with the non-exclusion policy, claiming that those of minority religions or no religion would still feel excluded because Christianity was the majority religion.

- **Freedom From Religion Foundation Intimidates City Council into Banning "Jesus" From Opening Prayers**
  http://www.tracypress.com/pages/full_story/push?article-Council+asks+pastors+to+leave+-Jesus-+out+of+prayers%20&id=3618283-Council+asks+pastors+to+leave+-Jesus-+out+of+prayers&instance=home_news_bullets
  The Tracy, California, city council bowed to legal threats brought by the Freedom From Religion Foundation and instructed any person giving an opening prayer that it is illegal to mention Jesus Christ in the prayer.

- **Freedom From Religion Foundation Celebrates Making Ohio City "Less Holy"**
  http://ffrf.org/publications/freethought-today/articles/foundation-takes-on-prayer/
  The city council of Toledo, Ohio, invited various religious organizations from the community to open its meetings in prayer. The Freedom From Religion Foundation (FFRF) threatened to sue the city for opening with prayer, urging the city to end the prayers completely. The city avoided litigation by prohibiting references to specific religions, prompting FFRF to announce that it made the city "a little less holy."

[2] Religious Holiday Observation

- ***Granzeier v. Middleton,* 173 F.3d 568 (6th Cir. 1999)**
  County courthouses and administrative buildings were closed on Good Friday. Plaintiff sued, declaring such a practice unconstitutional. The Sixth Circuit Court of Appeals found that there was a valid secular purpose in closing on Good Friday and that there was no excessive entanglement of religion between church and state.

- ***Bridenbaugh v. O'Bannon,* 185 F.3d 796 (7th Cir. 1999)**
  A citizen filed suit to challenge the Indiana policy of allowing state employees to observe Good Friday as a day off with pay, claiming that the policy established religion. The Seventh Circuit Court of Appeals held that this did not violate the Establishment clause.

- ***Metzl v. Leininger,* 57 F.3d 618 (7th Cir. 1995)**
  A teacher filed suit in objection to a policy that allowed teachers to take Good Friday off with pay, claiming the practice violated the Establishment Clause. The Seventh Circuit (Posner, J.) held that state law requiring closures on Good Friday violated the Establishment clause.

- ***Florey v. Sioux Falls School District,* 619 F.2d 1311 (8th Cir. 1980)**
  Schools may use religious materials to educate children about holidays. Action was brought for declaratory and injunctive relief, alleging that policy statement and rules adopted by school board violated establishment and free exercise clauses of First Amendment to United States Constitution. The Court of Appeals held that: (1) school board's adoption of policy and rules permitting observance of holidays having both a religious and a secular basis was not motivated by an attempt to advance or inhibit religion; (2) primary effect of the rules was the advancement of a secular program of education, and not a religion; (3) the rules did not unconstitutionally entangle the school district in religion or religious institutions; and (4) the rules did not violate the Free Exercise Clause of the First Amendment.

- ***Freedom from Religion Foundation v. Manitowoc County,* 708 F.Supp.2d 773 (E.D. Wis. April 22, 2010)**
  Freedom From Religion Foundation sued Manitowoc County, Wisconsin, in an attempt to remove a Nativity scene from the front of the courthouse. The county changed the policy about decorations to one in which anyone can put up decorations outside the courthouse. A federal district court found that under the new policy, the Nativity scene did not reflect a governmental endorsement of Christianity.

- ***Johnson v. Shineman,* 658 S.W.2d. 910 (Mo. App. 1983)**
  Student received failing grade in music class because he could not make the final group performance, which was required to pass. Student claimed religious necessity to travel, but the school denied student's request for exemption from final performance. Court held in favor of school.

- **McAllister, Bill "Postal Service Ends Christ Camp Stamp Series", Washington Post, Nov. 19, 1994 at Fl.**
  The Post Office replaced its Madonna and Child stamp in the holiday stamp collection with an angel stamp after using the Madonna and Child for 28 years. The Post Office resumed the stamp after there was a public outcry.

- **Freedom From Religion Foundation Attempts to Eliminate Good Friday As Government Holiday**
  http://www.jsonline.com/blogs/news/90885039.html#!page=10&pageSize=10&sort=newest first
  The Freedom From Religion Foundation wrote a letter of complaint to the city of Milwaukee to end its Good Friday Holiday. It cited a 1996 federal district court case declaring the holiday unconstitutional.

- **Florida City Council Suggests Limiting Religious Holidays**
  http://www.onenewsnow.com/Culture/Default.aspx?id=950434
  The multicultural committee for North Miami Beach, Florida, recommended that city council limit each "legal" religion to one religious holiday proclamation. Not only does this require the city to choose which religions are acceptable, but it forces Christians to choose between Easter and Christmas.

- **Freedom From Religion Foundation Threatens Commissioner for Having a Cross and Nativity Scene in His Personal Office**
  http://www.upnorthlive.com/news/story.aspx?id=584728
  The Freedom From Religion Foundation (FFRF) sent a letter to Dennis Lennox threatening a lawsuit if he would not remove a cross and Nativity scene from his personal office. FFRF claimed the display is a violation of the Establishment Clause. Lennox commented, "This is my private office in my private area, I'm not trying to force my faith down anybody's throat[;] I'm just saying I celebrate Christmas."

- **Prayer at North Carolina County Commissioner Meeting Under Attack**
  http://www.mountainx.com/article/26212/Buncombe-Commissioners-On-a-meeting-and-a-prayer
  Following the outcome in *Forsyth County*, many other North Carolina counties that open their county commissioner meetings with prayer are under attack. After twenty years of opening with prayer, the Buncombe County, North Carolina, commissioner meeting's prayer is being challenged.

- **Freedom From Religion Foundation Scared Michigan Town into Abandoning "Christmas Break"**
  http://ffrf.org/uploads/legal/petoskeynews.pdf
  The Petoskey, Michigan, School Board wanted to reinstate "Christmas Break" as a replacement for "Winter Holiday Break." The Freedom From Religion Foundation (FFRF) quickly responded with the threat of litigation unless "Christmas" was removed. The school avoided litigation by submitting to FFRF's requests.

- **Complaint Leads Tennessee Town to End Twenty-Two Year Tradition of Reading from Luke at Christmas**
  http://www.knoxnews.com/news/2009/dec/07/biblical-reading-scratched-from-maryville-yuletide/
  For twenty-two years, the town of Maryville, Tennessee, had a local radio personality read from the Book of Luke during the Christmas tree lighting ceremony. Following a complaint, the town decided that it would no longer include the traditional reading during the ceremony.

- **Oregon Elementary School Bans Christmas Trees, Santa Claus, and Dreidels**
  http://www.mailtribune.com/apps/pbcs.dll/article?AID=/20091204/NEWS/912040329
  An elementary school in Ashland, Oregon, banned Christmas trees, Santa Claus figures, and dreidels following a complaint from a parent. The school decided that the only acceptable decorations are wreaths, snowflakes, snowmen, candles, and candy canes. The school's Christmas tree, which had no religious decorations, was replaced with a large snowman.

- **Merced, California, Backs Down from Replacing Its "Christmas Parade" with a "Holiday Parade"**
  http://www.mercedsunstar.com/2009/12/01/1201213/christian-organization-says-christmas.html
  Merced, California, attempted to change the name of its annual parade from the "Christmas Parade" to the "Holiday Parade" to avoid lawsuits. The city officials quickly backed down, however, following a strong backlash from its citizens and changed the name back to the "Christmas Parade."

- **Town Bans All Holiday Decorations from Memorial Square**
  http://religionclause.blogspot.com/2009/11/town-decides-to-remove-creche-rather.html
  The council of Chambersburg, Pennsylvania, decided that it would rather have no holiday decorations on its Memorial Square than have a variety of different religious decorations. This decision was prompted by a complaint from an atheist group that wanted to put up a sign on the square that said, "Celebrating Solstice. Honoring Atheist War Veterans." The only decorations now allowed on the square are flowers and American flags.

- **Freedom From Religion Foundation Threatens Technical Colleges in Wisconsin for Having Good Friday Holiday**
  http://religionclause.blogspot.com/2009/01/good-friday-time-off-at-wisconsin-tech.html
  The Freedom From Religion Foundation sent letters to technical colleges in Wisconsin threatening the colleges for having Good Friday as a holiday. Several technical colleges indicated that they would eliminate the holiday.

- **From Garden City Long Island, New York**
  Teachers in Garden City Long Island, New York, wanted to use personal days to observe religious holidays, which is one of the listed permissible uses for a personal day. When some Catholic teachers requested to use a personal day for Holy Thursday and some Jewish teachers wanted to use a personal day during Passover,

however, they were denied and were forced to use arbitration to prevent the religious discrimination.

[3] Religious Celebrations

- ***Capitol Square Review & Advisory Board v. Pinette,* 515 U.S. 753 (1995)**
  The Ohio State Capitol Square Review Board refused a permit to a group wanting to display a cross during the 1993 Christmas season, so a lawsuit was filed, seeking an injunction requiring the board to issue the permit. The District Court granted the injunction, the Sixth Circuit affirmed, and the Supreme Court held that issuing such a permit did not violate the Establishment Clause.

- ***County of Allegheny v. ACLU,* 492 U.S. 573 (1989)**
  The ACLU filed a lawsuit against the county stating two of the county's holiday displays were unconstitutional. One of the displays was a Nativity scene at the county courthouse. The other display was a menorah placed alongside a Christmas tree at the City-County building. The Supreme Court held that a menorah in front of the City-County Building for a seasonal display did not violate the Establishment Clause, though the Nativity scene in the county courthouse did.

- ***Lynch v. Donnelly,* 465 U.S. 668 (1984)**
  In a Pawtucket shopping district, there was an annual Christmas display owned by a non-profit organization. The display included a Santa house, a Christmas tree, a "Seasons Greetings" banner, and a crèche, which had been a staple of the display for over forty years. A lawsuit was filed to challenge the display, specifically the inclusion of the crèche. The U.S. Supreme Court held the display did not violate the Establishment clause.

- ***Freedom from Religion Foundation, Inc. v. Obama,* 641 F.3d 803 (7th Cir. 2011)**
  The Freedom From Religion Foundation sued to have the National Day of Prayer declared unconstitutional. The district court held that declaring a National Day of Prayer violates the Establishment Clause and enjoined such declaration. The Seventh Circuit reversed.

- ***ACLU of New Jersey v. Township of Wall,* 246 F.3d 258 (3d Cir. 2001)**
  The ACLU, along with some citizens, filed a lawsuit to challenge a holiday display consisting of a crèche with traditional figures, a lighted tree, urns, candy cane banners, a menorah, and signs commenting on celebrating diversity and freedom. The Third Circuit held that the plaintiffs lacked standing because they failed to show a non-economic injury resulting from the display and that the plaintiffs failed to show that the city spent any money on the display. Vacated and remanded.

- ***ACLU of New Jersey v. Schundler,* 168 F.3d 92 (3d Cir. 1999)**
  The ACLU filed suit to challenge a holiday display, which included a crèche and a menorah, claiming the display violated the Establishment Clause. The Third Circuit (Alito, J.) held that the display did not violate the Establishment Clause because the city

modified the display to include Kwanzaa symbols, a sled, Frosty the Snowman, and Santa Claus.

- ***ACLU v. City of Florissant,* 186 F.3d 1095 (8th Cir. 1999)**
  The ACLU filed suit to challenge a holiday display at the city Civic Center in Florissant, Missouri, on behalf of a resident who was offended by the inclusion of the crèche in the holiday display. The Eighth Circuit held that the display did not violate the Establishment Clause.

- ***Americans United for Separation of Church and State v. City of Grand Rapids,* 980 F.2d 1538 (6th Cir. 1992)**
  Americans United for Separation of Church and State filed suit to prevent a menorah from being placed at Calder Plaza during the Chanukah celebration, claiming the placement of the menorah established religion. The court agreed, determining that the city appeared to be endorsing religion because of the display. On a rehearing *en banc*, the Sixth Circuit held that the display did not violate the Establishment Clause.

- ***Doe v. Small,* 934 F.2d 743 (7th Cir. 1991)**
  A city annual yuletide display included sixteen large paintings showcasing events in the life of Jesus Christ. A lawsuit was filed to eradicate the religious expression from the public square and end the yuletide display. The court struck down the long-standing tradition of including the pictures, finding that such a display endorsed religion and violated the Establishment Clause.

- ***Kaplan v. City of Burlington,* 891 F.2d 1024 (2d Cir. 1989)**
  A lawsuit challenged a city's menorah display during the month of December, and the court struck down the display of the menorah on the grounds that such religious expression violated the Establishment Clause.

- ***Mather v. Village of Mundelein,* 864 F.2d 1291 (7th Cir. 1989)**
  Rachel Mather challenged a holiday display in front of Village Hall in Mundelein, alleging that the display included a crèche which gave her a sense of inferiority because she was Jewish. The Seventh Circuit held that the display did not violate the Establishment Clause.

- ***ACLU v. City of Birmingham,* 791 F.2d 1561 (6th Cir. 1986)**
  The ACLU filed suit to expel a crèche from the annual holiday display at city hall, claiming it violated the Establishment Clause. The Sixth Circuit held that the display violated the Establishment Clause.

- ***American Atheists, Inc. v. Port Authority of New York and New Jersey,* No. 1:11-06026 (S.D.N.Y. 2011)**
  Atheists sued to stop the erection of the World Trade Center cross. They claimed the cross, made of two steel girders that survived 9/11, has become a symbol of religion and thus needs to be removed because it now violates the Establishment Clause.

- ***Koenig v. City of Atlantic Beach, Florida,* No. 3:05-1244 (M.D. Fla. 2005)**
  Town Center Park, operated jointly by the City of Atlantic Beach and the City of Neptune Beach, contained a 25-foot-tall Christmas tree and a large, privately provided, menorah. Koenig wanted to display a private Nativity scene in the park, but the request was denied because a Nativity scene is a "religious symbol." Following the filing of the lawsuit, the park permitted the Nativity scene to be displayed.

- ***Amancio v. Town of Somerset,* 28 F. Supp. 2d 677 (D. Mass. Nov. 23, 1998)**
  A Somerset resident filed a lawsuit challenging Somerset's Christmas display, which included a Nativity crèche, holiday lights, a wreath, a Christmas tree, and a plastic Santa Claus. The display had been a Somerset tradition for sixty years. The court held that the display violated the Establishment Clause.

- ***ACLU of Kentucky v. Wilkinson,* 701 F. Supp. 1296 (E.D. Ky. 1988)**
  The ACLU filed suit to challenge a Nativity scene in the Kentucky Capitol, seeking an injunction preventing the continued use of the Nativity scene and claiming the Nativity scene was an endorsement of religion. The court denied the injunction on condition that the state put a disclaimer on the display stating that the state intended no endorsement of religion and that no state funds were expended for the display.

- ***Soc'y of Separationists, Inc. v. Clements,* 677 F. Supp. 509 (W.D. Tex. 1988)**
  The Society of Separationists filed a lawsuit challenging the "Christmas Carol Program." The program is an annual event in the Texas Capitol. When a Christmas tree is presented to Texas, politicians make speeches, the Texas Public Employees Association presents money to charity, Santa visits, singers perform Handel's Messiah, and two religious carols are performed. The Separationists asserted that the program violates the Establishment Clause and sought a preliminary injunction to prevent the program from occurring. The court held that the State's sponsoring of the event did not violate the Establishment Clause.

- ***Doe v. City of Westland,* No. 87-74468, 1987 U.S. Dist. LEXIS 15321 (E.D. Mich. Dec. 23, 1987)**
  Doe, supported by the ACLU, brought a lawsuit to challenge a Christmas display in the Westland central city complex because it included a Nativity scene.

- ***King v. Village of Waunakee,* 517 N.W.2d 671 (Wis. 1994)**
  Citizens filed a lawsuit challenging a crèche display during the Christmas season, seeking to eradicate the religious symbol from the public square. The Wisconsin Supreme Court held that the display did not violate the Establishment Clause or the Wisconsin State Constitution.

- ***Freedom From Religion Foundation v. Romer,* 921 P.2d 84 (Colo. App. 1996)**
  After the Pope visited Denver for World Youth Day, The Freedom From Religion Foundation filed a lawsuit for an injunction and damages against the City of Denver, council members, and Arapaho County officials. They asserted that using a state park for religious services, temporarily closing the park to the public, and the use of state funds

to facilitate the visit violated the First and Fourteenth Amendments. The District Court dismissed the claim. The Colorado appeals court held that 1) the injunction claim was moot, since the event was already over, and 2) city, county, and state officials could not be sued for damages in their official capacity under §1983.

- ***Chabad of Mid-Hudson Valley v. City of Poughkeepsie,* 907 N.Y.S.2d 286 (N.Y. Sup. Ct. 2010)**
  A New York Supreme Court found that a privately owned, eighteen-foot-tall menorah did not violate the Establishment Clause. The decoration is owned by the Chabad of Mid-Hudson Valley, which puts it up in the downtown area of Poughkeepsie, New York, every year. Because the menorah is also displayed alongside other secular Christmas decorations, the court found that the menorah did not violate the Establishment Clause. However, the court maintained that it would be a violation of the Establishment Clause for the city to use its personnel and power to put up the menorah.

- **Sonoma County Keeps Star and Angels on Christmas Tree**
  http://religionclause.blogspot.com/2009/12/county-reverses-order-on-removing-stars.html
  An atheist activist pressured Sonoma County, California, administrator Chris Thomas into removing the star and angels off of the county's Christmas tree. The activist complained that the decorations were religious symbols. After further reflection, however, Thomas reinstated the star and angels because he found them to be generic Christmas decorations.

- **Governor of Washington Allows Menorah and Christmas Tree but Not Creche at Christmas**
  Eugene Register-Guard, "Menorah, not Nativity scene, finds place in state Capitol," Dec. 22, 2006, at D5.
  Governor Chris Gregoire lit a menorah in a celebration at the state Capitol, and accepted the gift of a menorah for her home. The menorah that was lit during the ceremony was displayed in the Capitol rotunda with a Christmas tree. However, when a local resident asked for a Nativity scene to be displayed with the menorah and the tree, the Governor refused.

- **Nativity Scene and Star of David Removed from Teacher's Holiday Decorations**
  Liberty Counsel, "'Twas Two Weeks Before Christmas, And All Through The Land…," available at http://www.lc.org/index.cfm?PID=14100&PRID=261 (Dec. 13, 2006)
  McNair Middle School in Fayetteville, Arkansas, removed a Nativity scene and a Star of David from a teacher's holiday display, which also included secular holiday decorations. After being provided with a legal memorandum explaining that the display was constitutional, the school returned the decorations.

- **ACLU Threatens County for Allowing Nativity Scene to be Displayed in Open Forum**
  Liberty Counsel, "'Twas Two Weeks Before Christmas, And All Through The Land…," available at http://www.lc.org/index.cfm?PID=14100&PRID=261 (Dec. 13, 2006)
  The ACLU threatened Cumberland County, Tennessee, because a Nativity scene was placed in an open forum outside of the county courthouse.

- **"Cold in the Night" Replaces "Silent Night" in Wisconsin School**
  Liberty Counsel, "School Dumps 'Cold in the Night' and Returns to 'Silent Night,'" available at http://www.lc.org/index.cfm?PID=14102&AlertID=480 (Dec. 14, 2005)
  Ridgeway Elementary School in Dodgeville, Wisconsin, planned to perform "Cold in the Night," a secularized version of "Silent Night," at its "winter party." The plan was abandoned after the school received large numbers of phone calls and emails opposing the violation of this traditional and historic Christmas song.

- **Seniors Banned from Singing Christmas Carols in Their Homes**
  Liberty Counsel, "Housing Authorities Tell Senior Citizens and Persons with Disabilities 'No Christmas this Year,'" available at http://www.lc.org/pressrelease/2005/nr121305b.htm (Dec. 13, 2005)
  Seniors living in facilities owned by the Housing Resource Development Corporation were told they could not sing Christmas carols. Following an attorney's demand letter, the facility reversed its decision.

- **No Christmas Decorations at Seniors' Home**
  Liberty Counsel, "Housing Authorities Tell Senior Citizens and Persons with Disabilities 'No Christmas this Year,'" available at http://www.lc.org/pressrelease/2005/nr121305b.htm (Dec. 13, 2005)
  Residents at Bethany Towers, which provides housing for low-income seniors and persons with disabilities, were told that they could not display any religious decorations in any common area or on the exterior of their rooms. Management removed nativity scenes and other religious decorations set up by the seniors, even taking angels off of the Christmas tree.

- **NYC's Environmental Protection Agency Allows Hanukkah Banners, Bans Christmas Banners**
  Liberty Counsel, "Christmas 'Grinches' Are On The Run," available at http://www.lc.org/index.cfm?PID=14100&PRID=536 (Dec. 13, 2005)
  The NYC Environmental Protection Agency allowed its employees to have Hanukkah banners and, in the past, allowed employees to celebrate the Indian festival of Diwali. The agency banned Christmas banners, however, along with red and green decorations and even removed the "holiday trees." Following a staff petition, the agency allowed the Christmas decorations and issued an apology to employees.

- **Indiana State Department of Health Required "Holiday," Not "Christmas," Parties**
  Liberty Counsel, "Christmas 'Grinches' Are On The Run," available at http://www.lc.org/index.cfm?PID=14100&PRID=536 (Dec. 13, 2005)
  The Indiana State Department of Health told its employees that they could not have Christmas parties during lunch hours. The parties had to be "holiday" rather than "Christmas" parties, and the employee-initiated parties could have no religious content. Following a demand letter, the department allowed employees to have their own Christmas parties with religious content.

- **Schools Bans "Merry Christmas"**
  Liberty Counsel, "Christmas 'Grinches' Are On The Run," available at http://www.lc.org/index.cfm?PID=14100&PRID=536 (Dec. 13, 2005)
  Teachers and students at Boulevard Heights Elementary School in Fort Lauderdale, Florida, were told that they may not say, "Merry Christmas." The school recommended "Happy Holidays" as an alternative.

- **School Door Decorating Contest Bans Religious Content**
  Liberty Counsel, "Christmas Themes Once Banned From Student Door Decorating Competition Will Now Be Allowed," available at http://www.lc.org/index.cfm?PID=14102&AlertID=475 (Dec. 9, 2005)
  D.C. Everest Senior High School announced a "Winter Spirit Week Door Decorating Contest." The rules stated that doors could be decorated to depict "[a]ny winter scene," so long as there were "[n]o religious ties." The principal said that any doors with religious themes would be disqualified. After receiving more than 200 student petitions and a demand letter, as well as legal advice of their own, the school changed the rules to allow religious depictions.

- **Firefighters Remove Christmas Lights After Neighbors Complain of Being Offended**
  Terry Mattingly, "On Religion: Things Got Rough on Church-State Front This Holiday Season," *Naples Daily News*, Jan. 17, 2004
  Firefighters in Glenview, Illinois, were forced to take down their station's Christmas lights after neighbors complained of being offended.

- **Library Refuses to Include Christmas in Holiday Book Display**
  Terry Mattingly, "On Religion: Things Got Rough on Church-State Front This Holiday Season," *Naples Daily News*, Jan. 17, 2004
  When a pastor in Chandler, Arizona, complained that a public library display excluded Christmas and only included Hanukkah and Kwanzaa, the library took down the entire display rather than add any information about Christmas.

[4] Pledge of Allegiance

- ***Elk Grove Unified School District v. Newdow*, 542 U.S. 1 (2004)**
  Atheist Michael Newdow filed suit to remove the words "under God" from the Pledge of Allegiance. Newdow's daughter attended public elementary school where students recited the Pledge as part of the morning activities. Newdow filed suit claiming that his daughter was injured because she was compelled to witness her teacher lead her classmates in a ritual where they proclaimed there is a God and that our nation is under God. The Supreme Court held that Newdow lacked standing to challenge the constitutionality of the district's court policy in federal court.

- ***Croft v. Perry,* 624 F.3d 157 (5th Cir. 2010):**
  The Crofts, parents of school-age children, challenged the phrase "under God" in the Texas Pledge of Allegiance. The district court and the Fifth Circuit both held that the Texas Pledge was constitutional.

- ***Newdow v. Rio Linda Union School District,* 597 F.3d 1007 (9th Cir. 2007)**
  Jane Roechild, a parent of a student from Union School District in California, sued to prohibit the recitation of the pledge by all students in her child's classroom. A self-professed atheist, Roechild acknowledged that her child had never said the pledge. The court below held that the recitation of the Pledge of Allegiance violated the Establishment Clause and prohibited its recitation. However, the Ninth Circuit overruled that decision on March 11, 2010, because the purpose of the pledge was patriotic, not an attempt to impress a religious doctrine on anyone.

- ***Freedom From Religion Foundation v. Hanover School District,* 665 F.Supp.2d 58 (D. N.H. Sept. 30, 2009)**
  Jan and Pat Doe, parents of three children in the Hanover and Dresden school districts, filed a suit to combat the New Hampshire School Patriot Act, which required all school districts to authorize a time for a voluntary recitation of the Pledge of Allegiance. The Does contended that the recitation violated their parental rights, their children's rights, the free exercise and equal protection clause. On September 30, 2009, the court found that the statute was constitutional, did not violate the students' or parents' right under the Free Exercise Clause, and that the Act did not violate the student's right under the Equal Protection Clause.

[5] Other Expressions of Religion

- ***Mullin v. Lt. Gen. Gould,* No. 1:11-247 (D. Colo., filed Jan. 1, 2011)**
  The Military Religious Freedom Foundation (MRFF) and several U.S. Air Force Academy faculty members filed suit seeking to enjoin a National Prayer Luncheon. The keynote speaker was a retired Vietnam-era Marine who is known for his evangelistic speaking. Even though attendance was not mandatory, the MRFF claimed that the command structure encouraged attendance to an extent amounting to coercion.

- **Air Force No Longer Encourages Officers to Attend Chapel**
  http://religionclause.blogspot.com/2012/04/air-force-drops-course-reading-that.html
  The U.S. Air Force recently complied with a letter sent by the Military Religious Freedom Foundation that asked them to remove a reading from the Squadron Officer School course that encouraged officers to attend chapel as a spiritual example to their men.

- **Jewish Police Officer Filed Employment Discrimination Claim After Run-in With Mel Gibson**
  http://religionclause.blogspot.com/search?updated-max=2012-01-16T07:10:00-05:00&max-results=20&start=620&by-date=false
  A Jewish police officer claims Mel Gibson verbally abused him because of his religion, and then the officer's superiors forced him to delete the anti-Semitic statements from his report. The officer claims he was later ostracized and denied promotion because of the incident.

- **Christian Concert Goes as Planned Despite Opposition from Americans United for Separation of Church and State and the Freedom From Religion Foundation**
  http://religionclause.blogspot.com/2010/09/ft-bragg-christian-concert-draws-church.html
  Billy Graham Ministries put on "Rock the Fort" at Ft. Bragg, North Carolina, as it has done at many other military bases. "Rock the Fort" is a Christian music festival that the Army allows to occur on base, but does not pressure soldiers to attend. Americans United for Separation of Church and State and the Freedom From Religion Foundation both wrote letters to the U.S. Army complaining that its allowance of the festival violated the Establishment Clause. The Army let the festival go on as planned.

- **Military Religious Freedom Foundation Opposed Pentagon's Invitation to Franklin Graham to Speak for the National Day of Prayer**
  http://religionclause.blogspot.com/2010/04/objections-raised-to-pentagons-speaker.html
  The Pentagon asked pastor Franklin Graham to speak for the National Day of Prayer. The Military Religious Freedom Foundation complained about this invitation, saying that Graham had offended Muslims in the past. The organization also complained that the National Day of Prayer Task Force, a Christian organization, was too closely tied to the military.

2. Public Displays

a. Monuments and Memorials

- ***Salazar v. Buono,* 130 S. Ct. 1803 (2010)**
  A former U.S. parks employee filed a lawsuit objecting to the World War I Mojave Desert Cross Veterans Memorial. In 2010, overturning a decision of the Ninth Circuit, the U.S. Supreme Court ruled that the Mojave Desert Cross Veterans Memorial could remain and that the land transfer from the U.S. government to the VFW in order to preserve this veterans memorial was constitutional. After a remand of the case to the federal district court, the Plaintiff (represented by the ACLU) and the U.S. government entered into a settlement, paving the way for completion of the land transfer.

- ***Pleasant Grove City et al. v. Summum,* 555 U.S. 460 (2009)**
  After Pleasant Grove City (Utah) rejected Summum's offer to place a religious monument reflecting The Seven Aphorisms of Summum in a local public park, the organization filed suit. The Tenth Circuit Court ruled in favor of Summum, arguing that cities must allow all privately donated monuments in public areas, regardless of the

monument's message or purpose, or not allow any monuments at all. In 2009 the Supreme Court overturned the Circuit Court's decision, ruling in favor of a city's free speech and ability to choose whether or not a monument could be erected on city property.

- ***Sherman v. Illinois,* 682 F.3d 643 (7th Cir. 2012)**
  An atheist sued Illinois claiming a violation of the Establishment Clause when the Illinois Department of Commerce and Economic Opportunity granted $20,000 to a non-profit group to restore a 111-foot-tall Latin cross. The court dismissed the claim for lack of taxpayer standing.

- ***Trunk v. City of San Diego,* 629 F. 3d 1099 (9th Cir. 2011)**
  In January 2011, a federal court of appeals ruled that the cross on Mount Soledad, La Jolla, California, gives onlookers the impression of government endorsement of religion and therefore violates the Establishment Clause. The cross was put up in 1952 as a war memorial. In 2005, the cross was designated a veterans memorial and was moved to federal property. The lawsuit was filed by the American Civil Liberties Union on behalf of the Jewish War Veterans of the United States of America as well as some San Diego residents. The court sent the case to a lower court to determine whether or not the memorial could be adapted to be constitutionally sound.

- ***Jewish War Veterans v. City of San Diego,* No. 08-56415 (9th Cir. 2011)**
  The Ninth Circuit held that the Mt. Soledad veterans memorial violated the Establishment Clause.

- ***Freedom From Religion Foundation, Inc. v. Weber,* No. 12-19 (D. Mont., filed Feb. 7, 2012)**
  Shortly after World War II, veterans erected a statute of Jesus on public land in Montana to honor the Tenth Mountain Division. In February of 2012, the Freedom From Religion Foundation filed suit to remove the statue.

- **Obama Administration Tries to Keep Prayer off World War II Memorial**
  http://www.foxnews.com/politics/2011/11/04/obama-administration-opposes-fdr-prayer-at-wwii-memorial/
  The Obama administration opposes the World War II Memorial Prayer Act of 2011, which will put a copy of Franklin D. Roosevelt's D-Day prayer on the World War II Memorial in Washington, D.C. The administration claims that under the Commemorative Works Act, it is prohibited to put anything on a memorial that will hide part of it. A decision still has not been reached on whether to add the prayer to the memorial.

- **Military Association of Atheists and Freethinkers Attacks Memorial Cross to Fallen Marines at Camp Pendleton**
  http://latimesblogs.latimes.com/lanow/2011/11/camp-pendleton-cross-marines-atheists.html
  Private parties put up a thirteen-foot cross at Camp Pendleton in memorial of four Marines who died and as a general memorial for all fallen Marines. The Military

Association of Atheists and Freethinkers has complained about the cross. The Marines' legal department is reviewing whether to remove the cross.

- **Freedom From Religion Foundation Attacks Mother Teresa Stamp**
  http://www.foxnews.com/story/0,2933,584165,00.html
  The United States Postal Service (USPS) honored Mother Teresa, a Noble Peace Prize recipient, with a memorial stamp for her humanitarian relief. The Freedom From Religion Foundation criticized the stamp as a violation of USPS regulations by honoring a religious figure and called on its members to boycott the stamp and begin a letter-campaign to expose the "darker side" of Mother Teresa.

- **Historical Cross Attacked By ACLU and Cut Down By Vandals**
  http://www.kionrightnow.com/story/11277495/city-of-monterey-wants-to-restore-cross
  http://www.au.org/church-state/april-2010-church-state/au-bulletin/beach-cross-moves-to-church-land-in-california
  A cross, erected in 1969 on Del Monte Beach in Monterey, California, to commemorate the bicentennial of Don Gaspar de Portol's raising a cross to signal a supply ship, was attacked by the ACLU as a violation of the Establishment Clause. During the dispute, vandals cut down the cross. The ACLU vigorously objected when the city council considered replacing the cross. Despite an initial unanimous decision to rebuild the cross, the city eventually relented to the legal threats and submitted to the ACLU's demands.

b. Ten Commandments

- ***DeWeese v. ACLU of Ohio,* 545 U.S. 1152 (2005); *American Civil Liberties Union of Ohio Foundation, Inc. v. DeWeese,* 633 F.3d 424 (6th Cir. 2011)**
  In 2001, the ACLU of Ohio sued Judge DeWeese for displaying a poster of the Ten Commandments in his courtroom. In July 2004, the U.S. Court of Appeals for the Sixth Circuit upheld the decision of a lower court that ruled that the poster was unconstitutional. In June 2005, the Supreme Court refused to hear the case, allowing the ruling of the Sixth Circuit to stand. Following these cases, Judge DeWeese hung a replacement poster, which contrasted "moral absolute" principles, as expressed in the Ten Commandments, with "moral relativist" principles. The Sixth Circuit again ruled that the poster was unconstitutional.

- ***Van Orden v. Perry,* 545 U.S. 677 (2005)**
  An atheist filed suit against the State of Texas to have the Ten Commandments monument on the grounds of the state Capitol removed. The Fraternal Order of Eagles donated the monument many years ago to the State of Texas as a symbol to battle against juvenile delinquency. SCOTUS held (declining to use the notorious *Lemon* test) that this did not violate the Establishment clause.

- ***McCreary County v. ACLU,* 545 U.S. 844 (2005)**
  The ACLU filed suit to challenge Ten Commandment displays in three Kentucky county courthouses, seeking to have the displays removed. Both the Sixth Circuit of

Appeals and the U.S. Supreme Court ruled that the Ten Commandments displays were unconstitutional.

- ***Red River Freethinkers v. City of Fargo,* 679 F.3d 1015 (8th Cir. 2012)**
  In 1961, the Fraternal Order of Eagles—a non-religious organization—donated a Ten Commandments monument to Fargo, North Dakota. The city installed it on city property. In 2002, forty-one years later, the Red River Freethinkers, a group dedicated to promoting atheistic and agnostic views, sued the city after the city declined to accept a monument donated by the Freethinkers. The Freethinkers claimed the Ten Commandments display and the city's decision not to accept the Freethinker's monument constituted a violation of the Establishment Clause. A federal district court dismissed the lawsuit, but the Eighth Circuit Court of Appeals reversed the district court, allowing the case to continue.

- ***ACLU of Kentucky v. Grayson County,* 591 F.3d 837 (6th Cir. 2010)**
  The ACLU challenged a county courthouse display containing various historical documents about the founding of America and the Ten Commandments. The district court censored the use of the Ten Commandments in the display, but the Sixth Circuit reversed, holding that the Ten Commandments display does not violate the Establishment Clause.

- ***Green v. Haskell County Board of Commissioners,* 568 F.3d 784 (10th Cir. 2009)**
  James Green and the ACLU filed a lawsuit to have a monument of the Ten Commandments and the Mayflower Compact removed from the Haskell County courthouse lawn, claiming that the monument violated the Establishment Clause. The monument was erected at the request of a resident of Haskell County who wanted to honor the historical and legal traditions represented by the monument. The county has a longstanding policy and practice of permitting citizens of Haskell County to display monuments on the county courthouse lawn. The Tenth Circuit Court of Appeals held that the monument violated the Establishment Clause.

- ***ACLU Nebraska Foundation v. City of Plattsmouth,* 419 F.3d 772 (8th Cir. 2005) (en banc)**
  The ACLU filed suit complaining that the city's Ten Commandments display violated the Establishment Clause. The display was donated to the city in 1965 by the Fraternal Order of the Eagles. The district court ordered the display removed, determining that it promoted religion. The Eighth Circuit reversed the district court in an *en banc* decision.

- ***Baker v. Adams County/Ohio Valley School Board,* 86 Fed. Appx. 104 (6th Cir. 2004)**
  A school board erected Ten Commandment monuments bought by a county ministerial association and a suit was filed, challenging the constitutionality of the monuments. The school board added other historical documents relating to the development of American law and government to the displays, but the lawsuit continued anyway. The court ordered that the monuments be removed.

- ***Freethought Society v. Chester County,* 334 F.3d 247 (3rd Cir. 2003)**
  A lawsuit was filed to challenge the Ten Commandments display on the county courthouse facade, but the court allowed the display to remain.

- ***Grassroth v. Moore,* 335 F.3d 1282 (11th Cir. 2003)**
  Alabama Supreme Court Chief Justice Roy S. Moore installed a Ten Commandments monument in the state's judicial building. A lawsuit was filed to challenge the display and the monument was forcibly removed.

- ***Summum v. City of Ogden,* 297 F.3d 995 (10th Cir. 2002)**
  The Summum Church asked the City of Ogden to replace a Ten Commandments display that the Fraternal Order of the Eagles had donated to the city with a monument to the Summum religion. The church filed a lawsuit. The Tenth Circuit held that the city discriminated against the church by displaying the Ten Commandments but refusing to display the church's monument and that the city's alleged concern for avoidance of an Establishment Clause violation did not justify rejection of the church's monument.

- ***Adland v. Russ,* 307 F.3d 471 (6th Cir. 2002)**
  The governor of Kentucky signed a resolution that permitted public school teachers to display the Ten Commandments in their classroom. He also authorized the display of the Ten Commandments monument on Capitol grounds as part of a display that would showcase Kentucky's Biblical historical heritage. Citizens protested the proposed display and filed a lawsuit to challenge the resolution, and the court determined that the proposal was unconstitutional.

- ***Indiana Civil Liberties Union v. O'Bannon,* 259 F.3d 766 (7th Cir. 2001)**
  The Fraternal Order of the Eagles donated Ten Commandment plaques to communities across the U.S. in the 1950s, including one to the Indiana Statehouse in Indianapolis, which was destroyed in 1991 by a vandal. An Indiana State Representative planned a replacement monument consisting of the Ten Commandments, the Bill of Rights, and the Preamble to the Indiana Constitution, but a lawsuit was filed challenging the proposed monument on the grounds that it would establish religion. The Seventh Circuit held that setting up the monument would violate the Establishment clause.

- ***Books v. City of Elkhart, Indiana,* 235 F.3d 292 (7th Cir. 2001)**
  A lawsuit was filed in objection to a Ten Commandments display at the Elkhart's Municipal Building, claiming the display violated the Establishment Clause. The Seventh Circuit struck down the display.

- ***DiLoreto v. Downey Unified School Dist. Bd. of Education,* 196 F.3d 958 (9th Cir. 1999)**
  A school's baseball booster club raised funds by selling ads on the baseball field fence for $400. Mr. DiLoreto, CEO of Yale Engineering, bought an ad that he wanted to use to display the Ten Commandments, but the sign was rejected and Mr. DiLoreto's money was returned. A lawsuit was filed to protect Mr. DiLoreto from viewpoint discrimination. The Ninth Circuit held that the board's decision to reject the ad was a permissible content-based limitation and not viewpoint discrimination.

- ***American Atheists, Inc. v. Bradford County, Florida,* No. _____ (M.D. Fla., filed May 25, 2012)**
  American Atheists, Inc. claims Bradford County, Florida, violated the Establishment Clause by placing a five-foot-tall stone Ten Commandments monument in the courtyard of the courthouse.

- ***ACLU of Florida Inc. v. Dixie County, Florida,* 797 F. Supp. 2d 1280 (N.D. Fla. 2011)**
  The U.S. District Court for the Northern District of Florida required Dixie County, Florida, to remove a privately-owned Ten Commandments display from its county courthouse front steps. The court held that despite its private ownership, the location, permanent nature, and size of the monument qualify it as government speech in violation of the Establishment Clause.

- ***Harvey v. Cobb County,* 811 F. Supp. 669 (N.D. Ga. 1993), aff'd per curiam, 15 F. 3d 1097 (11th Cir. 1994)**
  Plaintiffs filed suit challenging framed panels of the Ten Commandments and the Great Commandment displayed at the county courthouse. The court concluded that the displays were unconstitutional, but the court allowed a stay so that the county could incorporate nonreligious, historical items, which according to the court would transform the display to fit within constitutional guidelines.

- ***Felix v. City of Bloomfield, New Mexico,* No. ____ (D.N.M., filed Feb. 8, 2012)**
  In July of 2011, the City of Bloomfield, New Mexico, erected a privately donated Ten Commandments monument in front of their city hall. Less than a year later, the ACLU filed suit in the U.S. District Court of New Mexico to remove the monument.

- ***Doe v. School Board of Giles County,* No. ____ (W.D. Va. Sept. 13, 2011)**
  The ACLU of Virginia, working with the Freedom From Religion Foundation, sued a school board because a school had a display of the Ten Commandments. The school board removed the display and replaced it with a page from a textbook that describes the Ten Commandments as the roots of democracy but does not list each commandment.

- ***ACLU of Florida, Inc. v. Dixie County,* 797 F. Supp. 2d 1280 (N.D. Fla. July 15, 2011)**
  Dixie County permitted a local company to erect a Ten Commandments monument near the county courthouse. The ACLU filed a lawsuit, seeking removal of the monument, damages, and attorney's fees. A federal district court ordered the city to remove the monument.

- ***Chambers v. City of Frederick,* 373 F. Supp. 2d 567 (N.D. Md. 2005)**
  A Frederick resident objected to the Ten Commandments display in the city park that the Fraternal Order of the Eagles (Eagles) had donated in 1958. In response, the city sold that portion of the park to the Eagles, but a lawsuit was filed anyway. The district court held that the display did not violate the Establishment Clause.

- ***Turner v. Habersham County,* 290 F. Supp. 2d 1362 (N.D. Ga. Nov. 17, 2003)**
  Citizens challenged the display of the Ten Commandments at the Habersham County Courthouse. The court granted the injunction, ordering the removal of the display.

- ***ACLU of Tennessee v. Hamilton County,* 202 F. Supp. 2d 757 (E.D. Tenn. May 3, 2002)**
  The ACLU filed suit, challenging the Ten Commandment displays in county courthouses. The court granted the injunction holding that it violated the Establishment Clause.

- ***ACLU of Tennessee v. Rutherford County,* 209 F. Supp. 2d 799 (M.D. Tenn. 2002)**
  The ACLU sued Rutherford County to challenge the Ten Commandments display in the county courthouse lobby. The court ordered the display removed.

- ***Kimbley v. Lawrence County, Indiana,* 119 F. Supp. 2d 856 (S.D. Ind. 2000)**
  Civil liberties groups filed suit in response to a proposed Ten Commandments display, which had been authorized by state law, seeking to prevent the display. The court granted an injunction to prevent the display, holding that it violated the Establishment Clause.

- ***Doe v. Harlan County Sch. Dist.*, 96 F. Supp. 2d 667 (E.D. Ky. May 5, 2000)**
  A Harlan student's parents filed suit to challenge the public schools' practice of posting the Ten Commandments in classrooms. In response to the lawsuit, the school district added other historical documents to the displays, but the lawsuit continued. The Eastern District of Kentucky granted an injunction, holding it was a violation of the Establishment Clause.

- ***Young v. County of Charleston,* 1999 WL 33530383 (S.C. Com. Pl. 1999)**
  A court struck down a city courthouse Ten Commandments display as a violation of the Establishment Clause.

- **High School in Floyd County, Virginia, Bans Students from Posting the Ten Commandments to their Lockers**
  Liberty Counsel, "Ten Commandments Pulled Off Students' Lockers by Virginia School Administration," available at http://www.lc.org/index.cfm?PID=14102&AlertID=1244 (Feb. 28, 2011)
  The Floyd County High School administration banned students from posting religious material. This censorship came about when students who are members of the Fellowship of Christian Athletes placed copies of the Ten Commandments on the fronts of their lockers. The administration removed the copy from each locker that displayed the Ten Commandments.

- **Suggested Ten Commandments Monument Sparks Tension in Marion, Illinois**
  http://religionclause.blogspot.com/2010/08/heated-debate-on-10-commandments.html
  At a city council meeting in Marion, Illinois, a resident proposed that a Ten Commandments monument be put up on a church or other private property in town. An atheist activist named Rob Sherman, however, who had come from Chicago to attend the meeting, vehemently objected to the idea. Sherman's objection sparked anger among the Marion citizens, who swore to build the monument.

- **Ohio Town Removes Ten Commandments Sign to Avoid Litigation**
  http://www.upi.com/Top_News/US/2009/12/17/Village-to-remove-Ten-Commandments-sign/UPI-49941261096450/
  A Lockland, Ohio, resident filed a federal lawsuit asking for removal of a Ten Commandments sign outside the town hall and $500,000 in punitive damages. To avoid litigation, the town submitted to the resident's wishes and removed the sign.

- **High School Student Threatened with Suspension for Posting Flyers of the Ten Commandments**
  Nicole Buzzard, "A youth with a Mission: A Santiago High School Junior Seeks to Post the Ten Commandments at Corona-Norco Campuses," The Press Enterprise Co. (Riverside, CA), June 30, 2004 at BO1
  High school junior Jason Farr wanted to post the Ten Commandments in his school and other schools in his district. He posted flyers of the Ten Commandments, which resulted in a threat of a five-day suspension. Additionally, Farr was informed that the Bible was not suitable material for the silent reading period, despite the fact that it fulfilled page and genre requirements.

c. Religious Holiday Displays and Celebrations

- ***Freedom From Religion Foundation, Inc. v. City of Warren, Mich.,* WL 1964113 (E.D. Mich. May 31, 2012)**
  The Freedom From Religion Foundation filed suit claiming the city of Warren, Michigan, denied a resident's free speech rights when it refused his request to place a sandwich board sign containing atheist statements like, "There are no gods, no devils, no angels … Religion is but myth and superstition" next to a Nativity scene. The court upheld the city's decision to not allow the atheist to display his sign.

- ***Satawa v. Board of County Road Commissioners of Macomb County,* 788 F. Supp. 2d 579 (E.D. Mich. 2011)**
  A Michigan family erected a nativity display for over 63 years at the median of a county road servicing over 82,000 cars per day. The Freedom From Religion Foundation wrote a complaint to the Road Commission in 2008 on behalf of an anonymous resident to have the display removed. Despite the structure's nine-and-a-half foot height, bright lights at night, and other structures erected at the site by private organizations, the Road Commission claimed that it was unaware of the display until the complaint. The display was immediately removed for not having a permit, and subsequent applications for a permit were denied. The owners of the display offered to pay for insurance, display a sign clearly stating that it is a private display, and move the display twenty-five feet from the curb. The U.S. District Court for the Eastern District of Michigan held that the denial of the permit was justified by a compelling state interest in traffic safety.

- **Colorado Park and Recreation District Bans Menorah from Evergreen, Colorado, Holiday Display**
  http://www.denverpost.com/news/ci_19527120
  The Colorado Park and Recreation District has banned the Lake House in Evergreen, Colorado, from displaying a menorah in its holiday display because the menorah is a religious symbol. The Lake House is still permitted to display a Christmas tree.

- **Freedom From Religion Foundation Causes Controversy in Athens, Texas, by Requesting to Display a Sign with an Atheistic Message Next to a Nativity Scene**
  http://www.cbs19.tv/story/16222265/nativity-controversy-in-east-texas-stirs-emotions
  The Freedom From Religion Foundation has caused a controversy by requesting that a sign be put up next to the Nativity scene decoration in Athens, Texas, that says, "There are no gods, no devils, no angels, no heaven or hell."

- **Indiana Town Stands Up To Freedom From Religion Foundation Over Nativity Scene**
  http://religionclause.blogspot.com/2010/12/indiana-county-will-not-remove-creche.html
  Franklin County, Indiana, announced that it would refuse to remove a Nativity scene from the courthouse lawn unless a court orders it to do so. The Freedom From Religion Foundation wrote the county a letter complaining that the Nativity scene was too religious despite the presence of reindeer and a Christmas tree in the display. The county commissioner gave quite a feisty reply, saying that the people of Franklin County could fight and that the FFRF should be ready for it.

- **All Christmas Displays Banned From Washington State Capitol Building After Complaint from Freedom From Religion Foundation**
  http://www.foxnews.com/politics/2009/11/27/washington-state-implement-rules-barring-holiday-displays-inside-capitol/
  The state of Washington no longer permits any holiday display other than the "holiday tree" inside its capitol building, following a complaint from the Freedom From Religion Foundation.

- **Employee Fired for Religious Conviction Against Saying, "Happy Holidays."**
  Liberty Counsel, "Employee Forced to Say "Happy Holidays" Was Fired After Objecting to the Greeting," available at http://www.lc.org/index.cfm?PID=14100&PRID=760 (Dec. 22, 2008)
  An employee in Panama City, Florida, was fired after claiming religious convictions barred her from using the greeting "happy holidays." The employee was asked to leave immediately and verbally abused. The police were called and forced her to leave.

- **Governor of Washington Permits Anti-Faith Display in the Capitol**
  Liberty Counsel, "Washington Governor Approves Anti-Faith Sign," available at http://www.lc.org/index.cfm?PID=14100&PRID=757 (Dec. 10, 2008)
  The governor of Washington allowed an anti-faith sign to be displayed in the state Capitol. The sign stated, "There are no gods, no devils, no angels, no heaven or hell.

There is only our natural world. Religion is but myth and superstition that hardens hearts and enslaves minds." The governor argued that she had no choice, as other symbols of faith were allowed to be displayed.

- **Nativity Scene in Green Bay, Wisconsin, Challenged by Freedom from Religion Foundation**
  Liberty Counsel, "City Receives Early Christmas Present in Legal Victory Over Anti-Religious Group," available at http://www.lc.org/index.cfm?PID=14100&PRID=737 (Oct. 8, 2008)
  A federal judge dismissed a lawsuit from the Freedom from Religion Foundation challenging Green Bay, Wisconsin's display of a Nativity scene at city hall.

- **City Pressures Christmas Festival to Not Display Movie *The Nativity***
  Letter from Jay Alan Sekulow to Mara S. Georges, available at http://www.aclj.org/media/pdf/ChicagoLetter.pdf (Nov. 28, 2006)
  Christmas festival organizers were pressured by city officials to remove the movie *The Nativity* from the festivities. City officials feared that the movie would be offensive to non-Christians.

- **School Stops Third Grader from Handing Out Candy Canes with the Story of Jesus' Birth**
  Rob Phillips, "School quashes handing out Jesus candy canes," *Northwest Herald,* available at http://aclj.org/aclj/northwest-herald---crystal-lake-il---school-quashes-handing-out-jesus-candy-canes (Jan. 14, 2005)
  Third grader Renee Crout was told by her teacher that she could not hand out candy canes with the story of the birth of Jesus attached. Renee's mother removed her from the school and sent her to a nearby private school.

- **Florida County Orders the Removal of All Christmas Trees from County Facilities**
  Letter from Francis J. Manion to John J. Gallagher, County Administrator, available at http://c0391070.cdn2.cloudfiles.rackspacecloud.com/pdf/041216_fl_christmas_tree_letter2.pdf (Dec. 16, 2004)
  Pasco County, Florida, demanded that all county offices and facilities remove Christmas trees. The county claimed that displays of Christmas trees are a violation of the Constitution. The county rescinded its order two days after demanding the trees be removed.

d. Government Seals, Mottos & Sculptures

- ***Buono v. Kempthorne,* 527 F.3d 758 (9th Cir. 2008)**
  A lawsuit was filed against the United States government to remove a longstanding veterans' memorial located in the Mojave Desert composed primarily of a white cross. The district court and court of appeals found the memorial a violation of the First Amendment and ordered it covered with a tarp until it is removed.

- ***Staley v. Harris County, Texas,* 485 F.3d 305 (5th Cir. 2007)**
  A lawsuit was filed against Harris County to have a Bible removed from a portion of a monument dedicated to a prominent and charitable citizen, William S. Mosher. The monument was donated and erected by the Star of Hope Mission, a Christian outreach organization that assists the homeless and jobless in the Houston area. The district court ordered the Bible be removed from the monument and the Court of Appeals panel agreed before the case became moot.

- ***Lambeth v. Board of Commissioners of Davidson County, North Carolina,* 407 F.3d 266 (4th Cir. 2005)**
  A pair of attorneys filed suit claiming that a display of the national motto on the Davidson County Governmental Center violated the Establishment Clause. The Fourth Circuit held that the display did not violate the Establishment Clause under the *Lemon* test.

- ***King v. Richmond County,* 331 F.3d 1271 (11th Cir. 2003)**
  A small group of citizens filed suit and claimed that the 130-year-old seal of the Superior Court of Richmond County violated the Establishment Clause and was unconstitutional because the image included a portrayal of the Ten Commandments tablets. The Eleventh Circuit held that the display of the seal did not violate the Establishment Clause under the *Lemon* test.

- ***Paulson v. City of San Diego,* 294 F.3d 1124 (9th Cir. 2002)**
  A citizen challenged the constitutionality of a cross in Mount Soledad Natural Park, which is owned by the City of San Diego. The court found that the city violated the California Constitution by keeping the cross and forbade the city from maintaining the cross. A stay of the dismantling of the cross was won at the U.S. Supreme Court.

- ***ACLU of Ohio v. Capitol Square Review and Advisory Bd.,* 243 F.3d 289 (6th Cir. 2001)**
  The ACLU filed a lawsuit challenging Ohio's motto, "With God, All Things Are Possible." On a rehearing *en banc,* the Seventh Circuit held that display of the motto did not violate the Establishment Clause.

- ***Alvarado v. City of San Jose,* 94 F.3d 1223 (9th Cir. 1996)**
  The City of San Jose installed and maintained a sculpture of Quetzalcoatl, an Aztec god, to commemorate the Mexican and Spanish contributions to the city's culture. When people began to bring flowers and burn incense at the sculpture, citizens filed suit claiming the sculpture violated the Establishment Clause, but the court upheld the sculpture.

- ***Robinson v. City of Edmond,* 68 F.3d 1226 (10th Cir. 1995)**
  Plaintiffs filed suit to challenge the use of a Latin or Christian cross on the Edmond city seal, which was adopted in 1965 by a competition through the city council and the local newspapers. The cross reflected the historical importance of the Catholic Church in the development of the Southwest, but the court held that the seal established religion and struck down the use of the cross.

- ***Harris v. City of Zion,* 927 F.2d 1401 (7th Cir. 1991)**
  The Society of Separationists and some other citizen plaintiffs challenged the use of religious symbols on city seals in Rolling Meadows and Zion, Illinois. The Rolling Meadows seal contained a Latin cross and was adopted in 1960. Zion's seal contained a Latin cross and a dove carrying a branch and was adopted in 1902. The court ordered the cities to stop using the long-standing seals, considering the use of the religious symbols to violate the Establishment Clause.

- ***Murray v. City of Austin,* 947 F.2d 147 (5th Cir. 1991)**
  The Society of Separationists filed suit challenging Austin's city insignia because it included a cross, but the court upheld the city's insignia against the censorship attempt.

- ***Freedom From Religion Foundation, Inc. v. Ayers,* 748 F.Supp.2d 982 (W.D. Wis. 2010)**
  The Freedom From Religion Foundation filed suit against Ayers, an architect hired by the Wisconsin capital to put the Pledge of Allegiance and the national motto "In God We Trust" on the capitol building. The suit alleged that the Pledge and the motto violate the Establishment Clause. The district court found that there was no violation of the Establishment Clause and that the Freedom From Religion Foundation did not have taxpayer standing to bring the suit.

- ***Myers v. Loudoun County School Bd.,* 251 F. Supp. 2d 1262 (E.D. Va. Feb. 21, 2003)**
  A lawsuit was filed challenging the constitutionality of two Virginia statutes, one that required students in public schools to say the Pledge of Allegiance and the other requiring the national motto to be posted at Virginia schools. The District Court held that the Pledge and the county's actions in allowing the Pledge to be said did not violate the Establishment Clause.

- ***ACLU v. City of Stow,* 29 F. Supp. 2d 845 (N.D. Ohio Dec. 16, 1998)**
  The ACLU challenged the placement of a cross on Stow's city seal, claiming that the use of such a symbol served as an establishment of religion. The ACLU prevailed in the lawsuit because the court found that a reasonable observer would perceive the cross on the seal as an establishment of religion with the effect of advancing or promoting Christianity. The city was forced to remove the cross.

- ***Mendelson v. City of St. Cloud,* 719 F. Supp. 1065 (M.D. Fla. Aug. 23, 1989)**
  A citizen sued the city claiming an illuminated Latin cross on a city water tower violated the Establishment Clause. The court determined that the cross did violate the Establishment Clause and ordered the cross to be removed from the water tower.

- ***Kentucky Office of Homeland Security v. Christerson,* No. 2009-1650, 2011 WL 5105253 (Ky. Ct. App. Oct. 28, 2011)**
  A Kentucky statute and policy were attacked on state and federal constitutional grounds for mentioning reliance on God. A Kentucky appeals court upheld the statute as a historical reference that does not promote one religion over another.

- **Air Force Pressured to Remove God from Logo**
  http://christianfighterpilot.com/blog/2012/01/18/atheist-gets-secretive-agency-to-change-motto/
  The Military Association of Atheists and Freethinkers (MAAF) successfully removed God from the U.S. Air Force Rapid Capabilities Office (RCO) logo on its official patch. It pressured the RCO into replacing "Doing God's Work" with "Doing Miracles." The MAAF claimed that the logo, which was written in Latin, constituted government establishment of religion in violation of the First Amendment.

- **Whitesville, Tennessee, Sued for Having Crosses in Town**
  http://religionclause.blogspot.com/2011/12/suit-challenges-crosses-on-public.html
  Freedom From Religion Foundation filed suit against the city of Whitesville, Tennessee, for having a cross on the water tower, in front of city hall, and on a city sidewalk.

- **Man Challenged Use of Recycled Church Pews in Courtroom**
  http://www.commercialappeal.com/news/2010/feb/22/man-decries-courts-church-pews/
  A Mississippi municipal courthouse recycled pews from a local church to save money. Carroll Roberson, after seeing the pews when at his hearing for disorderly conduct, decided to challenge their use on Establishment Clause grounds because the pews contained crosses on each end.

- **Los Angeles County Removes Cross from Seal After Threat from the ACLU**
  Sue Fox, "Facing Suit, County to Remove Seal's Cross," *L.A. Times,* June 2, 2004, at B1
  Los Angeles County was threatened with a lawsuit if the county did not remove a cross from the county's seal. The county succumbed to the ACLU's pressure and decided to remove the cross. The cross had adorned the seal since 1957 along with a cow, a tuna fish, a Spanish galleon, the Hollywood Bowl, and the Goddess Pomono. The region was settled by Catholic missionaries and the cross memorialized that historical fact.

- **ACLU Pressures Redlands, California, into Removing Cross from City Seal**
  Hugo Martin, "Facing ACLU Complaint, City to Drop Seal's Cross," *L.A. Times,* April 29, 2004, at B1
  The City of Redlands was threatened with a lawsuit if the city did not remove a cross from the city's seal. The city decided to remove the cross rather than fight a legal battle against the ACLU, despite many protests from citizens who wanted the cross to stay on the city seal.

B. Attacks on Religious Liberty at the Schoolhouse

1. Students and Their Families

a. Students

- ***Truth v. Kent School District,* 129 S. Ct. 2889 (2009)**
  A public school prevented students from forming a Bible club, stating that the club's requirement that club members possess a true desire to grow in a relationship with Jesus Christ would exclude non-Christians and violate the school's nondiscrimination policy.

- ***Zobrest v. Catalina Foothills Sch. Dist.,* 509 U.S. 1 (1993)**
  Through the Individuals with Disabilities Education Act (IDEA), a deaf student was entitled to assistance from a sign-language interpreter during the school day, and the student asked the Catalina Foothills School District to provide such an interpreter. However, the student attended Catholic school, and the district refused to provide an interpreter. A lawsuit had to be filed to uphold this religious student's rights.

- ***Ward v. Polite,* 667 F.3d 727 (6th Cir. 2012)**
  Julea Ward was expelled from Eastern Michigan University's graduate counseling program because she would not affirm homosexual conduct or heterosexual conduct outside of marriage. A federal district judge ruled against Ms. Ward, but the Sixth Circuit reversed. The case is ongoing.

- ***Whitson v. Knox County Board of Education,* 2012 U.S. App. LEXIS 5813 (Mar. 20, 2012)**
  L.W., a fourth-grade student at Karns Elementary School in Tennessee, was stopped by school officials from holding Bible studies with his peers during recess. A jury found for the school, and the Sixth Circuit affirmed.

- ***Keeton v. Anderson-Wiley,* 664 F.3d 865 (11th Cir. 2011)**
  Jennifer Keeton, a graduate student in counseling at Augusta State University, was asked to complete a remediation plan that included diversity training and a recommendation to attend the Augusta Gay Pride Parade. According to the university, Ms. Keeton's Christian beliefs did not align with the department's professional guidelines. As a result, Ms. Keeton faced the remediation plan or expulsion from the program. Ms. Keeton sued the university to protect her religious freedom but lost in court.

- ***Morgan v. Swanson,* 659 F.3d 359 (5th Cir. 2011) (en banc)**
  Jonathan Morgan, a third-grader in Plano, Texas, was told that he could not include a religious message in the goodie bags that he was bringing to the "Winter Party" to share with his classmates. Other children at the school were prohibited from distributing pencils that stated "Jesus is the Reason for the Season" and "Jesus Loves me this I know for the Bible tells me so." Another student was ordered by a school official to discontinue distributing tickets to a Christian drama and to discard the remaining tickets. In a fractured *en banc* opinion, the Fifth Circuit stated that the students are protected by the First Amendment but that their protection was not clearly enough established to award damages against the school officials involved.

- ***Harper v. Poway Unified School District,* 445 F.3d 1166 (9th Cir. 2006)**
  Poway High School had a special day to celebrate homosexuality. A Christian student who wore a T-shirt that had an opposing view and that mentioned God was banned from wearing the shirt. The district court ruled that the student's speech was not protected because it offended the "identity" of another person. The Ninth Circuit affirmed.

- ***Axson-Flynn v. Johnson,* 356 F.3d 1277 (10th Cir. 2004)**
  University of Utah acting student Christina Axson-Flynn had to withdraw from the acting program and leave the university after her instructors heavily pressured her to perform scenes that required her to say profane words. Axson-Flynn, a Mormon, had informed the instructors of her religious objections to profane phrases during her audition for acceptance to the acting program, but her objections were ignored.

- ***C.H. v. Oliva,* 226 F. 3d 198 (3rd. Cir. 2000)**
  Zachary Hood brought his Beginner's Bible to school to share a story about Jacob and Esau called "A Big Family" as part of class activities, but Zachary's teacher refused to allow the story to be read because it was religious. Zachary's mother had to file a lawsuit to allow Zachary to share his story, just as the other students were permitted to share theirs.

- ***Hsu v. Roslyn Union Free School District,* 85 F.3d 839 (2nd Cir. 1996)**
  Students Emily and Timothy Hsu wanted to form a student Bible club at school, but were denied club recognition because the students insisted on a policy permitting only Christians to serve as officers. A lawsuit was filed to protect the club's right to pick leaders in accordance with their faith.

- ***J.S. ex rel Smith v. Holly Area Schools,* 749 F.Supp.2d 614 (E.D. Mich. Oct. 26, 2010)**
  A Christian student and his mother sued Holly, Michigan, schools for stopping the child from distributing flyers for summer camp at Cornerstone Church. The teacher told the student to put the flyers in his backpack so that there would not be a violation of separation of church and state. The district court that heard the case granted the Smiths a preliminary injunction, allowing him to distribute the flyers to his classmates.

- ***Pounds et al. v. Katy I.S.D.,* 730 F.Supp.2d 636 (S.D. Tex. July 30, 2010)**
  A Houston-area school district put in writing that it would allow no religious items at Christmas and banned certain Valentine's Day cards at school, simply because they were religious. The school district has a long history of anti-religious actions, telling one student she could not say the word "Jesus" when asked what Easter meant to her. A federal district court held that Katy I.S.D. violated the students' constitutional rights.

- ***S.D. v. St. Johns County School District,* 632 F.Supp.2d 1085 (M.D. Fla. 2009)**
  Students at St. John's elementary school were planning to sing a country song called "In God We Still Trust" for the third grade end of year performance. The song made references to the Pledge of Allegiance and the nation's still trusting in God. A student and her parents filed suit against the school arguing that it was in violation of the Establishment Clause. A federal district court agreed with the plaintiff and granted a temporary injunction against the singing of the song.

- ***M.B. v. Liverpool Central School District.,* No. 5:04-CV-1255 (S.D.N.Y. 2007)**
  Michaela Bloodgood, a fourth-grader at Nate Perry Elementary School in Liverpool, New York, wished to share homemade flyers with other students that explained what Jesus Christ had done in her life. Although Michaela would only hand out the flyers during non-instructional time, school officials stated that there was a "substantial probability" that the

school would be seen as endorsing the statements in the flyers, and refused to allow her to hand them out. A lawsuit was filed on Michaela's behalf, and a federal district judge ruled that the school had violated Michaela's rights.

- ***SWAT et al. v. Plano I.S.D.*, No. 4:06-0119 (E.D. Tex. 2006)**
  SWAT, a Christian student organization, was prevented from being listed on Plano I.S.D.'s website because SWAT is a religious organization. A federal district court judge held that the school district violated SWAT's constitutional rights.

- ***Heinkel v. School Board of Lee County, Florida,* No. 05-13813 (M.D. Fla. 2006)**
  During the "Day of Remembrance," an event to remember unborn children who lost their lives through abortion, Michelle Heinkel, a seventh-grade student at Cypress Lake Middle School wished to distribute religious and pro-life literature about the event. The superintendent stated that Heinkel's handing out the literature was not allowed due to the school board's policy prohibiting the distribution of literature that is political, religious, or proselytizing. Through a lawsuit filed on Michelle's behalf, a federal court of appeals ruled that the school district's policy was unconstitutional.

- ***Brooker v. Franks et al.*, No. 6:06-03432 (W.D. Mo. 2006)**
  A class assignment at Missouri State University required Emily Brooker to draft and sign a letter in support of same-sex adoptions that would be sent to state legislators. When she refused because of her Christian beliefs, Ms. Brooker was forced to sign a contract stating she would alter her beliefs to align with the social work department's ideological standards. After Ms. Brooker filed suit, the university cleared her record and revoked teaching privileges from the professor who had given the discriminatory assignment.

- ***Arthurs v. Sampson County Board of Education,* No. 7:06-0066 (E.D.N.C. 2006)**
  The annual "Day of Truth" event is a response to the annual "Day of Silence," which supports the homosexual agenda. During the Day of Truth in Wilmington, North Carolina, Benjamin Arthurs was suspended for wearing a religious shirt and handing out information. The Sampson County Board of Education Superintendent stated that Arthurs would be "pushing his religion on others" and that "religion is not allowed in school." A lawsuit has been filed on behalf of Arthurs.

- ***Roberts v. Haragan,* 346 F.Supp.2d 853 (N.D. Tex. Sept. 30, 2004)**
  The Texas Tech University speech code denied all students the right to free speech except in a small gazebo area in one spot on the campus. The code also stated that students could not speak in a way that caused shame or humiliation to another student. Any speech outside the designated area required advance permission. A lawsuit was filed to force the school to change its policy.

- ***Westfield High School L.I.F.E. Club v. City of Westfield,* 249 F.Supp.2d 98 (D. Mass. 2003)**
  Students started a religious club and wanted to hand out candy canes with a religious message at school. The school denied the students permission and suspended the students

for distributing their candy canes. The students were forced to file suit in federal court to protect their rights without facing suspension.

- **Texas School Prohibits Student from Handing Out Invitations to Church Event**
  http://www.beaumontenterprise.com/news/article/Lawsuit-dropped-against-Nederland-ISD-3663947.php
  A Nederland, Texas, public elementary school prohibited a third-grade student from distributing invitations to a church event. The student's father filed suit on his son's behalf but dropped the suit when the school district agreed not to discriminate against any religious or non-religious private student-to-student speech, as long as the speech does not disrupt educational activities.

- **Student Sues Schools for Being Punished for Speaking Out Against Homosexuality**
  http://religionclause.blogspot.com/2011/12/suit-challenges-teachers-reaction-to.html
  A teacher in a Howell, Michigan, public school kicked a Catholic student out of class for speaking out against homosexuality. The student commented about the homosexual-pride flags being offensive and then told her that his religion taught that homosexuality is wrong. The Thomas More Law Center filed suit on behalf of the student against the school.

- **University Forces Nursing Students to Participate in Abortions**
  http://religionclause.blogspot.com/2011/11/nurses-sue-nj-hospital-claiming-forced.html
  The University of Medicine and Dentistry of New Jersey adopted a policy that requires all nursing students to participate in abortion procedures, even if it is against their religious convictions. A group of nurses filed suit against the university in November 2011, alleging Fourteenth Amendment and medical personnel rights violations. The case is still pending.

- **Los Angeles Unified School District Banned a Fifth Grader from Performing a Christian Song at a Talent Show**
  http://www.adfmedia.org/News/PRDetail/4612
  The Los Angeles Unified School District in California prohibited a fifth-grade student from performing a Christian song at an elementary school talent show. After the student got a temporary restraining order against the school district, the district changed its position and permitted the student to sing the song.

- **Long Beach, California, School Board Denies Credit for Community Service Hours Performed at Church**
  Liberty Counsel, "School Board Settles Lawsuit By Amending Policy and Accepting Student's Community Service Hours at Church," available at http://www.lc.org/index.cfm?PID=14100&PRID=658 (Jan. 29, 2008)
  The Long Beach District School Board denied credit to a student for community service hours performed at his church. Threatened with a lawsuit, the school board granted the credit and rewrote the policy to allow service at both secular and religious organizations in accordance with the First Amendment.

- **Michigan School Bans Choir from Singing "The Lord's Prayer" at Graduation**
  Titus One Nine "Choir Told Not to Sing 'The Lord's Prayer' at Graduation," available at http://www.kendallharmon.net/t19/index.php/t19/article/3172/ (May 26, 2007)
  In memory of a fellow student who had died, the Comstock Park High School's choir wished to sing "The Lord's Prayer" at the school's graduation, which was being held in a church building. Although the choir had already performed this song at a benefit, school officials, acting on legal advice, would not let them perform the song. Because of the song's religious content, the school's legal counsel advised, "Don't go there."

- **School Stops Second-Grader from Giving Valentine's Day Bibles**
  Liberty Counsel, "School Admits Error and Allows Student To Give Bibles To His Friends," available at http://www.lc.org/index.cfm?PID=14100&PRID=552 (Feb. 21, 2007)
  The day before Valentine's Day, Adam Prevette, a second-grader at Roaring Elementary School in Wilkesboro, North Carolina, brought Bibles to school for two of his friends. His teacher told him that he could only give the Bibles if he brought enough for everyone, so the following day Adam brought Bibles as Valentine's Day gifts for his classmates. However, when he brought them the teacher then stated that Adam was not allowed to hand out the Bibles. Following multiple meetings, the school principal agreed to allow Adam to distribute the Bibles and apologized that he had been prevented.

- **School Prohibits Elementary Students from Handing Out Flyers for Vacation Bible School**
  Montana News Association, "School District Reverses Policy Banning Religious Literature," available at http://www.montanasnews.tv/articles.php?mode=view&id=5249 (Aug. 29, 2006)
  Gabriel and Joshua Rakoski, students at Hollymead Elementary School, asked to hand out flyers about a Vacation Bible School. The school district's policy prohibits the "distribution of literature that is for partisan, sectarian, religious or political purposes," and the students' teacher did not allow them to distribute the flyers. Following a demand letter stating that the policy was unconstitutional, the school district changed its policy.

- **High School Cancels "Diversity Day" Instead of Including Christians**
  Liberty Counsel, "School Decides to Cancel Diversity Day Rather than Include Viewpoint of Christians and Former Homosexuals," available at http://www.lc.org/pressrelease/2006/nr032206.htm (Mar. 26, 2006)
  The Viroqua High School planned a "diversity day" in order to showcase the viewpoints of various religious groups, sexual orientations, and nationalities, but stated that Christian groups and former homosexuals would be excluded. After a legal organization intervened on behalf of the excluded groups, the school district cancelled the event entirely rather than include them.

- **Fourth Grader Prohibited from Bringing Candy Canes with Story of Jesus to School**
  Religion Clause, "Student Can Give Classmates Candy Canes with Jesus Story Attached," available at http://religionclause.blogspot.com/2005/12/student-can-give-classmates-candy.html (Dec. 16, 2005)
  Jaren Burch, a fourth-grader in Mansfield, Texas, tried to take candy canes that were attached to a story about Jesus to a class party, but his teacher told him that he would not be allowed to do so. After receiving a demand letter regarding Jaren's First Amendment rights, school officials reversed their position, allowing him to bring the candy canes with the stories.

- **Principal Stops Performance of Song that Might Mention God**
  Liberty Counsel, "Kindergarten Class Permitted To Sing Song That Principal Deemed To Be Religious," available at http://www.lc.org/index.cfm?PID=14100&PRID=463 (June 3, 2005)
  At an end of the year ceremony, a kindergarten class at Terrytown Elementary School in Terrytown, Louisiana, wished to sing "I Can't Give Up Now," written by Mary Mary. The school principal did not wish to allow the class to perform the song because, even though the song does not mention God, she interpreted the word "he" in the song as referring to God. The principal changed her position and allowed the song only following the threat of a lawsuit and pressure from parents.

- **Middle School Student Punished for Distributing Church Flyers**
  Student Press Law Center, "Florida School District Settles Suit with Student Who Challenged Distribution Policy," available at http://www.splc.org/news/newsflash.asp?id=950 (Feb. 11, 2005)
  Christine Curran, an eighth-grader at Driftwood Middle School in Hollywood, Florida, took flyers for a church youth conference to pass out at school. Although she was passing them out between classes, school policy required that the flyers be approved by a school official, and Christine was told she would be "written up." After a lawsuit was filed, the school district agreed to rewrite the policy.

- **Muslim Student Suspended for Wearing Head Covering**
  The Rutherford Institute, "Institute Succeeds in Protecting Muslim Girl's Right to Wear Religious Head Covering," available at https://www.rutherford.org/publications_resources/on_the_front_lines/pr492 (May 19, 2004)
  Nashala Hearn, an eleven-year-old Muslim girl in the Muskogee Public School District, was suspended twice for wearing a head covering, since the school district's dress code did not allow "hats, caps, bandannas, plastic caps, and hoods on jackets." After a lawsuit was filed criticizing the dress code as unconstitutional, the school district changed the code to allow for religious exceptions.

- **Elementary Student Told She Cannot Read Religious Book As Her Favorite Book About Christmas Traditions**

  Free Republic, "Lawsuit: Jesus Book Banned in Massachusetts Class," available at http://www.freerepublic.com/focus/f-news/724609/posts (July 30, 2002)

  A second-grade teacher at Northwest Elementary School in Massachusetts, as part of a class project, asked students to bring books to class about their Christmas traditions. Laura Greska, a second-grader, brought a book called "The First Christmas," but her teacher stopped her from reading it because it was religious. A lawsuit has been filed against the school district for violating Laura's First Amendment rights.

- **College Students Passing Out Religious Cards Threatened with Arrest**

  Adrian Sainz, "Miami-Dade Community College, students settle free-speech suit," Jacksonville.com, available at http://jacksonville.com/tu-online/apnews/stories/061402/D7K56C984.html (Jun. 14, 2002)

  Students at Miami-Dade Community College tried to distribute business-sized cards to other students on campus. Each card had a number for people to call where they could hear a recorded message about Jesus Christ. Campus security officers approached and told the students that they couldn't pass out the cards. Later, the students returned to resume handing out their cards and were approached by security guards and an administration official. When the students tried to leave, more security officers and a police officer were summoned to threaten the students with arrest. A lawsuit had to be filed to protect the students' rights.

- **Students Told They May Paint Panels at the School So Long As None Reference God or Jesus**

  The Rutherford Institute, "Lawsuit Filed Against Florida High School for Free Speech Violations and Staff Misconduct," available at https://www.rutherford.org/publications_resources/on_the_front_lines/pr411 (May 9, 2002)

  When students at the Boca Raton School District in Florida were permitted to paint panels around the high school, members of the Fellowship of Christian Athletes were told that they could not paint messages with references to God or Jesus. The members and their parents were forced to file a lawsuit against the school to try to stop the discrimination.

- **Elementary Student Prevented from Handing Out Religious Valentine's Day Cards**

  Freedom Forum, "Wisconsin School Board: Girl May Hand Out Religious Cards," available at http://www.freedomforum.org/templates/document.asp?documentID=14741 (Aug. 29, 2001)

  Morgan Nyman, a second-grader at Cushing Elementary School in Delafield, Wisconsin, was told by school officials that she could not hand out her Valentine's Day cards because they contained religious messages and would violate the separation of church and state. The school district changed its position and apologized after a lawsuit was filed on Morgan's behalf.

- **Third Grader Forced to Turn Shirt That Says "Jesus Christ" Inside-Out**
  Bangor Daily News, "School Cool to Girl's 'Jesus' Sweatshirt," available at http://news.google.com/newspapers?nid=2457&dat=20010214&id=ea5JAAAAIBAJ&sjid=eg4NAAAAIBAJ&pg=4209,3647441 (Feb. 14, 2001)
  Gelsey Bostick, a third-grader at Asa Adams School in Orono, Maine, was required to wear her shirt inside out because it had the words "Jesus Christ" on it. The principal defended the actions and stated that it was a matter of the shirt being interpreted by the students as bearing swear words. After a legal center intervened on Gelsey's behalf, the school reversed its position.

- **Teacher Throws Away Students' Bibles and Threatens to Call CPS**
  Harvey Rice, "Willis Bible controversy flares again," *Houston Chronicle,* available at http://www.chron.com/CDA/archives/archive.mpl/2000_3220528/willis-bible-controversy-flares-again.html (June 9, 2000)
  A schoolteacher threw away two students' Truth for Youth Bibles and took the students to the principal's office where she threatened to call CPS on their parents for permitting them to bring their Bibles. Later at the same school, different officials threw away a student's book cover showing the Ten Commandments, claiming the Ten Commandments are hate speech and could offend students.

- **Middle School Student Prevented from Wearing Cross Necklace**
  Freedom Forum, "Alabama School District Settles Dispute Over Cross Necklace," available at http://www.freedomforum.org/templates/document.asp?documentID=11770 (Mar. 1, 2000)
  Kandice Smith, a sixth-grader at Curry Middle School in Jasper, Alabama, wore a cross necklace to school and was told by her principal that if she did not conceal it she could be suspended. The school dress code barred jewelry worn outside of clothing. The school only reversed its position after a lawsuit was filed on Kandice's behalf.

- **From Conroe, Texas CITE**
  Students handing out flyers to their friends to invite them to a church event were ordered by school officials to stop and were told it was a violation of "separation of church and state." The students were also told they could never hand out religious materials while they were at school. Only after an attorney's letter was sent, were the students allowed to exercise their constitutional rights.

- **Valedictorian Told He Must Give "Secular" Speech**
  Alliance Defense Fund, "ADF Achieves Victory for Valedictorian," available at http://www.alliancedefensefund.org/Home/ADFContent?cid=2736
  Matthew Reynolds, the valedictorian at HLV Junior-Senior High School in Victor, Iowa, wished to express his faith and attribute his success to faith in Jesus Christ in his graduation speech. However, although Matthew planned to begin by clarifying that his views were not the views of the school or the administration, the school principal told Matthew that he must make his speech "secular." Following an

attorney's letter explaining the law and Matthew's rights, the principal allowed Matthew to give the speech as he intended.

- **Student Told She Cannot Tell Her Friends About Her Church Youth Group**
  Alliance Defense Fund, "Student Can Now Share About Her Youth Group," available at http://www.alliancedefensefund.org/Home/ADFContent?cid=3176
  In Flagstaff, Arizona, sixth-grader Caitlin Ribelin was told that she was not allowed to give information about her church youth group to her friends, since school policies did not allow religious materials. After a lawsuit was filed on her behalf, the school changed its policy to allow all literature to be treated the same on school campuses.

- **Colorado School Bans Biblical Book Reports**
  Alliance Defense Fund, "Eleven Year Old Girl Allowed to Give Report on the Bible," available at http://www.alliancedefensefund.org/Home/ADFContent?cid=3176
  Teachers in Boulder, Colorado, refused to allow Elizabeth Johnson, an eleven-year-old student, to give her book report presentation on the book of Exodus and then told her that she could not bring her Bible to school. Their reason was that the Bible might be "offensive" to members of other religious faiths. The school only changed its position when an attorney sent the school district a letter outlining Elizabeth's rights and threatening a lawsuit.

b. Student Prayer

- ***Bunting v. Mellen,* 541 U.S. 1019 (2004).**
  U.S. Court of Appeals for the Fourth Circuit ruled that cadets at Virginia Military Institute (VMI) could no longer join together to pray before meals. The American Civil Liberties Union filed a lawsuit against VMI on behalf of two students who believed that the prayers violated the U.S. Constitution. The case was appealed to the Supreme Court, but the court refused to hear the case.

- ***Santa Fe I.S.D. v. Doe,* 530 U.S. 290 (2000)**
  A lawsuit was filed to challenge a school district policy permitting student-led, student-initiated prayer prior to football games. The court struck down the policy, determining that it violated the Establishment Clause. In the lower court in this same case, the Judge ordered students not to pray in Jesus' name and told them that federal marshals would be on hand to take students to the county jail, saying "Anyone who violates these orders, no kidding, is going to wish that he or she had died as a child when this court gets through with it."

- ***Lee v. Weisman,* 505 U.S. 577 (1992)**
  In Providence, Rhode Island, principals of a public school were permitted to ask clergy to give invocations and benedictions at graduation exercises, but when a middle school principal invited a rabbi to give a nonsectarian prayer, a student's parent got a temporary restraining order to prevent the prayer and sought a permanent injunction to prevent the practice of inviting clergy to perform prayers. The U.S. Supreme Court upheld the banning of prayer.

- ***Wallace v. Jaffree,* 472 U.S. 38 (1985)**
  A resident brought suit to challenge the practice of having a period of meditation and voluntary prayer in schools in Alabama, and won.

- ***Schultz v. Medina Valley I.S.D.*, No. 11-50486 (5th Cir. 2011)**
  Angela Hildenbrand, the valedictorian of her class, wanted to say a prayer during her graduation ceremony from Medina Valley High. A fellow student from an agnostic family filed a suit to prevent Hildenbrand from praying. The federal district court judge issued an order prohibiting Hildenbrand from using words like "Lord," "in Jesus' name," and "amen." The Fifth Circuit Court of Appeals reversed the ruling and allowed the prayer. On June 6, 2011, Hildenbrand gave her speech, which included a prayer.

- ***Sherman v. Koch,* 623 F.3d 501 (7th Cir. 2010)**
  Illinois passed a statute mandating a period of silence in public schools. The period of silence could be used for meditation, prayer, or silent reflections on the day's activities. Students filed a suit claiming that the statute violated the establishment of church and state. The court ruled that the statute was unconstitutional. The Seventh Circuit held that the statute did not violate the constitution.

- ***Croft v. Governor of Texas,* 562 F.3d 735 (5th Cir. 2009)**
  An atheist sued the State of Texas because of a Texas statute that allows a minute of silence for students to pray, meditate, or reflect. The statute was upheld by the Fifth Circuit Court of Appeals.

- ***McComb v. Crehan,* 320 Fed. Appx. 507 (9th Cir. 2009)**
  School officials at Foothill High School in Las Vegas, Nevada, told valedictorian Brittany McComb that she could not mention God or Jesus in her valedictorian address. When McComb did so anyway, the school officials turned off her microphone. McComb sued the school for violating her free speech rights, but the Ninth Circuit Court of Appeals found that the school district did not violate her constitutional rights.

- ***Mellen v. Bunting,* 327 F.3d 355 (4th Cir. 2003)**
  Two students brought suit challenging the practice of having a supper prayer at a military school in Virginia on the grounds that it violated the Establishment Clause. The court struck down the practice and banned the prayers.

- ***Doe v. School District of the City of Norfolk,* 340 F.3d 605 (8th Cir. 2003)**
  A student filed a lawsuit after a school board member said a prayer during a graduation. The Eighth Circuit held that, because the prayer was part of the board member's address and not sponsored by the school district, the prayer was private speech and dismissed the lawsuit.

- ***Adler v. Duval County School Board,* 250 F.3d 1330 (11th Cir. 2001)**
  A lawsuit was filed to challenge a school policy permitting high school seniors to use a popular vote to select a graduation speaker who could deliver a message of their

choosing, without approval by school officials. The lawsuit sought to ban the students because some students might use their speech to express religious thoughts.

- ***ACLU of New Jersey v. Black Horse Pike Regional Board of Education,* 84 F.3d 1471 (3rd Cir. 1996)**
  A lawsuit was filed challenging a school policy that permitted the graduating class a vote to determine if there would be student-led prayer during graduation ceremonies. The court struck down the policy, determining it violated the Constitution and ordered the school to forbid the prayer.

- ***Goluba v. The School District of Ripon,* 45 F.3d 1035 (7th Cir. 1995)**
  After students recited the Lord's Prayer on their own accord before the opening of graduation ceremonies, student Nikki Goulba filed a civil contempt motion against the school district of Ripon and the Ripon High School principal. The motion claimed the officials violated a permanent injunction that prevented them from allowing prayer during school graduations by allowing the students to recite the prayer.

- ***Jones v. Clear Creek I.S.D.*, 977 F.2d 963 (5th Cir. 1992)**
  A Clear Creek I.S.D. parent filed suit to stop a policy permitting high school seniors to select student volunteers to give nonsectarian, non-proselytizing invocations at graduation ceremonies.

- ***Nielson and the Freedom From Religion Foundation v. School District Five of Lexington & Richland Counties,* No. _____ (D.S.C., filed May 29, 2012)**
  Irmo High School in South Carolina permits students to vote each year on whether to have prayer at its graduation ceremony. The Freedom From Religion Foundation filed a complaint alleging such a vote and the resulting prayer in the graduation ceremony violates the Establishment Clause of the First Amendment.

- ***Ahlquist v. City of Cranston,* No. 11-138L, 2012 U.S. Dist. LEXIS 3348 (D. R.I. Jan. 11, 2012)**
  After an atheist student complained about a decades-old school mural in Cranston, Rhode Island, containing a prayer and the words "Heavenly Father," the ACLU stepped in to sue on her behalf. A federal district court held that the mural violated the Establishment Clause and must be removed.

- ***Workman v. Greenwood Community School Corp.*, No. 1:10-0293, 2010 U.S. Dist. LEXIS 42813 (S.D. Ind. Apr. 30, 2010)**
  Greenwood Community School had a tradition of allowing a non-denominational prayer during graduation ceremonies if the senior class voted to approve such a measure. In September of 2009, the senior class voted to allow a prayer. Eric Workman, a student at Greenwood, filed a suit to challenge the constitutionality of the electoral process, allowing the prayer. The court issued a preliminary injunction stopping prayer.

- ***C.H. v. Bridgeton Board of Education,* No. 09-5815, 2010 U.S. Dist. LEXIS 40038 (D.N.J. Apr. 22, 2010)**
  C.H., a student at Bridgeton High School, wanted to wear a piece of red duct tape around her arm as a part of the Pro-Life Day of Silent Solidarity. The tape was meant to draw attention to pro-life issues. C.H. also desired to distribute anti-abortion flyers and remain silent during the Day of Silent Solidarity. School officials told C.H. that she could not wear the armband or distribute literature because of the controversial nature of its topic. They informed C.H. that she could remain silent, but her participation grade would suffer as a result. C.H. filed a suit to determine her rights. On April 22, 2010, the court enjoined the school from enforcing their policies, allowing C.H. to fully participate in the Pro-Life Day of Silent Solidarity.

- ***Kyriacou v. Peralta Community College District,* 2009 U.S. Dist. LEXIS 32464 (N.D. Cal. Mar. 31, 2009)**
  Kandy Kyriacou and Ojoma Omaga are students at the College of Alameda. Both are Christians and would pray together on the balcony outside of class. On November 1, 2001, Kyriacou went to speak with her instructor. After the conversation turned to personal matters, Bell consented, and Kyriacou prayed for Bell. Kyriacou offered to pray for Bell on a separate instance when Derek Piazza, another instructor, interrupted and ordered Kyriacou to stop praying in the office. Kyriacou and Omaga received letters from the Vice President of Student Services at the College stating that they had engaged in disruptive behavior and were suspended from class. Kyricaou and Omaga filed suit to challenge the suspension. The case settled after two years of legal battles with an acknowledgement that prayer on campus is permitted.

- ***Doe v. Gossage,* No. 1:06CV-070-M, 2006 U.S. Dist. LEXIS 34613 (W.D. Ky. May 24, 2006)**
  Judge Joseph McKinley entered an emergency order restraining the principal of Russell County High School from allowing prayer at the graduation ceremony. Despite the judge's order barring the valedictorian from including prayer at the graduation ceremony, the senior class spontaneously stood during the opening remarks of the principal and recited the Lord's Prayer.

- ***Griffith v. Butte School District No. 1,* 244 P.3d 321 (Mont. 2010)**
  Renee Griffith, the class valedictorian at Butte High School, was selected to give a speech at her graduation ceremony. There were no written guidelines for student speakers, but they were told that the remarks had to be, "appropriate, in good taste and grammar, and should be relevant to the closing of [their] high school years." After meeting with speech coach, Griffith was told that she needed to change her speech to omit any reference to "God" or "Christ" to be allowed to speak. Griffith refused to change her original remarks and was not allowed to speak. Griffith complained to the Human Rights Bureau, but was given a notice of dismissal. The district court found in favor of the school, but the Supreme Court of Montana found that the school had violated Griffith's right to free speech but not her right to free exercise of religion.

- ***Doe v. Acton-Boxborough Regional School District,* No. 2010-04261 (Mass. Super. Ct. Jun. 8, 2012)**
  Parents of students at a Massachusetts public school and the American Humanist Association sought to prevent the students from reciting "under God" in the pledge, claiming it discriminated against atheist children in violation of the state's constitution. The Massachusetts Superior Court held that the pledge did not violate the nondiscrimination provision of the state's constitution.

- **Freedom From Religion Foundation Stops Prayer at Minford, Ohio, Schools**
  Bonnie Gutsch, "FFRF halts Ohio high school prayers," Freedom from Religion Foundation, available at http://ffrf.org/legal/challenges/ffrf-halts-ohio-high-school-prayers/ (accessed May 19, 2012)
  High school assemblies and graduations in Minford, Ohio, have included prayer as a tradition for years. On February 25, 2011, the Freedom From Religion Foundation sent a letter to school officials demanding they stop the practice. The school officials complied.

- **High School Class President Threatened with Arrest for Praying at Graduation**
  Liberty Counsel, "Hampton High School Graduates Choose Prayer at Ceremony," available at http://www.lc.org/index.cfm?PID=14100&PRID=1071 (May 24, 2011)
  The class president of Hampton High School wanted to pray at her graduation. The principal of the school, however, said that any students who attempt to pray would be stopped, escorted from the building by police, and arrested. After receiving a demand letter, the school reversed its policy.

- **ACLU Threatens School into Removing Graduation Prayer, Student Prays Anyway**
  Liberty Counsel, "Graduation Continued With Prayer in Louisiana," available at http://www.lc.org/index.cfm?PID=14100&PRID=1070 (May 23, 2011)
  Following a complaint and a threat from the ACLU, Bastrop High School in Bastrop, Louisiana, replaced the traditional graduation prayer with a "Moment of Silence." Senior Laci Rae Mattice, however, led the audience in the Lord's Prayer despite her instructions to lead the "Moment of Silence."

- **Freedom From Religion Foundation Stops Graduation Prayers in McNairy County**
  Letter from Charlie Miskelly to Rebecca Markert, available at http://www.ffrf.org/uploads/legal/McNairy%20County%20Schools%20TN.pdf (Jan. 27, 2011)
  The McNairy County School district had a practice of hosting student-led prayers over loudspeakers at graduation ceremonies. The Freedom From Religion Foundation wrote a letter stating that "the Supreme Court has struck down prayer at public high school graduations." After receiving two complaints, the school stopped the tradition.

- **West Virginia University–Parkersburg Removes Prayer from Graduation Ceremony Despite Overwhelming Support**
  Alliance Defense Fund, "Speak Up: University of West Virginia–Parkersburg," available at http://www.speakupmovement.org/Map/CaseDetails?Case=266 (2010)
  West Virginia University–Parkersburg decided to remove prayer from the nursing school graduation ceremony even after students voted overwhelmingly in support of including the prayer.

- **Arkansas High School Bans Graduation Prayer and Religious Commencement Speaker**
  Liberty Counsel, "Annual 'Friend or Foe' Graduation Prayer Campaign Finishes Fifth Successful Season," available at http://www.lc.org/index.cfm?PID=14100&PRID=588 (Jul. 17, 2007)
  Administrators of Omaha High School in Omaha, Arkansas, told graduating seniors that they could not pray at their graduation or choose a youth ministry leader as the commencement speaker. After one of the seniors sought legal assistance, the school reversed its decision and allowed both prayer and the students' choice of commencement speaker.

- **High School Valedictorian Prohibited from Praying During Graduation Speech**
  Al Sullivan, "God not allowed Valedictorian pulls speech rather than remove prayer," *Hudson Reporter*, available at http://www.hudsonreporter.com/pages/full_story/push?article-God+not+allowed+Valedictorian+pulls+speech+rather+than+remove+prayer%20&id=2412697 (Jul. 12, 2007)
  Jeremy Jerschina, the valedictorian of his class, submitted his speech to school officials prior to his graduation ceremony from the Bayonne High School. School officials reviewed the prayer and told Jerschina that he could not pray or reference his religious beliefs.

- **Middle School Students Stopped from Praying at the Flagpole**
  Jim Brown, "School Reverses Decision on Student Prayer Rally," Christianity.com, available at http://www.christianity.com/news/religiontoday/1360179/ (2005)
  Three students at a middle school in Barnegat, New Jersey, met at the flagpole and started to pray. A school administrator stopped the students, telling them that they could not participate in "See You at the Pole," that their prayers were creating a "disturbance," and they must stop mixing school and religion. Upon being threatened with a lawsuit, the school reversed its decision and allowed a "do over" prayer meeting.

c. Scholarship Awards & School Choice

- ***Arizona Christian School Tuition Organization v. Winn*, 131 S. Ct. 1436 (2011)**
  Arizona provides tax credits for donations to school tuition organizations that fund scholarships to Arizona private schools. A group of taxpayers sued the state, arguing the law violated the Establishment Clause because program funds were allotted to religious schools. The Supreme Court ruled that because the system was based on individual tax credits and only affected those directly participating in the program, the taxpayers had no

grounds on which to sue the state. As a result, Arizona citizens' right to choose where to use their scholarship funds was upheld.

- ***Locke v. Davey,* 540 U.S. 712 (2004)**
  Josh Davey received a Promise Scholarship, which was awarded to academically gifted students with postsecondary education expenses to use at any college in the state. He decided to pursue a double major in pastoral ministries and business management and administration. Davey was told that he could use the scholarship for any major unless he was devoted to becoming a pastor. The U.S. Supreme Court ruled his scholarship could be withdrawn.

- ***Zelman v. Simmons-Harris,* 536 U.S. 639 (2002)**
  An Ohio voucher program was enacted because the public school system was in a "crisis of magnitude," and families were given voucher funds to use toward a school of their choice. Many families elected to use their vouchers for religious schools. As a result, a lawsuit was filed to challenge the program, claiming it was unconstitutional because parents are allowed to choose religious or secular schools. The Supreme Court held that the program was neutral and thus not a violation of the Establishment Clause.

- ***Seger v. Kentucky High School Athletic Association,* 453 Fed. Appx. 630 (6th Cir. 2011)**
  The Sixth Circuit Court of Appeals upheld a bylaw of the Kentucky High School Athletic Association that said Catholic schools could not offer students more than a twenty-five percent scholarship for athletics. Parents filed suit claiming that the bylaw was discriminatory based on religion because the rule grouped Catholic schools together. The court rejected this argument and found that the bylaw merely grouped the schools together because they were similar for reasons other than religion.

- ***Association of Christian Schools International v. Stearns,* 362 F. Appx. 640 (9th Cir. 2010)**
  The University of California's admissions policy does not accept high school courses that focus on one religion's viewpoint. The Ninth Circuit upheld the policy, rejecting First Amendment and Equal Protection claims.

- ***Combs v. Homer-Center School District,* 540 F.3d 231 (3d Cir. 2008)**
  Pennsylvania passed the Pennsylvania Home Education Law in 1988. It is the most restrictive homeschooling law in the United States, requiring that families submit a teaching log, submit a portfolio of the child's work for review, and meet the requirements for the minimum number of days and hours in certain subjects. Six homeschool families sued to protect their right to educate their children after being subjected to truancy proceedings and social service investigations. The court ruled that the law did not substantially burden the parents.

- ***Parker v. Hurley,* 514 F.3d 87 (1st Cir. 2008)**
  Two sets of parents from Lexington, Massachusetts, sued after the school district refused to provide the parents with prior notice that their children would undergo instruction

recognizing differences in sexual orientation. The parents argued that forcing their children to undergo the education violated due process and free exercise of religion. On January 31, 2008, the court found that the due process clause was not implicated, and the instruction did not infringe on either the parents or children's free exercise of religion.

- ***Lee v. York County School Division,* 484 F.3d 687 (4th Cir. 2007)**
  A teacher was made to remove religious materials from his classroom including a picture of George Washington praying, an article showing religious differences of political candidates, and an article dealing with missionary activities of a student. The district court awarded summary judgment to the school district. The appellate court ruled that the teacher was not protected by the First Amendment and affirmed the district court's ruling.

- ***Shrum v. City of Coweta,* 449 F.3d 1132 (10th Cir. 2006)**
  An employee of the police department was scheduled to work on Sunday because the police chief knew that it conflicted with the employee's religious convictions and the chief wanted the employee to resign. The district court ruled that the mere refusal to accommodate the employee's religious scheduling needs did not establish a constitutional violation. The court did rule in favor of the employee since the police chief's decision was not neutral but singled out the employee. The appellate court affirmed the district court ruling in this regard.

- ***Berry v. Department of Social Services,* 447 F.3d 642 (9th Cir. 2006)**
  A county social services employee was prohibited from discussing religion with clients, displaying religious items in his cubicle, and using the conference room for voluntary employee-only prayer meetings. The district court ruled that since he was an employee of a public entity, the employer could restrict his exercise of religion so the employer would not appear to endorse religion and thus violate the Establishment Clause. The appellate court affirmed.

- ***Hinrichs v. Bosma,* 440 F.3d 393 (7th Cir. 2006)**
  Four taxpayers brought suit seeking an injunction to prohibit opening the Indiana House of Representatives with Christian prayer by saying it violated the Establishment Clause of the First Amendment. The district court ruled that the historical opening prayer at the House was unconstitutional because of its sectarian nature and enjoined further sectarian prayer (e.g. praying in Jesus' name). The appellate court denied a stay.

- ***Veitch v. England,* 471 F.3d 124 (D.C. Cir. 2006)**
  Reverend D. Philip Veitch, a Navy chaplain, refused to participate in multi-denominational services and eventually resigned. Veitch sued the Navy, arguing that his First Amendment rights were violated. The appeals court ruled that Veitch's resignation was voluntary and affirmed the lower court's decision granting summary judgment to the defendants.

- ***Piggee v. Carl Sandburg College,* 464 F.3d 667 (7th Cir. 2006)**
  A student at Carl Sandburg College complained when cosmetology teacher Martha Louise Piggee gave him tracts that called homosexuality a sin and called for people to

read the Bible and be baptized. Piggee was told she could not hand out the material and that her action qualified as sexual harassment. Piggee went to court accusing the college, the board of trustees, and five college administrators of violating her due process rights and her constitutional rights to free speech. The suit said that the college's sexual harassment policy was not clear. A lower court ruled against her, and the case was appealed to the Seventh Circuit. The appellate court ruled that the college had a right to insist Piggee refrain from proselytizing while serving as an instructor because her expression of religious beliefs had nothing to do with her job of teaching cosmetology.

- ***Leebaert v. Harrington*, 332 F.3d 134 (2nd Cir. 2003)**
  Turk Leebaert, the father of his son Corky Leebaert, sued to protect his right to direct the upbringing and education of his child. Leebaert, a resident of Fairfield, Connecticut, requested to excuse his son from a health education program describing health, sex, and character development. The principal responded that the health curriculum was mandatory but that Leebaert could opt out of the six classes related to family-life instruction. Leebaert filed suit to protect his rights, but the district court found that the curriculum did not infringe upon Leebaert's constitutional rights. The Second Circuit affirmed.

- ***Fraternal Order of Police Newark Lodge No. 12 v. City of Newark*, 170 F.3d 359 (3d Cir. 1999)**
  Two Muslim police officers in Newark were required to shave their beards after the city issued an order requiring all police officers to be clean-shaven. The order permitted a medical exemption, but not a religious exemption. The officers had to file a lawsuit to protect their constitutional right to freely exercise their religion.

- ***Peloza v. Capistrano Unified School District*, 37 F.3d 517 (9th Cir. 1994)**
  A biology teacher was forbidden from discussing religious matters with students while on the school campus, even if the discussion occurred outside of class time and was student-initiated. A lawsuit was filed to protect his constitutionally protected free speech and equal protection rights, but the court dismissed the complaint finding that the school district's interest in avoiding an unlikely Constitutional violation trumped the teacher's rights.

- ***Child Evangelism Fellowship of Minnesota v. Minneapolis Special School District No. 1.*, 822 F. Supp. 2d 878 (D. Minn. Sept. 30, 2011)**
  The Child Evangelism Fellowship of Minnesota filed suit against the Minneapolis Special School District No. 1, claiming the district violated the Christian organization's freedom of speech and religion by banning them from partaking in an after-school program. The group's participation was banned specifically for engaging in religious activity. The Child Evangelism Fellowship of Minnesota filed suit in a United States District Court in Minnesota, citing various Constitutional violations. The Court denied the group's preliminary injunction on the grounds that it is unlikely to obtain permanent injunction.

- ***Moss v. Spartanburg County School District No. 7,*** **No. 7:09-1586 (D. S.C. May 17, 2011)**
  In 2009, two parents, backed by the Freedom From Religion Foundation, sued the Spartanburg County School District No. 7 over the district's implementation of the South Carolina Released Time Credit Act. This act allows students to receive elective credit for religious courses taught at participating institutions. The district court ruled in favor of the school district and noted that the policy is a passive accommodation of students' desire for religious education and does not violate the Establishment Clause.

- ***Lister v. Defense Logistics Agency,*** **No. 2:05-CV-495, 2009 U.S. Dist. LEXIS 7414 (S.D. Ohio 2009)**
  A federal employee was denied a request to post a flyer warning that donations made to a federal charitable contribution program may be used to support abortion, sexual promiscuity, the homosexual agenda, and New Age mysticism. Agency policy prohibited "items of religious preference" from being posted on employee bulletin boards.

- ***Eulitt v. Maine Department of Education,*** **307 F. Supp. 2d 158 (D. Me. Mar. 9, 2004)**
  Though Maine state law required free public education for children through the twelfth grade, the town of Minot only had schooling through the eighth grade and either contracted to send its students elsewhere for high school or provided the parents with funding for school. A Minot family was denied access to public funding for their child's tuition to a Catholic high school, despite the fact that the state had the authority to approve payments to alternative schools. The court held that the state does not have to provide tuition for religious sectarian education.

- ***Draper v. Logan County Public Library,*** **403 F. Supp. 2d 608 (W.D. Ky. Sept. 2, 2003)**
  The Logan County Public Library in Kentucky banned its employees from wearing "clothing depicting religious … decoration." An employee was fired for wearing a cross. A lawsuit was filed to protect the employee's right to free speech and religious freedom.

- ***Nichol v. Arin Intermediate Unit 28,*** **268 F. Supp. 2d 536 (W.D. Pa. June 25, 2003)**
  The school district suspended an elementary school instructional assistant for wearing a cross necklace, finding her in violation of a district policy which prohibited teachers and other public school employees from wearing religious emblems or insignia. A lawsuit was filed to remedy the policy, which was overtly and openly hostile to religion, and to prevent the district from forbidding symbolic speech by employees from a religious viewpoint.

- ***Jenkins v. Honolulu,*** **No. 1:03-00159 (D. Hawaii 2003)**
  Honolulu city employee Kelly Jenkins was prohibited from posting religious literature, like an invitation to his church, in common areas of the employee break room and employee bulletin boards because of "separation of church and state" concerns. After Jenkins filed a lawsuit, Honolulu reversed its policy.

- ***Larue v. Colorado Board of Education,* No. 11-4424 (Colo. Dist. Ct., Aug. 12, 2011)**
  A Colorado state court permanently enjoined the Douglas County, Colorado, Board of Education's voucher program that allowed students enrolled in the county's public schools to use seventy-five percent of per-student funding to attend private schools, including religiously affiliated schools. The court held that the program violated many of the religious provisions of the Colorado constitution, which it recognized as more restrictive than the religion clauses in the U.S. Constitution.

- **Arizona Education Association Fights Voucher Program For Special-Needs Students**
  http://azstarnet.com/news/local/education/precollegiate/judge-upholds-arizona-school-voucher-plan/article_75f6a2b2-4845-11e1-8e51-001871e3ce6c.html
  A state trial court upheld Arizona's new voucher program for special-needs students, which provides these students with the opportunity to receive private educations. The Arizona Education Association had challenged the voucher program because money could go to religious schools under the program.

- **From Michigan CITE**
  A Cornerstone University graduate student received a tuition grant from the state of Michigan, but when the student decided to pursue a pastoral studies divinity degree, the financial aid office of the university informed him that he was no longer eligible for the grant because it could not be used for divinity, theology, or religious instruction.

d. In the Schoolhouse – Free Speech

- ***Peck v. Baldwinsville School District,* 130 S. Ct. 3386 (2010)**
  Antonio Peck's kindergarten teacher instructed her class to draw a poster about how to save the environment. Antonio's first poster contained several religious figures and the statement: "The only way to save the world." The poster was rejected. Antonio's second poster included cutout figures of children holding hands around the world, people recycling trash, and children picking up garbage. On the left side of the poster was a picture of Jesus kneeling, with his hands stretched toward the sky. The poster was displayed along with eighty other student posters; but, unlike the other posters, school officials folded Antonio's poster in half so that the figure of Jesus could not be seen.

- ***Edwards v. Aguillard,* 482 U.S. 578 (1987)**
  A suit was filed to challenge Louisiana's Creationism Act. The Creationism Act provided that if evolution is taught in public schools, creation science must also be taught; and if creation science is taught, then evolution must also be taught. The suit sought to strike down the act as a violation of the Establishment Clause. The Supreme Court obliged, striking down the law.

- ***Zamecnik v. Indian Prairie School District #204,* 636 F.3d 874 (7th Cir. 2011)**
  A school prohibited two students in Naperville, Illinois, from wearing t-shirts that stated, "Be Happy, Not Gay," to protest the Day of Silence, a day intended to draw attention to discrimination faced by homosexual students. The two students wished to wear the shirts

to show their religious beliefs. The Seventh Circuit held that the school could not prohibit the students from wearing the t-shirt because of the potential for "hurt feelings."

- ***Doe v. Indian River School District,* 653 F.3d 256 (3d Cir. 2011)**
  Since 1969, the School Board of the Indian River School District had a practice of opening their public meetings with a moment of prayer. Until 2004, the president of the board would designate one person at each meeting to give the prayer. After 2004, the Board adopted a policy that created a rotating basis that allows one member of the board to offer a prayer or request a moment of silence. No one was required to participate in the prayer, and no school employee could be involved in the prayer. Mona and Marco Dobrich filed a suit individually and as the parents of their two children to challenge this practice. The court of appeals held that because students regularly attended school board meetings, the opening prayer violated the Establishment Clause.

- ***Lopez v. Candaele,* 630 F.3d 775 (9th Cir. 2010)**
  Jonathan Lopez, a student at Los Angeles City College, gave a speech about his faith and his traditional view of marriage. Lopez' professor stopped the speech, refused to grade it, and threatened to have Lopez expelled. Lopez sued the professor, a dean of the school, and the school for violating his First Amendment rights. The district court sided with Lopez, but the Ninth Circuit held that Lopez did not have standing to sue because the teacher's statements are not a credible threat of harm.

- ***Busch v. Marple Newtown School District,* 567 F.3d 89 (3d Cir. 2009)**
  Elementary school students in the Marple Newtown School District were asked to select their favorite book, which their parents would then read to the class. Donna Busch's son chose the Bible. Busch selected a few verses that she often read with her son, being careful to select a Psalm because it omitted references to Jesus Christ. The school's principal refused to allow Busch's son to fully participate because "reading the Bible to the class would be against the law" by "promoting religion," despite numerous other presentations about Hanukkah, Passover, Christmas, and Easter being permitted in the classroom. The Third Circuit Court of Appeals upheld the restriction.

- ***Stratechuk v. Board of Education, S. Orange-Maplewood School District,* 587 F.3d 597 (3d Cir. 2009)**
  A New Jersey School District prohibited celebratory religious music at school holiday events. The Third Circuit Court of Appeals upheld the school district's policy as constitutional, rejecting claims that it violated the First Amendment.

- ***Palmer v. Waxahachie I.S.D.,* 579 F.3d 502 (5th Cir. 2009)**
  A student was prohibited from wearing an "Edwards '08" t-shirt at school. The school's dress code allowed school-sponsored shirts that included messages.

- ***Nurre v. Whitehead,* 580 F.3d 1087 (9th Cir. 2009)**
  A California high school banned a student from playing an instrumental version of a religious song at its graduation ceremony. The Ninth Circuit held that this prohibition did not violate the student's free speech rights.

- ***Corder v. Lewis Palmer School Dist. No 38,*** **566 F.3d 1219 (10th Cir. 2009)**
  Erica Corder, class valedictorian, made a short speech during graduation in 2006. The official policy of the school for school speeches did not mention religion but prohibited speech that "tends to create hostility or otherwise disrupt the orderly operation of the educational process." Corder gave a speech that referenced her personal faith. At the conclusion of the ceremony, a teacher escorted Corder to speak with a school official. The official informed Corder that she would not receive her diploma until she made a public apology for her speech. The district court found for the school district, and the Tenth Circuit affirmed.

- ***Baiyasi v. Delta College,*** **U.S. Dist. LEXIS 65715 (E.D. Mich. May 10, 2012)**
  A science professor at Delta College filed suit against the university under Title VII claiming that the chair of her department made anti-Christian remarks. Though the district court threw out Baiyasi's hostile work environment claims, it did allow her to pursue her claims that she was denied promotion and subsequently fired because of her religious beliefs, and also that the denial of her promotion was in retaliation for her filing complaints against her department chair.

- ***Child Evangelism Fellowship Phoenix v. Dysart Unified Sch. Dist.,*** **No. 2:12-123 (D. Ariz. Jan. 19, 2012)**
  The Dysart Unified School District prohibited the distribution of religious literature in its schools. After a suit was filed, the school district reversed its policy and allowed the Good News Club to distribute flyers at school.

- ***Christian Fellowship of Shippensburg University et al. v. Ruud et al.,*** **No. 4:08-898 (M.D. Pa. 2008)**
  Members of the Christian Fellowship of Shippensburg University felt their right to free speech was violated by the university's policies and speech codes, which require that students reflect the university's official views in their "attitudes and behaviors." The group feared engaging in discussions from a religious point of view. Following the filing of a lawsuit, Shippensburg University changed its speech codes so as not to violate the members' First Amendment rights.

- ***Doe v. Tangipahoa Parish School Board,*** **494 F.3d 494 (5th Cir. 2007) (en banc)**
  The ACLU sued a Louisiana school board for allowing prayers before school board meetings. The Fifth Circuit Court of Appeals, *en banc*, found that the plaintiffs did not have standing to challenge the school board prayers.

- ***Walz v. Egg Harbor Township,*** **342 F.3d 271 (3d Cir. 2003)**
  A pre-kindergarten student, Daniel Walz, was prevented from giving out pencils with the message "Jesus Loves the Little Children" engraved on them, and later, as a first-grader, was prevented from distributing candy canes with "The Candy Maker's Witness" attached to the candy. A lawsuit was filed to protect Daniel's rights to give gifts at school just like other children could, but the Third Circuit held that the school could prohibit proselytizing speech.

- ***Fleming v. Jefferson County School District R-1,* 298 F.3d 918 (10th Cir. 2002)**
  Columbine High School hosted a tile-painting project so students could express themselves following the school's tragedy. Some students expressed themselves with religious symbols, including one by a victim's sister who incorporated a small yellow cross in her tile design. After the tiles were posted, the school officials eradicated the religious symbols from the tile display. A lawsuit was filed to prevent the school officials from censoring the religious expression of the students. Unfortunately the court chose not to uphold the students' expression rights, and instead validated the school's censorship.

- ***Furley v. Aledo I.S.D.,* 218 F.3d 743 (5th Cir. 2000)**
  Katherine Furley was elected to give the invocation at her graduation ceremony and was ordered to submit any prayer to officials. School officials then proceeded to edit, word by word, which words she could and could not pray. A lawsuit was filed to protect Katherine's right to pray without being edited by the government. The Court ruled against her right to pray without government editing.

- ***Settle v. Dickson County School Board,* 53 F.3d 152 (6th Cir. 1995)**
  Ninth-grader Brittney Settle selected Jesus Christ as the topic for her open research project, but her teacher refused to approve the subject, gave Brittney a zero for her grade, and did not permit her to submit another project. A lawsuit was filed to protect Brittney's free expression rights, but the court refused to uphold Brittney's rights and ruled in favor of the school.

- ***Denooyer v. Merinelli,* No. 92-2080, 1993 U.S. App. LEXIS 20606 (6th Cir. 1993)**
  When Kelly Denooyer was selected as her class's "VIP of the Week," she brought a video of her singing a solo at church to share with her class, but the teacher refused to play the tape for a variety of reasons, including concern about the videotape's religious message. A lawsuit was filed to protect Kelly's rights, but the court upheld the censorship of the video.

- ***Dew v. Ashford,* No. 03:11-00262 (E.D. Tenn. 2011)**
  Mark Dew, a student at Pellissippi State Community College, was told by school officials that he could not hand out Christian literature or preach on campus. The officials claimed these actions are solicitation and therefore against college rules. The school offered him the option to speak once a week on campus as a guest of a student group or to pay a fee as a non-student speaker. Dew filed a lawsuit against the school to defend his right to free speech.

- ***Nampa Classical Academy v. Goesling,* 447 Fed. Appx. 776 (9th Cir. 2011)**
  The Ninth Circuit U.S. Court of Appeals affirmed a lower district court's holding that Nampa Classical Academy, a charter school in Idaho, could not use religious texts as part of its curriculum because the school is technically classified as a governmental entity. The plaintiffs, Nampa Classical Academy; Isaac Moffett, a minor; and Maria Kosmann sued the Idaho Public Charter School Commission on the grounds that its decision to prohibit the use of sectarian or denominational texts in public schools violated the First

and Fourteenth Amendments of the U.S. Constitution. The Ninth Circuit held "[b]ecause Idaho charter schools are governmental entities, the curriculum presented in such a school is not the speech of teachers, parents, or students, but that of the Idaho government."

- ***Wright ex rel. A.W. v. Pulaski County Special Sch. Dist.,* 803 F. Supp. 2d 980 (E.D. Ark. Mar. 25, 2011)**
  An Arkansas school banned flyers advertising religious activities, but allowed students to distribute flyers for other activities. After a federal district court granted a preliminary injunction stopping the policy, the school settled the case, agreeing to treat religious flyers and non-religious flyers equally.

- ***Pounds v. Katy I.S.D.,* 730 F. Supp.2d 636 (S.D. Tex. Jul. 30, 2010)**
  The Pattinson Elementary School in the Katy Independent School District had a fundraiser allowing parents to order seasonal greeting cards featuring their child's artwork from a third party company. The card could come with one of many preset messages. The only preset message blacked out was a quote from the New Testament. Parents of children at Pattinson Elementary sued because the school admitted that the message was blocked out because of a concern of violating the Establishment Clause. On July 30, 2010, the court held that the presence of a biblical quotation did not violate the Establishment Clause and could be included on the cards.

- ***Ward v. Wilbanks,* 2010 U.S. Dist. LEXIS 127038 (E.D. Mich. Jul. 26, 2010)**
  Julea Ward, a graduate student in counseling at Eastern Michigan State University, was dismissed from the program after she referred a homosexual client to another counselor during the clinical portion of her degree. Ward's supervisor stated that her refusal to see a client presenting concerns about a gay relationship signified an inability on Ward's part to meet the required expectation of ethical standards supplied by the American Counseling Association. Being faced with the options of completing a "remediation program," voluntarily leaving the program, or a formal hearing, Ward chose to have a formal hearing. After the hearing, Ward was dismissed because she had violated the American Counseling Association's code of ethics. Both the Dean of the EMU College of Education and the federal district court affirmed the decision of the hearing.

- ***Eder v. City of New York,* 2009 U.S. Dist. LEXIS 11501 (S.D.N.Y. Feb. 12, 2009)**
  Melissa Eder, an art teacher at the East New York Family Academy, filed a suit claiming discrimination and retaliation. Eder, who is Jewish, asserted that her coworkers' practice of voluntarily forming prayer circles before meetings was unconstitutional. She claimed that this practice, as well as prayer offered before a holiday party, was unconstitutional violations of her rights. The court held that the faculty members' voluntary decision to engage in prayer before meetings and at the holiday party were not a violation of Eder's rights.

- ***Child Evangelism Fellowship of Greater San Diego v. Acle,*** **No. 05-1166, 2008 U.S. Dist. LEXIS 97257 (S.D. Cal. Dec. 1, 2009)**
  Child Evangelism Fellowship of Greater San Diego (CEF) requested to use school facilities to hold Good News Clubs after school hours. From 1999 until the 2004–05 school year, CEF had been charged fees to use the school facilities when other similar secular groups had not been charged. Each year the district increased the cost of the fees, and the fees became so large that CEF was forced to discontinue the Good News Clubs. District employees and parents pleaded for the Good News Clubs to return, but the increased usage costs prohibited the meetings. CEF filed a lawsuit to be treated the same as other similarly-situated groups, which did not have to pay the large fees.

- ***Robinson v. Thompson,*** **No. 3:09-537 (S.D. Miss., filed Sept. 9, 2009)**
  A Mississippi teen summit promoting National Teen Pregnancy Prevention Month incorporated religious language in its abstinence education. The ACLU sued the state to remove the religious language or end its funding of the program.

- ***Moreno v. Ector County I.S.D.,*** **No. 7:07-0039 (W.D. Tex. 2007)**
  The ACLU and People for the American Way Foundation filed suit in federal court against the Ector County I.S.D. in Odessa, Texas, to stop a course taught on the Bible's influence in our history and literature as an elective in two of the district's high schools.

- ***Turton v. Frenchtown Elementary School District Board of Education,*** **465 F.Supp.2d 369 (D.N.J. Dec. 11, 2006)**
  An elementary student was told by her school that she could not sing "Awesome God" in a school talent show. The district court held that the school had violated Turton's constitutional rights.

- ***Kiesinger v. Mexico Academy & Central School,*** **427 F. Supp. 2d 182 (N.D.N.Y. Mar. 31, 2006)**
  The Mexico Academy High School decided to remove bricks that had been purchased and inscribed as part of a school fundraiser if the brick contained a Christian message. The district court held that removing the bricks with Christian messages violated the First Amendment.

- ***Carpenter v. Dillon Elementary School District 10,*** **149 Fed. Appx. 645 (9th Cir. 2005)**
  Jaroy Carpenter, a motivational speaker, was prevented from speaking at an assembly in the Dillon Middle School because he was affiliated with a Christian organization, despite the fact that he had previously spoken in over 200 secular schools and that he agreed to omit discussions of his religious faith and references to a youth rally being held nearby. The district court held that Carpenter was not harmed, thus there was no First Amendment violation. The court of appeals affirmed.

- ***Selman v. Cobb County School District,*** **2004 US Dist. LEXIS 5960 (N.D. Ga. Mar. 31, 2004)**
  A Georgia School District decided to place a sticker in new science textbooks explaining that evolution was theory rather than fact, and encouraging students to study with open

minds and critical thinking skills. A handful of parents complained that the sticker restricted teaching evolution and promoted creationism and filed a lawsuit to prevent its use, claiming that such a sticker violated the Establishment Clause.

- ***Seidman v. Paradise Valley Unified Sch. Dist. No. 69,* 327 F. Supp. 2d 1098 (D. Ariz. 2004)**
  Paul and Ann Seidman of Scottsdale, Arizona, wanted to purchase tiles encouraging their children in the hallway of their local elementary school. They wanted the tiles to say "God bless Quinn. We love you Mom & Dad" and "God bless Haley. We love you Mom & Dad." However, the mention of the word "God" caused the Pinnacle Peak School District to reject the tiles' messages. Other tiles were accepted, and in the federal judge's words, "some nearly identical to the Seidmans' messages only from a secular viewpoint." The school refused to change their position, despite this being a clear case of viewpoint discrimination. After two years, the Seidmans received a court ruling in their favor.

- ***Demmon v. Loudoun County Public Schools,* 279 F. Supp. 2d 689 (E.D. Va. Aug. 28, 2003)**
  For a school fundraiser, people could purchase bricks and have text and symbols inscribed on them to be used in a sidewalk surrounding the school's flagpole. Some purchasers elected to have a Latin cross inscribed. A parent complained, so the school district removed all the crosses. A lawsuit was filed to protect this religious expression from censorship.

- ***Wigg v. Sioux Falls School District,* 274 F. Supp. 2d 1084 (D.S.D. Jul. 2, 2003)**
  The school district refused to allow a teacher to participate in a Good News Club meeting at the school after school hours, so the teacher filed suit to protect her right of assembly with the religious group. The court only partially protected her rights, ruling that she could attend Good News Club meetings, but arbitrarily determining that she only had the protected right to participate in meetings at schools other than the one in which she taught.

- ***Friesner v. Ogg,* No. 0:03-00893 (D. Minn 2003)**
  The Crosby-Ironton High School censored the "Lunch Bunch," a Christian group, from using flyers to describe their group or to promote the "See You at the Pole" event. A lawsuit had to be filed to protect the students' rights.

- ***Rusk v. Crestview Local Schools,* 220 F. Supp. 2d 854 (N.D. Ohio Aug. 7, 2002)**
  A school permitted nonprofits, including religious nonprofits, to submit flyers to the school for distribution to the students' mailboxes. A parent filed a lawsuit, objecting to the religious groups being able to submit flyers, even though the flyers did not advocate religion and were not proselytizing. The court halfheartedly upheld the religious groups' rights to utilize the mailbox distribution, but only permitted the groups to distribute certain messages and censored information relating to a religious or sectarian event.

- ***Daugherty v. Vanguard Charter School Academy,* 116 F. Supp. 2d 897 (W.D. Mich. Sept. 25, 2000)**
  Parents of children attending the academy claimed that the school violated the Establishment Clause because a moms' prayer group met in the parent room, teachers and staff prayed on their own accord on school property, religious materials were distributed in students' folders, a content-neutral forum, and the school taught morality. These parents filed a lawsuit to prevent the school from permitting the religious activity at the school.

- ***Peck v. Upshur County Board of Education,* 155 F.3d 274 (4th Cir. 1998)**
  A school board policy permitted religious groups to provide religious materials and Bibles to students on one designated day each school year. A lawsuit was filed to strike down the policy.

- ***Bauchman v. West High School,* 132 F.3d 542 (10th Cir. 1997)**
  A school choir's repertoire included Christian music and on occasion the group sang at a church. A Jewish choir student's family filed a lawsuit, essentially asking the court to censor the choir from singing any religious music. The case had to be fought all the way to the Tenth Circuit to prevent unlawful religious censorship.

- ***Chandler v. James,* 985 F. Supp. 1068 (M.D. Ala. Nov. 12, 1997)**
  Civil liberties activists filed a lawsuit because school officials permitted prayer at school functions, excused students from school for baccalaureate services, and permitted religious study with non-school persons during school hours. The court determined that this behavior violated the Establishment Clause and permanently enjoined the school board and public officials from accommodating religious activity in schools.

- ***Doe v. Duncanville I.S.D.,* 70 F.3d 402 (5th Cir. 1995)**
  A student and her father filed a lawsuit because the school permitted employees to be involved with student prayer after basketball games, permitted the choir to use a Christian song as its "theme song," and permitted the distribution of Gideon Bibles to fifth-grade classes. The court upheld the right of the choir to sing the religious song but struck down the employees' involvement with prayer, determining that such an exercise violated the Establishment Clause.

- ***Washegesic v. Bloomingdale Public Schools,* 33 F.3d 679 (6th Cir. 1994)**
  A portrait of Jesus Christ hung in a hallway of a school along with other portraits of famous individuals, and a former student filed suit against the school, asserting that the portrait was an Establishment Clause violation. The court agreed and ordered the picture removed.

- ***Minor I Doe ex rel. Parent I Doe v. School Board for Santa Rosa County, Florida,* 264 F.R.D. 670 (N.D. Fla. Feb. 19, 2010)**
  The Santa Rosa County School District entered into a Consent Decree drafted by the ACLU that prohibited students from saying "God Bless" and teachers from replying to parents' emails if they said "God Bless" in the email. School district employees were even prohibited from participating in non-school-related, privately sponsored, off-campus

religious events. Faculty and staff were also told to stop praying at privately sponsored after-school clubs. The school has now modified and clarified the decree to protect the religious liberties of its faculty and students.

- ***Gearon v. Loudoun County School Board,* 844 F. Supp. 1097 (E.D. Va. Dec. 22, 1993)**
  Parents and students filed a lawsuit challenging prayer at a high school graduation, and the court permanently enjoined the school from permitting prayer at graduation ceremonies.

- ***Duran v. Nitsche,* 780 F. Supp. 1048 (E.D. Pa. 1991)**
  Diana Duran, a fifth-grader and member of the Academically Talented Program, was assigned an independent study project, which she completed on "the power of God," a topic originally approved by her teacher. Her research included a survey of her classmates' religious beliefs, and the assignment included presenting her project to the class. However, school officials intervened and prevented Diana from successfully completing the project. A lawsuit was filed to protect her First Amendment freedoms, but the court held that she had no such rights in the classroom.

- ***Powell v. Bunn,* 59 P.3d 559 (Or. Ct. App. Dec. 11, 2002)**
  An Oregon school district allowed the Boy Scouts to present information on membership to students. A parent filed suit, claiming the policy violated the Establishment Clause.

- **Freedom From Religion Foundation Stops Official School Prayer, Sparking Protest**
  Lynn Lampkin, "'Prayer Protest' Held at Hernando Football Game," FOX Memphis, available at http://www.myfoxmemphis.com/dpp/news/Mississippi/prayer-protest-held-at-hernando-football-game-rpt-20110826 (Aug. 26, 2011)
  School officials in Desoto County, Mississippi, stopped the practice of leading prayer sessions over the high school football stadium PA system after receiving a threatening letter from Freedom From Religion Foundation. Students and their families protested the end of prayer by shaving their heads and carrying signs pledging allegiance to Christianity. Crowds began to gather around the flagpole during Friday night football games to pray.

- **California School Fundraiser Prohibits Religious Inscriptions on Bricks**
  http://www.foxnews.com/us/2011/06/14/california-school-district-cancels-fundraiser-after-submission-scripture/
  The Desert Sands Unified School District in California held a fundraiser in which donors could purchase bricks or benches. Purchasers were allowed to have the brick engraved with a message. The school district did not allow two donors to install bricks with Bible verses inscribed on the bricks. The two donors filed suit claiming unconstitutional viewpoint discrimination in a public forum. The claims were based on the Free Speech Clause, the Equal Protection and the Due Process Clauses of the Fourteenth Amendment, the Free Exercise Clause, and the Establishment Clause. The school district rescinded the fundraiser and returned the raised funds.

- **Students Prohibited from Wearing Religious Jewelry**
  Jay Sekulow, "Free Speech Victory in CO: School OK's Student Cross," ACLJ, available at http://aclj.org/school-prayer/free-speech-victory-in-co-school-ok-s-student-cross (Oct. 18, 2010)
  Students at Mann Middle School in Colorado Springs were told that they could no longer wear religious jewelry because some people at the school were "offended" by the display. Cainan Gostnell regularly wore a cross necklace to school. Concerned by the new rule, Gostnell sought legal assistance to preserve his right to wear the cross. After receiving a demand letter, the school assured Gostnell that he would not be punished.

- **Students Told to Stop Their "Christian" Actions**
  Liberty Counsel, "Students Told to Cease 'Christian' Acts," available at http://www.lc.org/index.cfm?PID=14102&AlertID=1149 (June 24, 2010)
  A group of Christian high school students in Roswell, New Mexico, distributed rocks with Bible verses painted on them and food, hot chocolate, and candy canes. The school did not object until the students distributed rubber models of preborn babies with Bible verses written on them. School officials confiscated all of the models and told the students that they needed to stop their "Christian" actions. Twenty-five of these students were later given detention for putting donuts with religious messages in the school's teachers' lounge.

- **Principal and Athletic Director Criminally Charged for Praying Over a Meal**
  Christina Leavenworth, "Pace High School's Frank Lay retires," FOX10tv.com, available at http://www.fox10tv.com/dpp/news/pace-high-schools-frank-lay-retires (May 21, 2010)
  Pace High School Principal Frank Lay and Athletic Director Robert Freeman were charged with criminal contempt because they prayed over a meal. The ACLU had received an injunction prohibiting school employees from promoting religion at school events. Lay and Freeman were found not guilty of violating the injunction.

- **School Agrees to End Discrimination Against Student Speech**
  http://oldsite.alliancedefensefund.org/userdocs/EBVoluntaryDismissal.pdf
  A Pennsylvania school barred a student from wearing a pro-life T-shirt that read, "Abortion is not Healthcare." After the student sued the school for state and federal violations, the school ended its policy prohibiting student expression promoting a particular religious denomination, sect, or viewpoint.

- **College Student Penalized for Choosing to Write About Religious Poem**
  Alliance Defense Fund, "Speak Up: Tarrant County College," available at http://www.speakupmovement.org/Map/CaseDetails?Case=231 (2010).
  Bethany Roden, a student at Tarrant County College in Texas, was assigned to write a response paper on two poems of her choice for an English composition class. Roden chose poems with religious themes and incorporated her religious beliefs into her essay. Her professors penalized her for including religious themes in her essay. Upon receiving a demand letter, the college changed Roden's grade from a B to an A.

- ***Hosier v. Schenectady City School District,* No. 1:10-CV-640 (2010)**
  Raymond Hosier, a seventh-grader from Schenectady, New York, was suspended from school for wearing rosary beads around his neck. The school had adopted a policy prohibiting rosary beads because they are sometimes used as a gang symbol. Hosier sued the school district for the right to wear the rosary beads. The case settled, and the court ordered the school to clear Hosier's record.

- **School Officials Confiscate Drawing of Jesus on the Cross and Recommend Psychological Testing**
  Brad Puffer, "Taunton, Mass. boy sent home from school for Jesus drawing," NECN, available at http://www.necn.com/Boston/New-England/2009/12/15/Taunton-Mass-boy-sent-home/1260897625.html (Dec. 15, 2009)
  The parents of a second-grader at Maxham Elementary School in Taunton, Massachusetts, criticized public school officials after their son was sent home from school for drawing a picture of Jesus dying on the cross. School faculty confiscated the student's drawing and recommended psychological testing. School officials denied the claims and said an examination was never issued. The boy's parents said the second-grader had scenes of Jesus' crucifixion on his mind after visiting a Catholic shrine with his parents.

- **High School Cheerleaders Prohibited from Using Religious Banner**
  http://www.chattanoogan.com/2009/9/29/159917/Attorney-Says-Students-Can-Make-Bible.aspx
  Cheerleaders at Lakeview-Fort Oglethorpe High School in Fort Oglethorpe, Georgia, made a banner saying "Commit to the Lord" that the football team burst through as they ran out onto the field. After several years, a parent complained about the banner and, to avoid litigation, the school ended its practice.

- **Community College Implemented Prohibitive Rules for Distributing Religious Literature**
  http://religionclause.blogspot.com/2009/01/suit-challenging-yuba-community.html
  Yuba Community College in California prohibited the distribution of religious material unless the school first approved the material and the material was only distributed during certain hours. Following a lawsuit, the school agreed to change the rules to allow students to share religious material on campus.

- **Student Penalized for Mentioning Jesus in a Christmas Poem**
  Liberty Counsel, "Sixth-Grader Penalized For Mentioning Jesus in His Christmas Paper at School," available at http://www.lc.org/index.cfm?PID=14102&AlertID=934 (Dec. 18, 2008)
  An eleven-year-old student in Hattiesburg, Mississippi, was penalized for mentioning Jesus in a Christmas poetry assignment. His teacher asked him to submit a rewrite of the poem. Upon being overruled by the principal, the teacher then refused to display the students' poems as promised.

- **Third-Grade Student Stopped From Reading Bible During "Reading Time"**
  Thomas More Law Center, "Thomas More Law Center Ensures Right Of Third-Grade Student To Read Bible In Public School," available at http://www.thomasmore.org/qry/page.taf?id=19&_function=detail&sbtblct_uid1=3&_nc=45ac96639e2d94aafe24cc62ceddb5a1 (July 23, 2007)
  Third-grade student Rhajheem Haymon was told that he could not read his Bible during quiet reading time. After receiving a demand letter laying out the reasons why Rhajheem should be allowed to read his Bible, the school reversed its policy.

- **Student's Religious Artwork Removed from School Mural**
  Doug Huntington, "Girl's Cross Put Back into School Mural," *Christian Post*, available at http://www.christianpost.com/news/girl-s-cross-put-back-into-school-mural-27748/ (Jun. 2, 2007)
  Thompson Junior High School in Oswego, Illinois, had the school's art department create a mural for the school. Each student in the art club was given a piece of the mural to work on. The principal ordered Melissa Yates' piece to be covered with blue paint, however, because she had drawn a cross on her piece. Following receipt of a demand letter, the school reversed its policy and allowed Yates' cross to be restored to the mural.

- **Students Suspended for Praying in Cafeteria**
  Gundrun Schultz, "12 Washington State High School Students Suspended for Public Prayer Group," LifeSiteNews.com (Mar. 6, 2007)
  A group of high school students started a before-school prayer meeting in the cafeteria. The school wanted the students to meet in a classroom where they would not be seen by other students. After the group insisted on praying in the cafeteria, they were suspended.

- **Sophomore Suspended for Distributing Religious Pamphlets at School**
  Kelly McCarthy, "Student suspended for passing out religious material," Student Press Law Center, available at http://www.splc.org/news/newsflash.asp?id=1083 (Sept. 30, 2005)
  Samantha Weatherholtz, a sophomore at Fort Defiance High School in Virginia, was suspended for three days for passing out religious pamphlets. Following the suspension, complaints caused the school to revise its speech policy.

- **Teacher Prevents Kindergarten Student from Giving Out Jellybeans With Religious Poem to Classmates**
  Rutherford Institute, "Institute Called On to Defend Kindergartner's Right to Religious Expression!" available at https://www.rutherford.org/publications_resources/on_the_front_lines/pr473 (Feb. 9, 2004)
  A teacher prevented a kindergarten student from giving out bags of jellybeans along with a religious poem entitled "The Jelly Bean Prayer" to classmates. The school's policy permitted students to distribute secular gifts but not religious gifts.

- **School Prohibits Students from Distributing Candy Canes with "Jesus Loves You"**
  Catholic League, "2002 Report on Anti-Catholicism: Education," available at http://www.catholicleague.org/education-9/ (Dec. 31, 2002)
  School officials in Reno, Nevada, prohibited students in a Bible club from distributing candy canes with the message "Jesus Loves You" attached to them. After the club sought legal assistance, the school reversed its policy.

- **Teacher Prevents Kindergarten Student from Praying Before Snacks**
  Frank J. Murray, "Federal Court Hears Lawsuit Over Kindergarten Christian; New York Schools May Relent, May Let Tot Say Grace at Meals," *Washington Times*, April 12, 2002
  Kindergartner Kayla Broadus prayed, "God is good. God is great. Thank you, God, for my food," with two classmates at her school in Saratoga Springs, New York, at the snack table before they ate their snack. Her teacher silenced the prayer, scolded Kayla, and informed the school's lawyer. A lawsuit ensued over the child's prayer.

- **ACLU Attempts to Remove "God Bless America" Sign Posted at School Following 9/11**
  Ryan McCarthy, "School Rallies to Retain Sign; The ACLU Says the Message 'God Bless America' Divides Kids by Religion and is Unconstitutional," *The Sacramento Bee* (Oct. 6, 2001)
  In the wake of Sept. 11, 2001, Breen Elementary School posted a sign that said "God Bless America." The ACLU intervened in an attempt to have the sign removed, calling it a clear violation of the U.S. and California constitutions.

- **Elementary School Student Punished for Praying Before Meals**
  Joan Little, "City Schools Issue Rules About Students, Religion," *St. Louis Post-Dispatch*, July 11, 1996, at 2B
  Elementary school student Raymond Raines was "caught" praying over his meal at his elementary school. He was lifted from his seat and reprimanded in front of all the other students, then taken to the principal who ordered him to cease praying in school.

- **School Administrators Worried About Students Reading Bibles During Lunch Breaks**
  Barbara Vobejda, "School Officials Weigh Sachs' Ruling on Religious Gatherings," *Washington Post*, Dec. 8, 1984 at B3
  Maryland's Attorney General ruled that Catonsville High School students could continue their informal religious activity of gathering to read the Bible during their Thursday lunch hours. School administrators were worried about the ruling because they feared it would create problems in a "sensitive area."

2. Teachers and School Administrators

- ***Hosanna-Tabor Evangelical Lutheran Church & School v. EEOC*, 132 S. Ct. 694 (2012)**
  Cheryl Perich, a teacher at Hosanna-Tabor Lutheran School, was fired for threatening to sue the school after she was asked not to return because she had narcolepsy. Perich sued under the Americans with Disabilities Act. In response, the school argued its right to hire or fire Perich based on the "ministerial exception," which legally protects the rights of

churches to select its religious leaders without government interference. The Supreme Court upheld the ministerial exception and specified that government regulation of the hiring and firing of ministers would violate both the Free Exercise Clause and the Establishment Clause.

- ***John Doe, 3 v. Elmbrook School District,* No. 10-2922 (7th Cir. 2012) (en banc)**
  Plaintiffs sued the Elmbrook School District in Wisconsin, claiming its practice of using a Christian church as the locale for the high school's annual graduation ceremony violated the Establishment Clause of the First Amendment. The district court granted the school district's motion for summary judgment. The plaintiffs appealed to the Seventh Circuit, which held that the practice of holding the ceremony in a church "did not constitute governmentally coerced participation in religion," did not qualify as an endorsement of religious practices or beliefs, and did not entangle the state with religion. The Seventh Circuit then granted *en banc* review, however, and reversed the lower decisions, holding that holding graduation in a church violated the Establishment Clause.

- ***Hamilton v. Southland Christian Sch., Inc.*, 680 F.3d 1361 (11th Cir. 2012)**
  A teacher was fired from a Christian school because she engaged in pre-marital sex. The teacher sued the school under Title VII, claiming that she was fired because she was pregnant. The district court dismissed the case, but the Eleventh Circuit reversed, holding that the teacher may sue the school. The Eleventh Circuit acknowledged *Hosanna-Tabor* and the ministerial exception but noted that the school did not raise the ministerial exception until the appellate level, which was too late.

- ***Moss v. Spartanburg County Sch. Dist. Seven*, 2012 WL 2445028 (4th Cir. 2012)**
  Parents of two Spartanburg County High School students sued Spartanburg County School District alleging a violation of the Establishment Clause because of the school's release time program under which students are permitted to take religious instruction offered by private educators and receive up to two academic credits. After the district court granted summary judgment to the school district, the parents appealed, and the Fourth Circuit held that the school's program is constitutional.

- ***Adams v. The Trustees of the University of North Carolina-Wilmington*, 640 F.3d 550 (4th Cir. 2011)**
  A professor at the University of North Carolina-Wilmington was denied a promotion based on the religious and political views he expressed in his columns and speeches. The Fourth Circuit overturned the lower court by holding that the professor's speech was constitutionally protected private speech.

- ***Johnson v. Poway Unified School District,* 658 F.3d 954 (9th Cir. 2011)**
  Bradley Johnson, a public school teacher, sued the Poway Unified School District in San Diego, claiming the district violated his right to free speech, the Establishment Clause, and his right to Equal Protection under the law when the district forced him to remove banners referring to God from his classroom. The case made it to the Ninth Circuit Court of Appeals, which held that the Poway Unified School District's decision to force the removal of the materials did not violate any of the Constitutional rights asserted by

Johnson.

- ***Farnan v. Capistrano Unified School District,* 654 F.3d 975 (9th Cir. 2011)**
  History teacher James Corbett of Mission Viejo, California, was accused of violating the Establishment Clause by making derogatory comments about religious faith in the classroom. The dispute arose after he called creationism "superstitious nonsense." The Ninth Circuit held that Corbett was entitled to qualified immunity because whether such comments violate the Establishment Clause is not clearly established. The Ninth Circuit refused to decide that issue.

- ***Borden v. School District of the Township of East Brunswick,* 523 F.3d 153 (3d Cir. 2008)**
  Marcus Borden, the head football coach at East Brunswick High School, often engaged in silent acts of prayer such as bowing his head to say grace prior to eating or taking a knee with his team during a locker-room prayer. He filed a suit to declare that he was allowed to engage in the silent behavior despite the East Brunswick School District's policy prohibiting faculty participation in student-initiated prayer. The district court found that Borden's acts did not violate the Establishment Clause, but the Third Circuit found that Borden's activities would lead a reasonable observer to conclude that Borden was endorsing religion.

- ***Curay-Cramer v. The Ursuline Academy of Wilmington, Delaware, Inc.,* 450 F.3d 130 (3d Cir. 2006)**
  Michele Curay-Cramer, a teacher at Ursuline Academy, was fired from her position at the Catholic school after she signed her name to a pro-choice ad in a local newspaper. School officials asked Ms. Curay-Cramer to withdraw her support for the pro-abortion position (one that was in direct opposition to Catholic teaching) or lose her job. Ms. Curay-Cramer refused and instead took the school to court. The courts ruled in favor of the Academy, however, and affirmed the school's First Amendment rights.

- ***Barrow v. Greenville I.S.D.,* 332 F.3d 844 (5th Cir. 2003)**
  Karen Jo Barrow was denied an assistant principal position because she refused to remove her children from a private Christian school. The U.S. District Court in Dallas ruled against Ms. Barrow, arguing that the right of parents to choose private education was not a fundamental right. The Fifth Circuit Court of Appeals, however, found that the superintendent had violated Ms. Barrow's constitutional parental rights and awarded Ms. Barrow lost wages and punitive damages.

- ***Roberts v. Madigan,* 921 F.2d 1047 (10th Cir. 1990)**
  Mr. Roberts' class had a silent reading period daily, and Mr. Roberts had a library of 239 books, two of which dealt with Christianity, from which the students could select reading material. Mr. Roberts participated in the reading period, often choosing to read his Bible, and he kept the Bible on his desk during the school day. The school principal censored Mr. Roberts, forbade him from placing his Bible on his desk during the school day and from reading it during the school day, and forbade him from keeping the two Christian books in the library. A lawsuit was filed to end the religious bigotry against

Mr. Roberts, but the court upheld the school's action and even awarded the school district court costs.

- ***Dixon v. University of Toledo,* No. 3:08-2806, 2012 U.S. Dist. LEXIS 14934 (N.D. Ohio Feb. 6, 2012)**
  University of Toledo professor Crystal Dixon was fired for writing a newspaper editorial about her religious views opposing homosexuality. The district court held that Dixon's speech was not protected.

- ***Richter v. Goleta Union School District,* No. 10-7609 (C.D. Cal., Oct. 12, 2011)**
  Craig Richter, a principal in the Goleta Union School District in Santa Barbara, California, participated in a video made to promote a community prayer breakfast that honored teachers. The school district fired the principal on the grounds that his participation in the video implied that the school supported Christian values as well. Richter sued under Title VII, but the district court granted summary judgment in favor of Goleta Union School District.

- ***Fields v. City of Tulsa,* No. 4:11-00115 (N.D. Okla. 2011)**
  Paul Fields, a police captain, was stripped of his command and is in the midst of an internal investigation because he declined to attend or force his officers to attend a lecture by Imam Siraj Wahhaj, a Sharia Muslim who promotes the destruction of Western civilization, put on by a mosque in Tulsa, Oklahoma. The mosque's event was in no way connected with Field's work as a police officer and was voluntary in nature.

- ***Sabol v. Walter Payton Coll. Preparatory High School,* 804 F. Supp. 2d 747, 751 (N.D. Ill. 2011)**
  A U.S. District Court for the Northern District of Illinois held that a teacher's asking a student if he or she believed in God and making other comments about God, when questioning the student about an infraction, does not violate the Establishment Clause.

- ***Braun v. St. Pius X Parish,* 827 F. Supp. 2d 1312 (N.D. Okla. 2011)**
  A former teacher sued a Catholic school for religion and age discrimination. A U.S. District Court for the Northern District of Oklahoma granted summary judgment for the school because Title VII of the 1964 Civil Rights Act permits religious institutions to make employment decisions based on religion and there was no evidence of age discrimination.

- ***Nichol v. ARIN Intermediate Unit 28,* 268 F. Supp. 2d 536 (W.D. Penn. Jun. 25, 2003)**
  The Pennsylvania School Code prohibits teachers from wearing "a cross, yarmulke, or other religious symbol in the classroom," and states that teachers who do so "could be suspended from teaching for one year, and multiple offenses could lead to permanent disqualification. School board members could be held criminally liable for failing to enforce the prohibition." Brenda Nichol, a teacher's aide, was told by school administration that she could not wear a cross necklace. Upon refusing to comply, Nichol was suspended. The district court granted a preliminary injunction stopping enforcement of the Pennsylvania law, and the case settled.

- **Catholic School Threatened with Lawsuit for Firing Teacher for Religious Reasons**
  The News-Sentinel, "Fort Wayne-South Bend diocese denies teacher's discrimination allegations," available at http://www.news-sentinel.com/apps/pbcs.dll/article?AID=/20120425/NEWS/120429677/1005/FOOD (Apr. 25, 2012)
  A Catholic school in Ft. Wayne, Indiana, fired Emily Herx for undergoing in vitro fertilization (IVF) despite Catholic beliefs opposed to the procedure. Herx had signed an agreement when she began teaching at the school that said she would recognize and follow Catholic teachings. Herx filed suit against the school for firing her for undergoing the IVF treatment.

- **Iowa State University Bans Students from Exploring Biblical Insights Into Business Management**
  http://www.iowastatedaily.com/news/article_70ce5c96-4096-11e1-ac1d-0019bb2963f4.html
  Despite implementation by successful businesses such as Hobby Lobby and Chik-Fil-A, and the growing interest in spirituality's role in successful businesses, Iowa State University, joined by the ACLU, derailed a plan for its students to examine biblical insights into business management. After the course was first approved, twenty faculty members objected to it, purporting to be concerned about academic rigor, and that it established state religion for First Amendment purposes.

- **Assistant Principal Sued Principal for Including Religious Sentiments in Email**
  http://religionclause.blogspot.com/2011/11/assistant-principal-sues-over.html
  The assistant principal of a Clay County, Florida, public school is suing his boss, the principal, for including religious statements in emails. The assistant principal is seeking an injunction against further religious or political emails based on the Establishment Clause and the Free Exercise Clause.

- **Freedom From Religion Foundation Opposes Minister Praying at Graduation**
  http://www.ffrf.org/uploads/legal/gilescounty_letter.pdf
  Freedom From Religion Foundation (FFRF) sent a letter of complaint to Giles County, Tennessee, school for inviting a minister to pray at the kindergarten graduation ceremony.

- **Professor Fired for Teaching Catholic View of Homosexuality in "Introduction to Catholicism" Class**
  Diane Macedo, "University of Illinois Reinstates Instructor Fired Over Catholic Beliefs," Fox News, available at http://www.foxnews.com/us/2010/07/09/university-illinois-reinstates-instructor-fired-catholic-beliefs/ (July 9, 2010)
  Dr. Kenneth J. Howell, an adjunct profess at the University of Illinois, was fired from his position after a lecture on the Catholic view of homosexuality set off a firestorm of "insensitivity" complaints on campus. Although Dr. Howell had given the same lecture for nearly ten years to his Introduction to Catholicism class, this was the first time it had sparked such debate. After Dr. Howell's attorneys sent a letter to the university

threatening legal action if Dr. Howell's First Amendment rights were not respected, the university agreed to reinstate him as a member of the faculty.

- **Freedom From Religion Foundation Threatened Polk County, Florida, With a Lawsuit if the Polk County School Board Continued to Pray at Meetings**
  http://www.newschief.com/article/20110205/NEWS/102055127/1021/news01?p=1&tc=pg
  The Freedom From Religion Foundation threatened a lawsuit against the Polk County School Board if the board continued to pray at its meetings. In response, the board added a disclaimer to its board meeting agendas, which reads, "Voluntary invocation may be offered before the opening of the School Board meeting by a private citizen. The views or beliefs expressed in the invocation have not been reviewed nor approved by the School Board, and the Board is not allowed, by law, to endorse the religious beliefs or views of this, or any other speaker."

- **School Under Attack for Saving Money by Holding Graduation in a Church**
  http://www.ajc.com/news/cherokee-fight-over-graduations-766049.html
  A Cherokee County, Georgia, public school holds its graduation ceremony in a church. Americans United for Separation of Church and State spoke out against the practice, claiming that holding graduation ceremonies in a church violated the students' constitutional rights. The school claims, however, that it holds graduation in the church because it saves tens of thousands of dollars. A similar secular venue would be much more expensive, and the school gym would not accommodate all of the attendees.

- **EEOC Tells Catholic College It Must Cover Contraceptives In Its Health Insurance**
  Charlotte Allen, "The Persecution of Belmont Abbey," *The Weekly Standard,* available at http://www.weeklystandard.com/Content/Public/Articles/000/000/017/093aasuz.asp?page=1 (Oct. 26, 2009)
  When an employee of Belmont Abbey College, a private college established by Benedictine monks, discovered the college's health care policy provided for contraceptives and abortion services, the college president immediately moved to harmonize the policy with Catholic teaching. Eight faculty members objected and filed a complaint with the Equal Employment Opportunity Commission. After initially ruling in support of the college, the EEOC then reversed its opinion and declared the college *had* engaged in gender discrimination by denying oral contraceptives to its female employees.

- **FFRF Stops Algebra Teacher from Praying with Students**
  Freedom From Religion Foundation, "FFRF halts prayer in high school algebra class," available at http://ffrf.org/legal/challenges/ffrf-halts-prayer-in-high-school-algebra-class/
  A Lenoir City, Tennessee, student complained to the Freedom From Religion Foundation (FFRF) that his former Algebra II teacher prayed with students before their final exams. FFRF wrote a letter to the superintendent. The school's superintendent stopped the prayers, and the teacher apologized in writing.

3. Private Organization: Clubs & Outsiders Seeking Access to Schools [In the Schoolhouse – Equal Access]

- ***Christian Legal Society Chapter of the University of California, Hastings College of the Law v. Martinez,* 130 S. Ct. 2971 (2010)**
  In 2004, the Christian Legal Society (CLS) filed a lawsuit against Hastings College of the Law in San Francisco for not giving the CLS chapter at Hastings College official recognition due to the CLS's refusal to comply with the school's nondiscrimination policy. A district court ruled in favor of Hastings College. The Ninth Circuit Court of Appeals upheld their ruling. In January of 2010, the Supreme Court agreed to intervene in the case. About eighteen organizations petitioned the Supreme Court to encourage them to uphold the right of religious organizations to determine the requirements for their own membership. The Supreme Court, however, affirmed the decisions of the lower courts.

- ***McGlone v. Bell,* 681 F.3d 718 (6th Cir. 2012)**
  John McGlone wanted to share the gospel and distribute religious tracts in the public areas of the Tennessee Technological University. The university demanded that McGlone first receive a permit to share the gospel and distribute the tracts. A district court ruled in the university's favor, but the Sixth Circuit overturned the district court, holding that the university's requirement was unreasonable.

- ***Badger Catholic, Inc. v. Walsh,* 620 F. 3d 775 (7th Cir. 2010)**
  Badger Catholic, a student organization at the University of Wisconsin-Madison, was denied reimbursement for religious events. Badger Catholic filed a lawsuit. The Seventh Circuit held that the University of Wisconsin-Madison was engaging in viewpoint discrimination and must allow reimbursements for religious events as well as secular.

- ***Beta Upsilon Chi Upsilon Chapter at the University of Florida v. Machen,* 586 F.3d 908 (11th Cir. 2009)**
  Beta Upsilon Chi, a Christian fraternity whose members and officers profess faith in Jesus Christ and adhere to a Code of Conduct, was denied official recognition by the University of Florida. The university rejected the fraternity's application because the group allowed only males to join and restricted membership based on religious belief. After being sued, the university modified its policy to allow an exception for religious organizations, and Beta Upsilon Chi was recognized as an official student organization.

- ***Roark v. South Iron R-1 School District,* 573 F.3d 556 (8th Cir. 2009)**
  For thirty years, South Iron Elementary School had permitted the Gideons to distribute Bibles to the students. A student sued, claiming that the distribution of Bibles in school violated the Establishment Clause. The district court prohibited the distribution, and the court of appeals affirmed.

- ***Rogers v. Mulholland,* 2012 WL 1565091 (D. R.I. May 4, 2012)**
  A federal district court in Rhode Island decided that the use of city athletic fields by private schools did not violate the Establishment Clause because the fields were being used in a secular way. An objective observer would not view the use by private schools as a sign that the city favored a certain religious view.

- ***McGlone v. Cheek,* 3:11-CV-405, 2012 WL 523659 (E.D. Tenn. Feb. 15, 2012)**

John McGlone, wanting to preach on campus, was denied access to the University of Tennessee's campus because student groups would not sponsor his message. A Tennessee federal district court held constitutional the school policy requiring outside speakers to obtain an invitation from student, faculty, or staff before speaking on campus.

- ***World Changers of Florida, Inc. v. District School Board of Collier County, Florida,*** **No. 2:10-00419 (M.D. Fla. Nov. 2, 2010)**
  For several years, World Changers had been allowed to place free Bibles on tables in Collier County schools where the Bibles could be voluntarily taken. On Religious Freedom Day 2009, however, the school board stopped the tradition. World Changers filed a lawsuit, which settled favorably, ensuring that World Changers may continue to provide free Bibles to students who want them.

- ***Christian Legal Society v. Eck,*** **625 F. Supp. 2d 1026 (D. Mont. May 19, 2009)**
  The University of Montana School of Law de-recognized the school's chapter of the Christian Legal Society (CLS), because CLS requires voting members and officers to adhere to a Statement of Faith. CLS sued to gain official recognition and access to funds, but the court held that CLS' policy on sex being reserved for marriage violated the law school's diversity statement, allowing the school to freely discriminate against CLS.

- ***Jews for Jesus, Inc. v. City College of San Francisco,*** **2009 WL 86703 (N.D. Cal. April 15, 2009)**
  City College of San Francisco refused to allow Jews for Jesus to evangelize or distribute religious literature on its campus. After Jews for Jesus filed a lawsuit against the college, the college agreed to allow Jews for Jesus to distribute its flyers on campus so long as Jews for Jesus notified the school ahead of time.

- ***H.S. v. Huntington County Community School Corporation,*** **616 F.Supp.2d 863 (N.D. Ind. Mar. 19, 2009)**
  An elementary school in Huntington County, Indiana, allowed students to be released to religious instruction time for thirty minutes each week if their parents signed a permission slip. A local church that conducted the religious instruction parked a trailer in the school parking lot during the instruction time. A parent of a student complained that the school should not allow the instruction to occur on school property. A federal district court agreed with the parent and issued an injunction against religious instruction occurring on school property.

- ***A.Q. v. Board of Education of Lindenhurst Union Free School District,*** **No. ____ (E.D.N.Y., filed Jan. 30, 2009)**
  A.Q., a student at Lindenhurst High School in Lindenhurst, New York, wanted to have Bible Club at the school. The school repeatedly refused to recognize Bible Club as an official club because the board claimed it would violate the Establishment Clause. A lawsuit was filed against the school district for violating the student's rights to free speech, religion, equal protection, and due process. After the suit was filed, the school agreed to recognize the club and give it the full rights afforded to other clubs.

- ***Child Evangelism Fellowship of Virginia v. Williamsburg-James City County School Board,* No. 4:08cv4, 2008 U.S. Dist. LEXIS 61392 (E.D. Va. Aug. 8, 2008)**
  A school board in Williamsburg, Virginia, allowed several non-profit after-school programs for students to use school facilities for free. The board required that Child Evangelism Fellowship (CEF), a religious organization, pay to use school facilities. CEF sued the school board, challenging the discrimination. A federal district court held that charging CEF to use school facilities while providing facilities for free to other organizations is unconstitutional.

- ***Cordova v. Laliberte,* No. 1:08-00543 (D. Idaho 2008)**
  Boise State University (BSU) denied the Christian Legal Society (CLS) funding from student activity fees. BSU already funded other student groups, including an atheist society. After facing a lawsuit from the CLS, BSU rewrote its policies for student activity fee distribution to provide protection for all students. The school also amended its policies to allow student groups to limit their leadership to those who share the groups' beliefs and conduct themselves according to those beliefs.

- ***Christian Legal Society v. Sorenson,* No. 3:08-99999 (D.S.C. 2008)**
  The Christian Legal Society (CLS) chapter at the University of South Carolina was denied funding on the basis that it was a religious organization. The university barred religious organizations from receiving funding, while all other student groups were permitted to receive funding. The CLS chapter sued, and they reached a settlement with the university allowing for equal funding of all student organizations.

- ***Wayne State University Students for Life v. Driker,* No. 2:08-13181 (E.D. Mich. 2008)**
  Wayne State University requires all students to pay a student activities fee, a portion of which supports student organizations on campus. When the Wayne State University Students for Life requested funding for its Pro-Life Week 2008, the university refused because the event included "spiritual and religious references." After Students for Life eliminated these elements, the university still refused to release funds because they deemed the event "offensive" to women. Not until Students for Life filed suit did Wayne State officials finally reverse their position.

- ***ALIVE v. Farmington Public Schools,* No. 07-12116, 2007 U.S. Dist. LEXIS 65326 (E.D. Mich. Sept. 5, 2007)**
  A high school in Farmington, Michigan, refused to recognize the ALIVE Bible club as a student club. Without recognition, ALIVE could not advertise over the school's PA system, use the school's bulletin board, or appear in the school's yearbook. A federal district judge granted a permanent injunction allowing the group to have equal opportunities as other student groups.

- ***Christian Legal Society Chapter at Arizona State University College of Law v. Crow,* No. CV 04-2572, 2006 U.S. Dist. LEXIS 25579 (D. Ariz. 2006)**
  The Christian Legal Society (CLS) requires its members to agree with CLS's statement of faith. Arizona State University denied its CLS chapter from becoming an official student

organization because requiring agreement with a statement of faith did not comply with the university's religious nondiscrimination policy. CLS filed a lawsuit and received a favorable settlement. Arizona State University now allows religious student groups to limit membership to those who share their religious beliefs.

- ***DiscipleMakers, Inc. v. Spanier,* No. 4:04-02229 (M.D. Penn. 2005)**
  DiscipleMakers Christian Fellowship challenged a Pennsylvania State University policy that banned student organizations from taking into account the religious views or sexual orientation of those seeking to become an officer in the club. After the lawsuit was filed, the case settled and the university agreed to change its policies to allow student organizations to create their own guidelines for selecting officers.

- ***Christian Legal Society Chapter of the University of Toledo v. Johnson,* No. 05-7126 (N.D. Ohio Jun. 16, 2005)**
  In 2005, the Christian Legal Society (CLS) national office redrafted its constitution. The University of Toledo CLS chapter submitted the new constitution to the Office of Student Activities. The assistant director of Student Activities told the chapter that he would not approve the new constitution unless they removed scriptural references and added anti-discrimination language. He threatened that the group would lose recognition unless they did what he asked. CLS filed a lawsuit. The University of Toledo agreed to a settlement and, as a result, allowed the CLS chapter to keep the new constitution. The university also agreed to allow other student clubs to make references to religious texts in their constitution.

- ***Thomas v. Boren* (W.D. Okla. 2004)**
  Rick Thomas, editor of a Christian student newspaper at the University of Oklahoma, applied for funds to cover printing costs. Thomas was awarded only $150, while similar newspapers were awarded in excess of $4,000. The student committee responsible for the allocation of funds claimed that they could not award the newspaper with more money because they were prohibited from using student funds for religious services. After Thomas sued, the university settled and provided sufficient funds to print the newspaper.

- ***Harrison v. Gregoire,* No. 02-2-01831-3 (Super. Ct. Wash. 2002)**
  The University of Washington and Eastern Washington University both enforced policies that barred student teaching at religious schools. The universities cited the "Blaine Amendment," which called for a strict "separation of church and state." Carolyn Harrison and Rene Penhallurick, teaching students at the universities, hoped to complete their student teaching at religious schools but were denied the opportunity. The students sued. As a result of the lawsuit, the State of Washington's policy now requires that universities either allow or deny student teaching at private schools regardless of religious status. The University of Washington changed its policies, allowing Harrison to teach at a Jesuit school. Eastern Washington University decided to prohibit student teaching at any private school.

- **Owasso, Oklahoma, Schools Prohibited Christian Organization from Distributing Information**
  http://www.fox23.com/news/local/story/Settlement-reached-in-lawsuit-against-Owasso/1HRD9EtuVEaUb43OFoYU8Q.cspx
  Owasso Public Schools banned members of a Christian organization from handing out information to students and teachers. Once Owasso Kids for Christ filed suit, the parties reached a settlement in which religious organizations were allowed to put flyers on a bulletin board and an information table, and the school paid $20,000 in attorney's fees.

- **Freedom From Religion Foundation Stops Alabama Community's Tradition of Bible Stories at Schools**
  http://www.al.com/living/index.ssf/2012/02/bible_man_okd_by_jackson_count.html
  For thirty-five years, Jackson County, Alabama, invited "Bible Man" to visit its schools and share Bible stories with elementary school students. In December of 2012, the Freedom From Religion Foundation filed a complaint forcing the community to stop this tradition at one of its schools and to silence organized prayer for football players at a local church. The Jackson County community is determined to find a way to keep their community traditions.

- **ACLU Investigates School Because It Scheduled Motivational Speakers Through the Fellowship of Christian Athletes**
  http://www.columbiamissourian.com/stories/2012/01/01/aclu-objects-missouri-school-districts-religious-speakers/
  The ACLU investigated a school because it scheduled motivational speakers sponsored by the Christian Fellowship of Athletes. The ACLU obtained school emails in search of any information sufficient to raise First Amendment complaints. It ended up singling out the district guidance counselor's email about the speakers because it made religious references, and also the FCA student members for handing out cards at the school's baseball stadium advertising "Field of Faith." The ACLU had to settle with merely warning the school that it risked violating the First Amendment's Establishment Clause.

- **Complaints Against School for People Offering to Pray with Students Before AP Test**
  http://www.wsbtv.com/news/news/prayer-at-test-site-continues-despite-school-compl/nFB8b/
  Students at a Georgia high school took an AP test at a local church due to overcrowding concerns at the school. When they arrived, church members were there offering to pray with students before the test. Some parents and students were offended and complained to the school that students were subjected to voluntary opportunities for prayer.

- **ACLU Attacks the Distribution of Gideon Bibles in Tennessee School**
  http://www.aclu.org/religion-belief/aclu-tennessee-stops-unconstitutional-bible-distribution-white-county-school
  A parent complained after a Gideon Bible was distributed to her daughter during school. The ACLU stepped in and settled the case with the school. Bibles can now only be distributed when paired with non-religious materials, contact with religious distributors is limited, the religious texts are not emphasized over the non-religious texts, and clear disclaimers of school endorsement are posted at the distribution site.

- **School Forced to End Discrimination Against Religious Groups**
  http://www.onenewsnow.com/Legal/Default.aspx?id=1501302
  A Long Island, New York, school refused to recognize student religious groups in violation of the Equal Access Act, which prohibits discrimination against student religious organizations in public schools. After a lawsuit was filed, the school reversed its decision and agreed to recognize student religious organizations in compliance with the Equal Access Act.

- **Residents and Teachers Prohibited from Praying at School Flagpole Following Letter from the Freedom From Religion Foundation**
  http://jacksonville.com/news/metro/2011-12-16/story/clay-school-board-rescinds-injunction-against-pastor
  Freedom From Religion Foundation complained to a Jacksonville, Florida, school about privately-organized, weekly prayers around its flagpole before school begins, which had occurred for the previous twelve years. In response, the county school board requested the prayers to stop. When the prayers continued, the school board placed an injunction against the minister leading them, making it illegal for him to visit any of the district's schools—even to visit his grandchildren. The injunction was only lifted after the pastor promised to stay off of campuses.

- **University of North Dakota Refuses to Recognize Christian Medical and Dental Association**
  Alliance Defense Fund, "Speak Up: University of North Dakota," available at http://www.speakupmovement.org/Map/CaseDetails?Case=208 (2010)
  The University of North Dakota refused to officially recognize the school's chapter of the Christian Medical and Dental Association (CMDA). Without formal recognition, the CMDA was barred from receiving funding and publicizing its meetings. The university denied CMDA the right to fully function because the group restricts membership to those who adhere to the association's Christian beliefs. After a lawsuit was threatened, the university recognized CMDA and changed its policy to recognize the rights of religious organizations to maintain their religious integrity.

- **University of Mary Washington Bans All Religious and Political Student Groups**
  Alliance Defense Fund, "Speak Up: University of Mary Washington," available at http://www.speakupmovement.org/Map/CaseDetails?Case=233 (2010)
  Robert Simpson wanted to start a Christian group on campus at the University of Mary Washington, but the university required that he agree to their nondiscrimination policy and refused to recognize any religious or political group. After receiving a demand letter, the university changed its policies so as to not violate the right to free association or free speech.

- **Univ. of Wisconsin-Madison Denied Funding to Student Group that is "Too Religious"**
  Alliance Defense Fund, "Speak Up: University of Wisconsin-Madison," available at http://www.speakupmovement.org/Map/CaseDetails?Case=240 (2010)
  The University of Wisconsin-Madison Roman Catholic Foundation (UWMRCF) was denied funds from the student activity fee funding on the grounds that the organization

was "too religious." The UWMRCF appealed to the Student Judiciary. The Freedom From Religion Foundation pressured the Student Judiciary to withhold funding, but the Student Judiciary reversed the university's decision and granted the funding.

- **University Prohibits Student Organization from Hosting Event with Prayer and Invitation to Follow Christ**
  Alliance Defense Fund, "Speak Up: University of Texas-Pan American," available at http://www.speakupmovement.org/Map/CaseDetails?Case=226 (2010)
  The University of Texas-Pan American did not allow a student group, Chi Alpha, to host an event at which a guest speaker would lead prayer and have a call to follow Christ. After receiving a demand letter, the university allowed the event to be held.

- **Ohio University Refuses to Recognize Christian Student Organization**
  Alliance Defense Fund, "Speak Up: Wright State University," available at http://www.speakupmovement.org/Map/CaseDetails?Case=252 (2010)
  In 2009, Wright State University (WSU) in Ohio refused to recognize Christian Bible Fellowship (CBF) as a student club. WSU said that recognition was denied because CBF required voting members to abide by Articles of Faith and because CBF refused to include nondiscrimination terms in its constitution. After receiving demand letters, the university allowed CBF to keep faith-based membership and exempted the group from the nondiscrimination policy.

- **Texas A&M Rejects Christian Organization for Requiring Members to be Christian**
  Alliance Defense Fund, "Speak Up: Texas A&M University," available at http://www.speakupmovement.org/Map/CaseDetails?Case=230 (2010)
  In 2009, Texas A&M University refused to approve Freshman Leaders in Christ's (FLIC) constitution unless it removed a provision that required members to be Christian. After receiving a demand letter, Texas A&M allowed FLIC to remain a student organization and keep their constitution.

- **Religious Education Program Stops In-School Classes Following Threat of Lawsuit**
  http://www.journalgazette.net/article/20100826/LOCAL04/308269981
  The Weekday Religious Education program has been in Ft. Wayne, Indiana, for over sixty years and has been providing in-school classes for twenty. When a lawsuit was filed against the program, however, the program closed down the in-school instruction. Weekday Religious Education now only exists as an after-school program.

- **Miami University of Ohio Discriminates Against Religious Clubs in Distributing Funds**
  Alliance Defense Fund, "Speak Up: Miami University of Ohio," available at http://www.speakupmovement.org/Map/CaseDetails?Case=217 (2010)
  Miami University of Ohio used a two-tiered system to unevenly distribute funds to student clubs depending upon the club's mission. All religious groups were funded out of a limited fund of approximately $10,000. Non-religious groups were funded out of a general fund of $350,000. Furthermore, restrictions were placed on money from the limited fund that did not exist on money from the general fund. After being sued over this

two-tiered system, the university eliminated the funding system and granted a more equitable distribution of funds to all student groups.

- **Brown University Suspends Religious Student Organization**
  FIRE, "Brown University: Wrongful Suspension of Religious Student Group," available at http://thefire.org/case/728.html (2009)
  Brown University officials suspended a Christian student group, the Reformed University Fellowship. Brown's Office of the Chaplains and Religious Life gave unclear reasons for the suspension. After weeks of public pressure, the Brown administration sent a letter to Reformed Uniformed Fellowship allowing the group to re-affiliate.

- **Minnesota Schools Leave American Legion Out of Veteran's Day Because of Prayer**
  http://www.startribune.com/local/west/69720847.html?page=1&c=y
  Bloomington School District in Minnesota cut the American Legion out of its traditional Veteran's Day ceremony because the American Legion had said a prayer during the ceremony in the past. In response, the American Legion withheld $30,000 in scholarships normally given to the schools, and other organizations refused to participate in the ceremony because of the school district's treatment of American Legion.

- **College Bans Christian Organization from Showing The Passion of the Christ**
  FIRE, "Indian River Community College: Ban on 'The Passion of the Christ' and Repression of Free Speech," available at http://thefire.org/case/661.html (2009)
  Indian River Community College (IRCC) in Fort Pierce, Florida, prohibited the Christian Student Fellowship from showing *The Passion of the Christ.* IRCC claimed the prohibition was consistent with its policy prohibiting the showing of R-rated movies. However, IRCC had previously allowed the viewing of an R-rated film, *Welcome to Sarajevo,* as well as the performance of a skit call "F**king for Jesus." After facing intense media scrutiny, IRCC administrators overturned the prohibition.

- **Pennsylvania School Refused Recognition of Good News Club**
  http://religionclause.blogspot.com/2009/01/pennsylvania-good-news-club-flyer-case.html
  The Good News Club was blocked from becoming an official club by Haverford, Pennsylvania, public schools. After a suit was filed against the school district, however, a settlement was reached in which the Good News Club would become an official school club and the school district would pay attorneys fees.

- **Carmel, California, Schools Ban Good News Clubs from Distributing Flyers to Students**
  Liberty Counsel, "School District Complies With Demand To Allow Christian Club Announcements," available at http://www.lc.org/index.cfm?PID=14100&PRID=676 (Apr. 2, 2008)
  The Carmel United School District in Carmel, California, prohibited the Good News Club, a Christian student organization, from distributing flyers advertising the club because the school district said that allowing these flyers would be an endorsement of Christianity. After receiving a demand letter, the school district reversed its policy.

- **UNC Threatens Christian Student Group for Not Allowing Non-Christian Leaders**
  Jim Brown, "After Legal Threat, UNC Allows InterVarsity Miniatry to Remain on Campus," Agape Press, available at http://thefire.org/public/pdfs/4811_2875.pdf (Jan. 7, 2003)
  An administrator at the University of North Carolina at Chapel Hill threatened to strip InterVarsity Christian Fellowship (IVCF) of funding because of IVCF's refusal to allow non-Christians to serve in leadership roles. After being threatened with a lawsuit, UNC allowed IVCF to continue as an officially recognized student organization.

- **Rutgers De-Recognizes Christian Student Group**
  InterVarsity and Rutgers, "InterVarsity and Rutgers Joint Statement," available at http://www.intervarsity.org/news/intervarsity-and-rutgers-joint-statement (April 1, 2003)
  In 2002, Rutgers University denied official status to the InterVarsity Multi-Ethnic Christian Fellowship (InterVarsity) because InterVarsity did not follow the university's nondiscrimination policy. InterVarsity sought to select members who upheld the group's Christian beliefs, a practice deemed discriminatory by the university. After InterVarsity filed suit, Rutgers agreed to recognize the organization and grant it the same privileges available to other university-sanctioned organizations.

- **From Minnesota, 2010**
  At a public high school in Minnesota, Young Life, a Christian youth ministry, was stripped of its privileges, including use of facilities, the ability to hand out flyers and evangelize during school hours, and the ability to auction using a school parking spot in order to raise money for the organization.

C. Attacks against Churches and Ministries

1. Land Use – Religious Land Use and Institutionalized Persons Act (RLUIPA) and Religious Freedom Restoration Act (RFRA)

- ***Hein v. Freedom From Religion Foundation,* 551 U.S. 587 (2007)**
  The Freedom From Religion Foundation filed a lawsuit against the White House claiming the Establishment Clause bars faith-based charities from receiving government funding. In a 5-4 decision, the U.S. Supreme Court ruled that an atheist organization lacked taxpayer standing to challenge a White House conference that informed both faith-based and secular organizations about federal funding for programs that help the poor.

- ***Mitchell v. Helms,* 530 U.S. 793 (2000)**
  Under the Education Consolidation and Improvement Act of 1981, government aid for materials and equipment was provided to public as well as private schools. A lawsuit was filed against the Act because it would allow private schools, which are religious schools, to receive a benefit. The Supreme Court held that this funding did not violate the Establishment Clause.

- ***Opulent Life Church v. City of Holly Springs, MS,* No. 12-60052 (5th Cir. 2012)**
  The Opulent Life Church in Holly Springs, Mississippi, wanted to move into a larger facility as it had nearly outgrown its present meeting place. Once the church found a new

property, however, it also discovered that the city would not grant a permit for the church to move into the new property without getting permission of sixty percent of all property owners within a one-quarter mile radius of the proposed site—a requirement that applied only to churches and to no other type of facility or business. The Opulent Life Church is suing the City of Holly Springs for violating the Constitution and the RLUIPA, which prohibits zoning ordinances from discriminating against churches.

- ***Centro Familiar Cristiano Buenas Nuevas Christian Church v. City of Yuma,* 651 F.3d 1163 (9th Cir. 2011)**
  A church in Yuma, Arizona, purchased an old department store to use as a new church building. Yuma required that religious organizations receive a permit to use a building for religious purposes. The city denied the permit, claiming that it wanted to convert the part of the city where the department store was located into an entertainment district, and no bars, nightclubs, or liquor stores could be within 300 feet of a church. The Ninth Circuit held that under the RLUIPA the city could not single-out a church for discrimination in zoning restrictions.

- ***The Elijah Group, Inc. v. The City of Leon Valley, Texas,* 643 F.3d 419 (5th Cir. 2011)**
  Leon Valley, Texas, prohibited a church from meeting on property that was zoned for businesses. The Fifth Circuit held that this violated the RLUIPA's requirement that churches be treated on "equal terms" with other organizations. The church was then allowed to meet on the property, and the city agreed to pay $250,000 in legal fees to the church.

- ***Guatay Christian Fellowship v. County of San Diego,* 670 F.3d 957 (9th Cir. 2011)**
  The Guatay Christian Fellowship used a recreational building in a trailer park as a space for church services for twenty-two years before the County of San Diego attempted to stop the use because the church did not have a permit to use the building as a recreational facility. The Ninth Circuit dismissed the church's RLUIPA and constitutional claims against the county on the grounds that they were not ripe because the church still had not applied for a permit.

- ***Freedom From Religion Foundation, Inc. v. Geithner,* 644 F.3d 836 (9th Cir. 2011)**
  Plaintiffs challenged the Parsonage Exemption, which provides a tax exemption for "ministers of the gospel." Ministers are able to receive allowances, which are not considered taxable income under the statute. Suit was filed under California law and Federal law. The state defendants were granted their Motion to Dismiss, but the federal defendants were not.

- ***International Church of Foursquare Gospel v. City of San Leandro, California,* 673 F.3d 1059 (9th Cir. 2011)**
  San Leandro, California, denied a rezoning application and a conditional use permit to a church, and the church sued claiming violations of the RLUIPA, the First Amendment, and the Fourth Amendment. The district court granted summary judgment to the city. The Ninth Circuit reversed the lower court, however, holding that the lower court erred when it held as a matter of law that a city does not impose a substantial burden in violation of the

RLUIPA when its use permit process is neutral and of general applicability. The Ninth Circuit also held that the city did not prove that its interest in preserving an area for industrial use was compelling, and a fact issue remained whether the city used the least restrictive means to achieve its interests.

- ***Moussazadeh v. Texas Department of Criminal Justice,* 364 Fed. Appx. 110 (5th Cir. 2010)**
  Max Moussazadeh, an observant Jew incarcerated in the Texas prison system, brought suit against the state for its failure to accommodate his religious beliefs by providing kosher meals. Mr. Moussazadeh argued that the state unlawfully restricted his right to religious exercise under RLUIPA. Since Mr. Moussazadeh filed his lawsuit, he has been relocated to a facility that serves kosher meals.

- ***Rocky Mountain Christian Church v. Board of County Commissioners of Boulder County, Colorado,* 613 F.3d 1229 (10th Cir. 2010)**
  When Rocky Mountain Christian Church and School applied for a permit in 2004 to expand its building, Boulder County rejected its application. Evidence at trial showed that the county applied zoning ordinances non-neutrally. The church sued and won at the federal district court, which held that the county had violated RLUIPA. The Tenth Circuit Court of Appeals affirmed.

- ***Glassman v. Arlington County, Virginia,* 628 F.3d 140 (4th Cir. 2010)**
  In 2004, First Baptist Church of Clarendon in Arlington County, Virginia, proposed a plan to build a ten-story tall building on church property with the bottom two floors being used as the church and the upper eight floors being used for apartments, including some low-rate and moderate-rate apartments. Arlington County approved these plans and provided loans to finance the construction of the apartments. Glassman sued the county claiming that this involvement violated the Establishment Clause. A federal district court and the Fourth Circuit Court of Appeals both held that the county's involvement did not advance the First Baptist Church of Clarendon's faith, thus there was no violation of the Establishment Clause.

- ***American Atheists, Inc. v. City of Detroit,* 567 F.3d 278 (6th Cir. 2009)**
  St. John's Episcopal Church entered into a contract with the City of Detroit Development Authority to improve its exterior appearance in order to enhance the city's image prior to the 2006 Super Bowl and to spur economic development in the area. The contract provided for reimbursement of half of the church's expenses, up to $180,000. After the American Atheists filed suit against the city, city officials withheld the reimbursement promised to the church. The Sixth circuit held that the city's revitalization program did not violate the Establishment Clause or the Michigan Constitution.

- ***Reed v. Town of Gilbert,* 587 F.3d 966 (9th Cir. 2009)**
  A Gilbert, Arizona, sign ordinance discriminated against certain signs based on the content of the signs. According to the code, religious assembly signs were required to be smaller in size, fewer in number, and displayed for much less time than similar non-religious signs. The ordinance also allowed ideological and political signs to be posted

without a permit, whereas a permit was required to post religious assembly signs. The district court denied an injunction against the sign ordinance. The Ninth Circuit remanded for the district court to consider whether the sign ordinance was unconstitutional for favoring some noncommercial speech over other noncommercial speech.

- ***Konikov v. Orange County,* 276 Fed. Appx. 916 (11th Cir. 2008)**
  Rabbi Joseph Konikov was ordered by the county code enforcement officials to stop holding prayer meetings in his home, alleging that he was in violation of local laws prohibiting "operating a synagogue or any function related to a synagogue and/or church services." He was ordered to stop the prayer meetings or face daily fines totaling nearly $56,000. Only at the Court of Appeals were the ordinance and fines overruled.

- ***Guzzi v. Thompson,* No. 07-1537, 2008 U.S. App. LEXIS 11531 (1st Cir. 2008)**
  Rosario Guzzi, an inmate at a Massachusetts prison, sued the facility after it denied his request to provide kosher meals in keeping with his "orthodox Catholic" faith. The district court found that Catholicism does not require kosher meals and ruled against Guzzi. The First Circuit Court of Appeals vacated the lower court's decision, holding that the court had overstepped its bounds in interpreting what constituted "orthodox Catholicism."

- ***Digrugilliers v. Consolidated City of Indianapolis,* 506 F.3d 612 (7th Cir. 2007)**
  A Baptist church was told the church's "religious use" of its property violated the city's zoning code, which prohibited "religious use" of property in a commercial district. City officials told the church it would need to obtain special permission to use the building for religious purposes and threatened the church with a lawsuit, fines of up to $2,500 for each violation, and court costs.

- ***Petra Presbyterian Church v. Village of Northbrook,* 489 F.3d 846 (7th Cir. 2007)**
  Following a purchase of property by a church, Northbrook changed the zoning ordinance to prevent churches from operating within its zone. The town obtained an injunction to prevent the church from meeting. The district court held that the church failed to show that the altered zoning ordinance burdened the church's exercise of religion even though they had to meet elsewhere. After an appeal, the appellate court affirmed the district court's ruling.

- ***Grace United Methodist Church v. City of Cheyenne,* 451 F.3d 643 (10th Cir. 2006)**
  The City of Cheyenne denied a non-profit church's request for a variance to operate a daycare in a residential zoning area. The district court ruled and an appellate court affirmed the exercise of a daycare was not a sincere exercise of the church's religion and that the city properly denied the church's daycare request in the interest of the health, safety, and welfare of citizens.

- ***Freedom From Religion Foundation v. McCallum,* 324 F.3d 880 (7th Cir. 2003)**
  The Freedom From Religion Foundation filed a lawsuit to prevent correctional authorities from directing inmates to Faith Works because the halfway house incorporates Christianity into its program.

- ***Civil Liberties for Urban Believers v. City of Chicago,* No. 01-4030, 2003 U.S. App. LEXIS 24176 (7th Cir. 2003)**
  Civil Liberties for Urban Believers (CLUB), an association of forty Chicago-area churches, sued the City of Chicago arguing that the city's zoning laws placed an undue burden on churches and were thus in violation of the Constitution, Illinois' Religious Freedom Restoration Act, and RLUIPA. The appellate court ruled against CLUB, continuing to make it difficult for Chicago churches to build and expand within the city.

- ***American Jewish Congress v. Bost,* 37 Fed. Appx. 91 (5th Cir. 2002)**
  "Separation of church and state" groups sued the State of Texas in federal district court for its charitable choice program. The lawsuit was an attempt to strike down the charitable efforts of several businesses and churches involved in a program to move people off welfare roles into paying jobs.

- ***Amandola v. Town of Babylon,* 251 F.3d 339 (2d Cir. 2001)**
  Romans Chapter Ten Ministries, Inc. had obtained a permit to use Babylon's Town Hall Annex to hold worship services, but when an angry resident called the city to complain about the facilities being used for church services, the town revoked the permit. The church had to file a lawsuit to protect their right to access the community facilities and to end the religious discrimination. The Second Circuit held that revocation of the permit violated the First Amendment.

- ***Ehlers-Renzi v. Connelly School of the Holy Child,* 224 F.3d 283 (4th Cir. 2000)**
  An ordinance in Montgomery County, Maryland, accommodated churches by exempting them from acquiring a special permit before constructing a school on church property. A lawsuit was filed to attempt to strike down the law. The Fourth Circuit held that the ordinance did not violate the Establishment Clause.

- ***Woodridge Church v. City of Medina,* No. 11-275, 2012 WL 2395195 (D. Minn. June 25, 2012)**
  Woodbridge Church filed plans with the city of Medina, Minnesota, to expand its church. The city refused to approve the plans, issuing a one-year moratorium on church construction and creating a new zoning district to include the church with recommended square footage limits to the size of buildings and their footprints. The church withdrew its request and filed suit based on several statutory and constitutional grounds.

- ***Liberty Temple Full Gospel Church, Inc. v. Village of Bolingbrook,* No. 11-2173 (N.D. Ill. Apr. 12, 2012)**
  The Liberty Temple Full Gospel Church in Bolingbrook, Illinois, sued under the RLUIPA because the city refused to let it build a church on its rental property based on the absence of a zoning designation on the city map. The district court denied the city's motion for summary judgment, allowing the case to proceed to trial.

- ***Victory Center v. City of Kelso,* 2012 WL 1133643 (W.D. Wash. April 4, 2012)**
  The Kelso Church of Truth bought land on which the church planned to build an educational center called the Victory Center. The City of Kelso opposed construction of the building, claiming that the building would be a community center and that the land was not zoned for such a building. The district court dismissed the church's federal and state constitutional claims, but preserved its RLUIPA claims. The church plans to move forward with the RUILPA claims.

- ***Village of Kiryas Joel, New York v. Village of Woodbury, New York,* No. 7:11-8494 (S.D.N.Y. Mar. 29, 2012)**
  The town of Kiryas Joel, New York, an Orthodox Jewish Hasidic village, sued the nearby town of Woodbury, New York, for changing zoning laws in an attempt to discriminate. The Jewish community was in the process of expanding into Woodbury when the city officials changed the zoning laws regulating the population density in the area so that the Jewish community could no longer continue the expansion.

- ***Tree of Life Christian School v. City of Upper Arlington,* 2012 WL 831918 (S.D. Ohio Mar. 12, 2012)**
  Upper Arlington, Ohio, refused to grant a Christian school a permit to use its building, prohibiting the school from operating. Upper Arlington allowed daycare facilities to operate in the same zone, however. Tree of Life Christian School sued under the RLUIPA.

- ***Chabad Lubavitch of Litchfield County, Inc. v. Borough of Litchfield, Connecticut,* 3:09-CV-1419 JCH, 2012 WL 527851 (D. Conn. Feb. 17, 2012)**
  The U.S. District Court for the District of Connecticut granted summary judgment against a Jewish organization's RLUIPA and Free Exercise Clause claims. The organization alleged that the Borough of Litchfield discriminated against the organization based on religious grounds by denying its application to restore and add to a historic building. The Court held that the statute preventing the expansion did not substantially burden the free exercise of the organization's religion because it is neutral and not applied arbitrarily. The Jewish organization has indicated that it might appeal the ruling.

- ***O Centro Espirita Beneficente Uniao do Vegetal v. Board of County Commissioners of Santa Fe County,* No. _____ (D.N.M., filed Feb. 2, 2012)**
  Santa Fe County, New Mexico, denied a religious group, O Centro Espirita Beneficente Uniao do Vegetal (UDV), permits needed to build a new temple outside of Santa Fe city limits. UDV sued, claiming that the denial is because some members of the community are opposed to the church.

- ***Islamic Center of North Fulton, Inc. v. City of Alpharetta, Georgia,* No. 1:10-1922 (N.D. Ga. Jan. 25, 2012)**
  The City of Alpharetta, Georgia, denied an application by an Islamic Center to expand its facilities. The center filed a lawsuit under the RLUIPA, but the district court found in favor of the city.

- ***Church of Scientology of Georgia, Inc. v. City of Sandy Springs, Georgia,* 2012 WL 500263 (N.D. Ga. Feb. 10, 2012)**
  The City of Sandy Springs granted a conditional approval of the Church of Scientology's rezoning application but refused to allow expansion of the church for lack of parking. The church brought a suit claiming violations of the First Amendment and the RLUIPA. While the court held the city did not violate the equal terms provision or the exclusion and limits provision of the RLUIPA or the church's substantive due process rights under Georgia's constitution, it held that there remained material fact issues as to whether the city's conditional approval imposed a substantial burden on the church's religious exercise and whether the city acted with discriminatory purpose.

- ***Calvary Christian Center v. City of Fredericksburg, Virginia,* 832 F. Supp. 2d 635 (E.D. Va. Nov. 21, 2011)**
  The city of Fredericksburg, Virginia, denied a local church's permit application to use its property to run a private school. The U.S. District Court for the Eastern District of Virginia dismissed the case for failure to state a claim because running a school is not a protected religious exercise under the Free Exercise Clause or the RLUIPA.

- ***Reaching Hearts Int'l, Inc. v. Prince George's County,* 2011 WL 3101801 (D. Md. July 22, 2011)**
  The city of Prince George, Maryland, continues to deny Reaching Hearts International Church clearance to build a new church. The suit, which began in 2008 against the city for opposing the construction of a new building, continues on as the city denied the district court's order to provide water and sewage lines to the property. The district court also affirmed a jury award of $3.7 million in damages for the church. The church filed another suit against the city in July of 2011 seeking to enforce the order to supply water and sewage lines and claiming that the resistance is due to a personal vendetta of one of the city councilmen.

- ***Irshad Learning Ctr. v. County of DuPage,* 804 F. Supp. 2d 697 (N.D. Ill. Mar. 28, 2011)**
  An Islamic center was denied a zoning permit in Naperville, Illinois. The center sued for RLUIPA and U.S. Constitutional violations, alleging that it was being treated different than non-religious organization and other religious organizations. The suit is currently pending in the U.S. District Court for the Northern District of Illinois.

- ***Roman Catholic Diocese of Rockville Centre, New York v. Incorporated Village of Old Westbury,* 2011 U.S. Dist. LEXIS 14268 (E.D.N.Y. Feb. 14, 2011)**
  The Roman Catholic Diocese of Rockville Center, New York, bought land to use as a cemetery. The Village fought to keep the church from using the land as a cemetery. In 2011, a district court found the church's claims lacking, but gave them the option to file an amended complaint. In April, the church filed an amended complaint alleging RLUIPA, free exercise, and equal protection violations.

- ***Christ Liberty Family Life Center v. City of Avondale Estates, Georgia,* No. 1:10-02326 (N.D. Ga. 2010)**

A city zoning ordinance prohibits churches from being located in a certain area of town. Christ Liberty's property was in that particular area, and its ministries were hindered because it was stopped from meeting on the leased property. Libraries and other organizations are not required to obtain the "conditional use permit" that churches in the town are required to obtain.

- ***Fortress Bible Church v. Feiner,* 734 F.Supp.2d 409 (S.D.N.Y. 2010)**
  Fortress Bible Church sued the town of Greensborough, New York, under the RLUIPA because of intentional delays in granting a land-use permit for the church and because of hostility toward the church. The court held in favor of the church, ordering the town to grant the permit.

- ***Grace Church of Roaring Fork Valley v. Board of County Commissioners of Pitkin County, Colorado,* 742 F.Supp.2d 1156 (D. Colo. 2010)**
  A federal court initially rejected a Colorado church's RLUIPA claim in 2007. When the case was finally about to go to trial in 2010, however, the court reversed its order and found in favor of the church on the grounds that it was entitled to a special permit. The court also found, however, that any religious hostility that occurred was merely coincidence and that the church was not entitled to any damages.

- ***Family Life Church v. City of Elgin,* 561 F. Supp. 2d 978 (N.D. Ill. Jun. 18, 2008)**
  H.E.L.P.S., a Christian homeless ministry operating out of a church building, was told that the city required the church to obtain a building occupancy permit and zoning permission to keep the ministry open. Elgin's city manager informed them that a conditional use permit would also be necessary and told them that the chances of obtaining one from the city council were "a million to one." After the city drove the organization from the Family Life Church, H.E.L.P.S. began ministering at a camp twenty minutes outside the city, on weekends at other churches, or on their bus. The district court held that the city's actions did not violate the First Amendment.

- ***Christianson v. Leavitt,* 482 F. Supp. 2d 1237 (W.D. Wash. Mar. 20, 2007)**
  The Northwest Marriage Institute provides both biblically-based and secular marriage education workshops throughout the Pacific Northwest. Over the past two years, the Institute has been awarded three federal grants, enabling it to provide the secular workshops at no charge to low-income families. None of the funds were used for the biblically-based workshops. Nevertheless, Americans United for Separation of Church and State, representing thirteen Washington taxpayers, filed a lawsuit seeking to force the institute to repay the funds it had received and block all future funds.

- ***Moeller v. Bradford County,* No. 3:CV-05-0334, 2007 U.S. Dist. LEXIS 7965 (M.D. Penn. Feb. 5, 2007)**
  A faith-based program located in Bradford County that provided construction skills, life skills, and mentoring to incarcerated persons came under attack from an ACLU and AUSCS lawsuit that sought to stop support of the program.

- ***Collegiate Community Outreach v. City of Denton,* No. 4:07-00564 (E.D. Tex. 2007)**
  Collegiate Community Outreach (CCO) is a religious ministry located in a residential area close to the University of North Texas campus. The City of Denton told the ministry they could no longer operate out of their current property because they were in violation of zoning laws. After CCO filed a lawsuit, the city reversed its decision.

- ***Lighthouse Christian Center, Inc. v. City of Reading,* No. 06-1979, 2006 U.S. Dist. LEXIS 54988 (E.D. Penn. Jul. 26, 2006)**
  The Lighthouse Christian Center wanted to lease a building within Titusville's C-1 commercial zone. However, the Titusville zoning code did not allow churches, but permitted theaters, clubs, lodges, bars, and amusements in its commercial districts. Lighthouse was forced outside the City of Titusville, where it rented a temporary building that lacked heat and insulation. After a lawsuit was filed, the city settled and agreed to amend the zoning code.

- ***Grace Community Church v. City of McKinney,* No. 4:04-251 (E.D. Tex., filed Jul. 16, 2004)**
  The City of McKinney, Texas, had an ordinance that prohibited religious meetings in a home in a residential neighborhood. Grace Community Church was told by the City of McKinney that the church could no longer meet in a home despite equally sized, non-religious groups being allowed to do the same. A lawsuit was filed on behalf of the church, alleging a violation of the church's right under federal law to meet in the pastor's home.

- ***Hale O Kaula Church v. The Maui Planning Commission,* No. 01-00615, 2003 U.S. Dist. LEXIS 24510 (D. Haw. Jul. 18, 2003)**
  Hale O Kaula, a small congregation on Maui, applied for a building permit to construct a church on five acres of agricultural land it had purchased years earlier. Despite having granted similar permits to other secular and religious organizations, the Maui Planning Commission refused to allow Hale O Kaula to build. As a result, both the church and the Justice Department filed separate lawsuits on the grounds that RLUIPA had been violated. The county argued that RLUIPA was unconstitutional and attempted to have the cases dismissed. The court ruled in favor of Hale O Kaula, finally allowing the church to build.

- ***Barr v. City of Sinton,* 295 S.W.3d 287 (Tex. 2009)**
  Pastor Barr's Christian organization, which provides housing and religious instruction to men who have been released from prison for misdemeanor offenses, was completely banned by the City of Sinton from existing anywhere within its city limits. In a landmark decision, the Texas Supreme Court applied the Texas Religious Freedoms Restoration Act to rule in favor of Barr.

- ***Cambodian Buddhist Society of Connecticut, Inc. v. Planning and Zoning Commission of the Town of Newtown,* 941 A.2d 868 (Conn. 2008)**
  Pong Me and the Cambodian Buddhist Society of Connecticut purchased property in the city of Newtown, Connecticut, on which it planned to build a Buddhist temple. The city's

Planning and Zoning Commission denied them a building permit, arguing that the Asian architecture, potential noise, and possible high volume of cars near the temple would disrupt the harmony of the surrounding neighborhood. Using RLUIPA and a Connecticut religious freedom law, the society took the city to court. In 2008, the state Supreme Court ruled in favor of the city, banning the society from building its temple.

- ***Anchorage Baptist Temple v. Coonrod,* 166 P.3d 29 (Alaska 2007)**
  The Alaska Superior Court ruled that teachers of parochial schools could continue to receive tax exemptions. Teachers at non-religious schools had already received tax exemptions before the legislature extended the privilege to religious schoolteachers.

- ***Camp Retreats Found., Inc. v. Township of Marathon,* 2012 WL 1698379 (Mich. App. May 15, 2012)**
  A Michigan tax tribunal found that a Muslim summer camp was not a charity or entitled to a tax exemption because the camp prohibited trespassing and the primary purpose of the camp was to be a place for sports and recreation for children. However, the Michigan state appellate court reversed the decision, finding that the camp's offering of sports and recreation did not nullify the fact that its main purpose was to provide Islamic children with a religious experience at the camp.

- ***Shapiro v. Browning,* No. 11-CA-1892 (Fl. Cir. Ct. Dec. 13, 2011)**
  A proposed Florida amendment that eliminates a ban on taxpayer money being used to fund religious organizations has been placed before voters. The ACLU challenged the ballot language, and the court held that the amendment was unconstitutional and could not be placed on the ballot.

- ***Great Lakes Society v. Georgetown Charter Township,* 2011 WL 1600496 (Mich. Ct. App. Apr. 28, 2011)**
  A religious organization's application for a special use permit required for churches was denied by the city zoning board because the proposed building was to serve people in the community and was not for public worship. The board then amended its street-frontage requirements to specifications that the religious organization's property did not meet, and then denied the organization's request for variance. The Michigan court rejected RLUIPA and constitutional challenges and upheld the zoning board's denial.

- ***County of Los Angeles v. Sahag-Mesrob Armenian Christian School,* 188 Cal.App.4th 851 (Cal. App. 2010)**
  Los Angeles insisted that Sahag-Mesrob Armenian Christian School obtain a special use permit in order to operate. The city furthermore refused to allow the school to operate while it was waiting for the permit application to be processed. The school filed suit under the RLUIPA, but the appellate court ruled in favor of the city, holding that the refusal to let the school operate while the permit was pending was not a substantial burden on the school.

- ***Green v. Garriott,* 212 P.3d 96 (Ariz. App. Mar. 12, 2009**)
  The ACLU and others filed suit to declare Arizona's corporate tax credit tuition program unconstitutional because it allowed tuition scholarships to be used at private

religious schools. The lawsuit, an attempt to discriminate against religious schools rather than grant them equal treatment, was dismissed by the court.

- ***Chabad Chevra, LLC v. City of Hartford,* No. 106003847, 2011 Conn. Super. LEXIS 3204 (Conn. Super. Ct. Dec. 15, 2011)**
  The city of Hartford, Connecticut, attempted to prevent a Jewish group from using its own property for religious purposes. A Connecticut trial court reversed the city's zoning order, and the city has decided not to appeal.

- **County Admits in Settlement It Targeted Church with Legislation**
  http://thedailyrecord.com/2010/11/18/anne-arundel-county-to-pay-325m-to-riverdale-baptist/
  Anne Arundel County, Maryland, agreed to a settlement with the Riverdale Baptist Church in which the county would allow the church to build a school and pay $3.25 million in damages. The RLUIPA litigation started in 2008 when the county passed litigation targeting the church's proposed construction of a new school after initially approving the school's zoning application. In the settlement, the county admitted that it purposely timed the litigation so that it would not affect other private schools.

- ***Islamic Cultural Ctr. of Monticello, Inc. v. Village of Monticello,* 29 Misc. 3d 1223 (A) (NY Sup. Ct. Nov. 17, 2010)**
  The New York Supreme Court in Sullivan County found that there was no RLUIPA violation in denying a permit for a mosque to use a single-family house as a place of worship. The mosque bought the house and a lot across the street from the house to use as a place of worship, even though the property was zoned for residential purposes. The city took several years to process the special use permit submitted by the mosque, but eventually denied the permit. The court denied the RLUIPA claims brought by the mosque because there was no evidence that the mosque was being treated differently than any other religious institution.

- **Mormon Church Sues Texas City Over Denial of Permit**
  http://religionclause.blogspot.com/2011/11/mormon-church-sues-texas-city-to.html
  A Mormon church in Mission, Texas, sued the city over its refusal to issue a permit for the church to construct a new building. The church claims that the city purposefully changed the voting rules for issuing permits so that the church would not receive a permit. The church filed the suit under the RLUIPA, the Texas Religious Freedom Restoration Act, and the free exercise and due process clauses of the Constitution.

- **Walnut, California, Settled with a Buddhist Center for $900,000 After Denying a Conditional Use Permit to the Center to Build a Temple**
  http://walnut.patch.com/articles/walnut-council-votes-to-settle-religious-discrimination-suit
  The Walnut, California, Planning Commission denied a Buddhist Zen Center's application for a conditional use permit to build a temple in 2008. After the Buddhist Zen Center and the Department of Justice filed a RLUIPA suit, the city settled with the Department of Justice and the Center for $900,000.

- **Pittsfield Township Denied Michigan Islamic Academy's Application for Rezoning to Allow Construction of a New School**
  http://www.annarbor.com/news/director-of-american-islamic-council-calls-pittsfields-rationale-against-islamic-school-neo-jim-crow/
  The Pittsfield Township Board of Trustees denied the Michigan Islamic Academy's application for rezoning, which would have allowed the Academy to build a new school on property it purchased. The academy claimed it received assurances from the township prior to purchasing the land that they would be able to rezone as long as they followed the procedures for rezoning. The academy claims violations of the RLUIPA and the First and Fourteenth Amendments.

- ***United States Christian Commission v. Gettysburg*** (2011)
  John Wega built a reconstruction chapel like those used by the U.S. Christian Commission during the Civil War. Mere weeks after being presented with Gettysburg's beautification award, the reconstruction Civil War chapel was declared an eyesore by the borough. Gettysburg attempted to force the chapel out of the town's square. Once it became apparent that the chapel had a legal right to remain, arsonists set fire to the chapel's Bibles, burning down the chapel and several nearby structures. Wega is now working to rebuild the chapel.

- **Minnesota Church Settles RLUIPA Case for $500,000 and Land**
  http://www.startribune.com/local/west/136353248.html (Dec. 28, 2011)
  The city of Wayzata, Minnesota, and the Unitarian Universalist Church of Minnetonka agreed to settle a RLUIPA case brought against the city by the church. The city dropped the zoning issues and sold the church three acres of land on which to build a new building and also agreed to pay $500,000 in damages and fees. The church claimed religious discrimination in the suit, while the city merely said that they were worried about the noise the church would create.

- ***Romanian Orthodox Church v. Dallas Central Appraisal District***
  Liberty Institute, "The Romanian Orthodox Church in Dallas," available at http://www.libertyinstitute.org/video/romanian-orthodox-church-dallas/ (Dec. 2, 2010)
  A group of Romanian immigrants saved their money to buy a plot of land to worship on and to eventually—once they could afford it—build a church on. The Romanian Orthodox congregation met on the property one Sunday each month for a worship service. The Dallas Central Appraisal District, however, began taxing the property, asserting that the land was not being used for religious purposes because there was no church structure built on the land.

- **Idaho City Discriminates Against Churches in Zoning Laws**
  http://www.kboi2.com/news/local/123491194.html
  The city of Mountain Hope, Idaho, specifically singled out religious groups for exclusion in its zoning law. No Limits Christian Ministries brought suit under the RLUIPA. The city responded by modifying its zoning ordinance to treat churches fairly.

- **Despite City Approval, Court Orders Construction of Tennessee Mosque to Stop**
  http://www.wsmv.com/story/18646518/murfreesboro-mosque-stopped-by-judge
  The Murfreesboro Islamic Center was within three months of completion when a chancellor court ruled that not enough public notice was given before the zoning commission approved construction. The Plaintiffs have been fighting the mosque's construction, fearing that it is a "sharia compliant" organization. The county has the option of reapproving the building as long as it gives proper notice of the public meeting. As of now, the mosque has not been reapproved.

- **City Forced to End Zoning Discrimination against Religious Organization**
  http://www.justice.gov/usao/nys/pressreleases/May11/airmontsettlementpr.pdf
  The Village of Airmont, New York, denied a permit to a religious organization to build a Jewish educational facility. The U.S. Attorney's Office settled a lawsuit with the village to amend its zoning code and to end its discrimination against the group.

- **Interfaith Retreat Center Prevails After Initial Zoning Discrimination**
  https://www.rutherford.org/publications_resources/on_the_front_lines/victory_grayson_county_board_of_supervisors_green_lights_development_of_spi
  An interfaith retreat center was denied a special use permit for its property. The leader believed the denial was due to discrimination against the center's philosophy. After the center filed a complaint with a state court, the County Board of Supervisors granted the center's permit request.

- **Arizona Town Had Policy Prohibiting Home Churches or Bible Studies in Single-Family Neighborhoods**
  http://www.azcentral.com/members/Blog/JoannaAllhands/76154
  An Arizona town ordered the Oasis of Truth Church to end its services in its pastor's home because its city zoning code made it illegal to hold church-sponsored activities in single-family homes. After an appeal was filed and the media began to focus on the issue, the town reversed its decision and modified its zoning laws to permit Bible studies and small worship services in single-family neighborhoods.

- **Religious Group Forced to Limit Expansion**
  http://www.northjersey.com/news/crime_courts/031210_Settlement_between_Englewood_synagogue_neighborhood_group_limits_outdoor_events_indoor_expansion_.html?c=y&page=1
  After nearly a decade of legal disputes, a New Jersey town settled with a community group over a synagogue and the synagogue's plans to expand existing facilities and use tents for events on its property. The settlement allowed the synagogue to expand and use tents, but set restrictions on when and how tents can be used and prohibited future expansion for six years.

- **Church Zoning Application Revoked**
  http://www.northjersey.com/news/bergen/87635227_Property_owner__Ridgefield_Park_at_odds_over_building_s_use.html?c=y&page=1
  After approving a zoning variance to house a church in the back of a two-story Dunkin Donuts / Baskin Robbins building, a New Jersey town rescinded its approval. The property owner said that there was no concrete reason for the denial.

- **Texas City Stops Church's Plans for a Halfway House**
  http://www.kwtx.com/home/headlines/59321097.html?site=full
  The city of Bellmead, Texas, denied the Church of the Open Door a zoning permit to build a halfway house. After the church began working on opening the halfway house, the city passed a provision prohibiting the construction of halfway houses within a thousand feet of any home, school, or park. The parties settled the lawsuit when the city agreed to pay the church $550,000.

- **Cooper City, Florida, Used Zoning Ordinance to Block Outreach Center**
  http://articles.sun-sentinel.com/2009-04-28/news/0904270567_1_chabad-posner-city-s-insurer
  Cooper City, Florida, refused to let Chabad Rabbi Shemul Posner open his outreach center because of zoning restrictions. Eventually, the Rabbi had to move the outreach center in order for it to be opened. In the suit that followed, a jury awarded the Rabbi $325,750 in damages on a RLUIPA claim and $470,000 in attorney's fees.

- **San Diego Refused to Grant Permit to Church Because of Community Plan**
  http://articles.sun-sentinel.com/2009-04-28/news/0904270567_1_chabad-posner-city-s-insurer
  Grace Church of North County applied to San Diego for a ten-year permit to use space in Rancho Bernardo industrial park. The city refused to grant the permit because including the church in the industrial park was inconsistent with the community plan. The church sued the city under the RLUIPA. San Diego agreed to pay $800,000 in damages.

- **Duncanville, Texas, Uses Zoning Ordinance to Delay Church**
  Elizabeth Langton, "Texas: Duncanville church says city zoning decision violates U.S. law," Dallas Morning News (Feb. 8, 2008)
  The City of Duncanville, Texas, was using zoning laws to discriminate against Templo Bautista to deny the congregation the ability to hold services. After purchasing a building in the downtown area, the church was told a special use permit would be required in order to begin using the building for services. Templo Bautista applied for the permit, paid the necessary fees but was still denied use of the building because one landowner was opposed to the church's location. After multiple hearings at the City Council, the church was finally allowed to occupy the building and to hold church services.

- **Tax Assessor Refused Parsonage Exemption For Parsonage Not Adjacent to Church**
  Liberty Counsel, "Church Challenges Constitutionality of Property Tax Assessment," available at http://www.lc.org/index.cfm?PID=14100&PRID=564 (Apr. 13, 2007)

A Bay County's property appraiser, Rick Barnett, developed a new standard for determining whether to grant tax exemptions to church property. Barnett was the only Florida property appraiser to refuse to exempt church parsonages that are not adjacent to houses of worship. Barnett denied Faith Christian Family Church's application for a tax exemption on its parsonage and assessed property taxes on the property. The church was forced to file a lawsuit.

- **Full Gospel Powerhouse Church of God in Christ Denied Tax Exemption After Building Burns**
  WorldNetDaily, "Embattled Church Regains Tax Status," available at http://www.wnd.com/2006/08/37571/ (Aug. 22, 2006)
  An African-American church bought a church building that subsequently burned down. The tax appraisal district denied them a tax exemption because they could no longer meet on the property for services and assessed back taxes for non-use because of the fire. There were other churches, however, with open land not being used that were granted exempt status. The church was forced to file a lawsuit to protect its very existence.

- **Hollywood, Florida, Changes Mind About Orthodox Jewish Synagogue**
  Liberty Counsel, "City of Hollywood, Florida, To Pay $2 Million To Synagogue for Zoning Discrimination," available at http://www.lc.org/index.cfm?PID=14100&PRID=77 (Jun. 30, 2006)
  An Orthodox Jewish Synagogue moved into two houses and started remodeling the houses into a synagogue, angering neighbors. A zoning board granted the synagogue a permit, but just 53 days later, the city commissioners voted to revoke the special permit, citing zoning issues. A lawsuit was filed and the case was eventually settled, with the city agreeing to rewrite their codes.

- **Biblical Museum and Theme Park Struggled for Tax Exemption**
  Liberty Counsel, "Holy Land Experience Wins Final Round of Property Tax Exemption Battle," available at http://www.lc.org/index.cfm?PID=14100&PRID=73 (Jun. 16, 2006)
  The Holy Land Experience is a living Biblical museum that conveys its religious message through teaching, preaching, dramatic enactments, special music, performances, and multimedia presentations. After almost four years of litigation, the Orange County Circuit Court issued an order stating the property on which The Holy Land Experience sits is exempt from ad valorem taxation. However, following this ruling the county property appraiser continued to refuse to recognize The Holy Land Experience as tax exempt. The museum was eventually forced to file for contempt of court for this blatant violation of a court order.

- **Bedford County, Virginia, Bans Church Service from Barn**
  Liberty Counsel, "Virginia County Bucking Against Cowboy Church," available at http://www.lc.org/index.cfm?PID=14100&PRID=61 (May 10, 2006)
  A private landowner agreed to allow The Cowboy Church of Virginia to conduct services on his property. After a few months, the landowner received a Notice of Violation, stating that his barn could not be used for religious services and that his property wasn't zoned for religious meetings.

- **Ontario, California, Denys Church Construction Permit Because Officials Believe the Church to be a Cult**

  Rutherford Institute, "Rutherford Institute Attorneys Protect California Church's Right to Build House of Worship on Church Property," available at https://www.rutherford.org/publications_resources/on_the_front_lines/pr537 (Mar. 7, 2005)

  The Church of the Light bought some land in Ontario, California, after determining that the property was zoned so that it could be used for religious assembly. However, the city passed an ordinance requiring new churches to obtain a permit before building, and five days after the ordinance was passed, Ontario's Development Advisory Board denied the church's permit, claiming the denial was based on allegations that the church was a cult. A lawsuit was filed to protect the church's rights to build their church.

- ***Iglesia de Oracion y Alabanza v. City of Mesquite***

  A Pentecostal church in Mesquite, Texas, was told by the city that it could only use one acre of its ten-acre lot to build its church because the city did not want any big churches in the area.

- ***Plano Vietnamese Baptist Church v. City of Plano***

  A Vietnamese Baptist church in Plano, Texas, was told by the city that it could not use a former church building it had purchased for a house of worship because the lot on which the church building was located was not two acres or more in size. The church appealed the city's decision to the district court, which permitted the church to use the building.

- ***Templo La Fe v. City of Balch Springs***

  Balch Spring's city council prevented Templo La Fe from building a church on its own land. The city's experts on the Planning and Zoning Commission voted unanimously to approve the building, but four city council members decided to override their own experts. The church was forced to file a lawsuit, and only after the Department of Justice opened an investigation did the city settle the lawsuit and allowed the church to proceed with its plan to build.

- **School Ordered to Stop Leasing Space to Church**

  Alliance Defense Fund, "Pennsylvania township changes position, agrees to allow churches to rent school facilities," available at http://www.alliancedefensefund.org/Home/ADFContent?cid=4148

  Quakertown Community School District officials were informed by a zoning officer to stop leasing space to Harvest Community Fellowship Church because the church was using space at the school to hold a Sunday church service. The church's use qualified as "principal use" of the facilities, even though the church only used the facilities for a few hours on Sundays. Under the unmodified zoning code, only one principal use can be made of a property without obtaining a variance. The church had to seek help from attorneys to correspond with the township officials until they agreed to amend the zoning code.

2. Equal Access and Religious Group Discrimination

- ***Good News Club v. Milford Central School,* 533 U.S. 98 (2001)**
  Milford Central School denied the Good News Club use of the school's facilities after school. A lawsuit was filed to protect the religious group's right to use the school's facilities, as other organizations were permitted to do, without being discriminated against. A federal district court and the Second Circuit Court of Appeals both upheld the discrimination, but the Supreme Court reversed.

- ***Rosenberger v. Rector & Visitors of University of Virginia,* 515 U.S. 819 (1995)**
  The University of Virginia refused to provide funds to print a journal because of the journal's religious viewpoint. The student filed a lawsuit to challenge the fund's disbursement guidelines that discriminated against religious viewpoints. The Supreme Court held that providing funds to publish the journal would not violate the Establishment Clause so the school could not discriminate against the journal because of its religious viewpoint.

- ***Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah,* 508 U.S. 520 (1993)**
  The Church of the Lukumi Babalu Aye sought to set up a church in Florida. The church practices Santeria, a religion that incorporates animal sacrifice into its religious practices. Upon hearing of the church's plan to develop a church in the city, the city council held an emergency meeting and passed ordinances to prevent the church from practicing the animal sacrifice, an essential part of the church's free exercise. A lawsuit had to be filed to protect the church's right to free exercise.

- ***Lamb's Chapel v. Center Moriches Union Free School District,* 508 U.S. 384 (1993)**
  A New York school board denied a church after-hours access to a school to exhibit a film series about Christian family values because of a policy prohibiting use by any group for religious purposes. A lawsuit was filed to protect the church's right to have equal access to the school premises.

- ***Board of Education of the Westside Community Schools v. Mergens,* 496 U.S. 226 (1990)**
  A school board refused to allow students to form an extra-curricular Christian club, claiming such a club would violate the Establishment Clause. A lawsuit had to be filed to protect the Christian group from being unlawfully discriminated against by the school board.

- ***Widmar v. Vincent,* 454 U.S. 263 (1981)**
  The University of Missouri at Kansas City refused to allow a religious student group equal access to university facilities like other student groups. The students were forced to file a lawsuit in order to protect their rights to equal access and to stop the religious discrimination.

- ***Wirtz v. City of South Bend,* 669 F.3d 860 (7th Cir. 2012)**
  South Bend, Indiana, transferred some land to St. Joseph's Catholic School in exchange for having use of the school's athletic facilities. Taxpayers sued to stop the transfer,

claiming that granting land to a religious school for occasional use of the school's athletic facilities violated the Establishment Clause. A federal district court granted an injunction to stop the transfer. South Bend eventually requested and was granted a modification to the injunction to allow it to sell the property, which it did to the school. The city then appealed the initial injunction, but the appeal was dismissed as moot and untimely.

- ***Intermountain Fair Housing Council v. Boise Rescue Mission Ministries,* 657 F.3d 988 (9th Cir. 2011)**
  The Intermountain Fair Housing Council and two individuals filed suit against Boise Rescue Mission Ministries, alleging that the mission was in violation of the Fair Housing Act and that it engaged in religious discrimination by holding chapel services and requiring guests in the discipleship program to participate in religious programs. The district court ruled in favor of the mission, a homeless shelter that receives no government funding and provides free and voluntary services. The Ninth Circuit affirmed.

- ***Milwaukee Deputy Sheriffs' Association v. Clarke,* 588 F.3d 523 (7th Cir. 2009)**
  The Seventh Circuit Court of Appeals held that inviting a Christian peer support group to mandatory police officer meetings where the speakers encouraged the officers to look to God for guidance was a violation of the Establishment Clause.

- ***World Wide Street Preachers Fellowship v. Town of Columbia,* 591 F.3d 747 (5th Cir. 2009)**
  A police officer in Columbia, Louisiana, arrested one street preacher and threatened others with arrest for preaching on state property. The officer told the preachers, "You cannot picket, boycott, on state property or right of way." The Fifth Circuit Court of Appeals affirmed the district court's holding that the police officer violated the street preachers' First Amendment rights, but refused to hold the City of Columbia liable because the city did not have a custom or practice of prohibiting street preachers.

- ***Choose Life Illinois, Inc. v. White,* 547 F.3d 853 (7th Cir. 2008)**
  Choose Life Illinois, Inc. collected signatures for a "Choose Life" Illinois license plate. The state refused to create the license plates, saying that it did not want any plates on the topic of abortion. Choose Life Illinois, Inc. filed a lawsuit alleging a violation of the organization's free speech rights. The Seventh Circuit Court of Appeals found that because the state would reject all plates on the topic of abortion, the state was not engaged in viewpoint discrimination and thus could prevent the creation of the "Choose Life" license plates.

- ***Community House, Inc. v. City of Boise,* 490 F.3d 1041 (9th Cir. 2007)**
  Boise, Idaho, leased a homeless shelter to a non-profit Christian organization, which provided voluntary chapel services and other religious activities at the shelter. The city then barred religious activities from the shelter. The organization filed a lawsuit to protect its right to conduct religious activities at the shelter. A federal district court granted an injunction prohibiting the city from banning religious activities at the shelter, but the Ninth Circuit reversed, saying that there should be no religious activities at the shelter, even if participation is voluntary.

- ***Rosenbaum v. City and County of San Francisco,* 484 F.3d 1142 (9th Cir. 2007)**
  Rosenbaum and Livingston had been sharing the Gospel message with amplified sound in the streets and parks of San Francisco since 1978. Beginning in 1995, however, many of their permit applications for sound amplification were either denied or issued with significant restrictions. San Francisco police arrested Livingston on numerous occasions in response to hecklers' complaints about the content of Livingston's message. On one occasion, police issued a citation against Livingston but refused to cite persons from 'Reckless Records,' who were using an eighty-watt amplifier fifteen feet away from Livingston without a permit. On more than a dozen occasions, the city denied permits requested by Rosenbaum and Livingston. A lawsuit was filed, and the Ninth Circuit failed to sanction this unlawful discrimination, issuing a ruling in favor of the San Francisco officials.

- ***Faith Center Church Evangelistic Ministries v. Glover,* 462 F.3d 1194 (9th Cir. 2006)**
  Contra Costa County, California, allows educational, cultural, or community-related meetings at its library, but explicitly prohibits religious worship. Faith Center Church sued for access to the library, but the Ninth Circuit held that excluding religious worship is a permissible exclusion from the forum.

- ***Skoros v. City of New York,* 437 F.3d 1 (2d Cir. 2006)**
  A Catholic parent objected to a policy of excluding a crèche from the schools' holiday displays while permitting menorahs, the Star and Crescent, and Christmas trees. A lawsuit was filed to remedy the exclusion of the crèche. The court determined that it was appropriate to exclude the crèche as it was still a religious symbol while the others had become secularized and that a child would not perceive an endorsement of Judaism or Islam or a disapproval of Christianity. The Second Circuit affirmed the district court's ruling.

- ***Child Evangelism Fellowship of South Carolina v. Anderson School District Five,* 470 F.3d 1062 (4th Cir. 2006)**
  Child Evangelism Fellowship was charged a fee to use school facilities, although the district waived fees whenever deemed "in the best interest of the district." After filing suit, the district changed its policy and sought to "grandfather" free use to the previously authorized groups.

- ***Christian Legal Society v. Walker,* 453 F.3d 853 (7th Cir. 2006)**
  Southern Illinois University revoked the Christian Legal Society (CLS) student chapter's registration and all of the associated benefits because the group's "Statement of Faith" and sexual morality policy for its voting members and leaders violated the university's policy prohibiting discrimination on the basis of religion or "sexual orientation." A lawsuit was filed to reestablish CLS' official recognition.

- ***Heartland Academy Community Church v. Waddle,* 427 F.3d 525 (8th Cir. 2005)**
  Chief Juvenile Officers for the state of Missouri were upset with the teaching of a Christian boarding school. The officers conspired to use misleading information to obtain a removal

order and then sent in juvenile authorities and armed law enforcement officers to remove 115 of the school's students. The Eighth Circuit Court of Appeals held that the seizures were unreasonable under the Fourth Amendment and that the officers violated the school's procedural due process and freedom of association.

- ***Child Evangelism Fellowship of Maryland, Inc. v. Montgomery County Public Schools,* 373 F.3d 589 (4th Cir. 2004)**
  The Montgomery County Public Schools refused to allow Child Evangelism Fellowship (CEF) to participate in the district's take-home flyer forum to distribute flyers about the Good News Club, citing fears about the separation of church and state. A lawsuit had to be filed to end the religious discrimination.

- ***Child Evangelism Fellowship of New Jersey, Inc. v. Stafford Township School District,* 386 F.3d 514 (3d Cir. 2004)**
  Child Evangelism Fellowship (CEF) was denied permission to post flyers, pass out flyers, staff tables at the back-to-school-night event, or allow students to pass materials to other students about a religious club forming in schools. A lawsuit was filed to protect the right of CEF to utilize the same forums that were afforded to other groups and to prevent viewpoint discrimination.

- ***Bronx Household of Faith v. Board of Education of the City of New York,* 331 F.3d 342 (2d Cir. 2003)**
  The Bronx Household of Faith filed suit to prevent New York's public schools from discriminating against churches. The public schools refused to allow churches to use school facilities, but permitted other community groups to have access. Several years and court decisions later, the church's constitutional rights to use school facilities were upheld.

- ***Ceniceros v. Board of Trustees of the San Diego Unified School District,* 106 F.3d 878 (9th Cir. 1997)**
  San Diego Unified School District refused a religious club the opportunity to meet during lunchtime, though other groups were permitted to meet. A lawsuit was filed on behalf of the students to prevent the district's unlawful discrimination and to uphold the students' rights under the Equal Access Act.

- ***Church on the Rock v. City of Albuquerque,* 84 F.3d. 1273 (10th Cir. 1996)**
  Albuquerque, New Mexico, prohibited Church on the Rock from showing a religious film at a senior center or passing out Bibles to people at the center. Church on the Rock sued to be able to show the film and distribute Bibles. A federal district court found for the city, but the Tenth Circuit reversed, holding that Albuquerque had engaged in unconstitutional viewpoint discrimination against the church.

- ***Stites v. Fairfax County School Board,* No. ____ (E.D. Va. 2012)**
  Membership in Thomas Jefferson High School for Science and Technology's National Honor Society chapter requires twelve volunteer service hours each year. Sarah Stites performed forty-six hours of service for her church, but the school refused to count those

hours because they did not have a "secular purpose." Stites is suing the school board to have her service hours credited.

- ***Wiley Mission v. State of New Jersey, Department of Community Affairs,* No. 10-3024, 2011 U.S. Dist. LEXIS 96473 (D.N.J. Aug. 25, 2011)**
  The Wiley Mission, which operates a continuing care retirement center (CCRC) for senior citizens, pushed back at a New Jersey statute that requires all CCRCs regulated by the state to include a non-church member on the board. The Wiley Mission was told a failure to add a non-church member to its board would result in the organization losing its license to operate in the state. The Wiley Mission alleged the statute violated the organization's First Amendment and equal protection rights. The U.S. District Court agreed in part, saying a strict scrutiny analysis applies when looking at the church's freedom-of-association claims. The court held "the department presents no evidence that the statute is narrowly tailored to protect senior citizens" and granted the plaintiffs summary judgment on the freedom of association issue.

- ***Muniz v. City of San Antonio,* No. 5:10-00749 (W.D. Tex. 2010)**
  Todd Leibovitz and Jose Muniz were wrongfully arrested for witnessing on public sidewalks in San Antonio.

- ***Henley v. Cleveland Board of Education,* 1:10-431, 2010 WL 796835 (N.D. Ohio Mar. 3, 2010)**
  The U.S. District Court for the Northern District of Ohio dismissed for lack of standing a taxpayer's First Amendment claim against a school district for allowing a local church to use the district's building for weekly worship services.

- ***Greater St. Paul Area Evangelicals, Inc. v. Independent School District No. 625,* No. 0:07-01841 (D. Minn. 2007)**
  A Minnesota school district refused to allow a group to distribute flyers containing religious content, even though other groups were permitted to do so. The school district's policy specifically prohibited materials of a "sectarian nature" for distribution.

- ***InterVarsity Christian Fellowship-UW Superior v. Walsh,* No. 06-0562 (W.D. Wis. 2007)**
  The University of Wisconsin-Superior refused to recognize the InterVarsity Christian Fellowship chapter at the school. Only after a lawsuit was filed did the University agree to officially recognize the chapter.

- ***Relevant Church v. Egan,* No. 7:07-00327 (N.D.N.Y. 2007)**
  Relevant Church requested to rent the Dulles State Office building for Easter services. New York State officials denied the request, claiming that renting to a church would violate the "separation of church and state" and that state policy prohibiting religious services in its buildings. After the church's attorneys filed suit, officials reversed their decision and allowed the church to use the building. Officials also changed the state policy to allow religious services in state office buildings.

- ***Care and Share Ministry v. Village of South Orange,* No. 2:07-00758 (D.N.J. 2007)**
  Members of a South Orange, New Jersey, Christian ministry called "Care and Share" wanted to hold an event at a public square, where members would perform skits, live music, and puppet shows for local children. Village officials denied Care and Share access to the public square, saying only public or non-religious private groups would be allowed to use the space. Though South Orange officials denied Care and Share's request, they granted the request for use of public space by an organization known as "Road Devils, NJ." The Road Devils event included public consumption of alcohol, live bands using vulgar language with electronic sound equipment, and female mannequins dressed only in underwear. After a lawsuit was filed, South Orange officials backed down and said they would not discriminate against a religious organization based on viewpoint.

- ***Alpha Iota Omega Christian Fraternity v. Moeser,* No. 1:04-00765, 2006 U.S. Dist. LEXIS 28065 (M.D.N.C. May 4, 2006)**
  The Alpha Iota Omega (AIO) fraternity sued the University of North Carolina after being denied official recognition and funding because the organization limited its membership to those of the Christian faith. A federal lawsuit was filed in AIO's behalf and the University changed its policy and reinstated funding and official recognition status to the fraternity.

- ***Geneva College v. Chao,* No. 2:06-01663 (W.D. Penn. 2006)**
  Members of Geneva College and the Association of Faith-Based Organization (AFBO) were denied access to post-employment opportunities because of a governmental "nondiscrimination policy" prohibiting the listing of religious staffing requirements. After a lawsuit was filed, the federal government and the Commonwealth of Pennsylvania conceded that the policy did not apply to Geneva College or AFBO's members, and they are no longer prohibited from posting job listings.

- ***Barkey v. City of Idaho Springs, Colorado,* No. 1:06-01209 (D. Colo. 2006)**
  A coordinator for the National Day of Prayer and others planned to observe the event in a park area outside of Idaho Springs, Colorado's city hall, but reserved the council's meeting room in case of inclement weather. After rain forced the group inside on the day of the event, a city administrator informed them of a city policy barring use of the space for religious purposes. After a lawsuit was filed, city officials decided to close the city council chambers for general use by the public, and the city constructed a new room to be used by the public as a meeting room, including religious groups.

- ***Child Evangelism Fellowship, Butte-Tehama-Glenn Chapter v. Brown,* No. 2:05-0939 (E.D. Cal. 2005)**
  In November 2004, Child Evangelism Fellowship (CEF) of Butte-Tehama-Glenn requested to use school facilities to hold a Good News Club. The district informed CEF that they would have to pay higher usage fees than secular groups would. Under protest, CEF paid the fees. Because the local CEF operated on a limited budget, however, it had to discontinue the Good News Club meetings in several schools. Although the local CEF

chapter advised the school district of legal cases recognizing the equal access rights of Good News Clubs, district officials refused to listen and CEF was forced to file a lawsuit.

- ***Gentala v. City of Tucson,* 325 F. Supp. 2d 1012 (D. Ariz. Nov. 7, 2003)**
  Patricia and Robert Gentala applied for reimbursement for coverage of city costs for a National Day of Prayer event. The city denied the funds, although it routinely offered funding to similar groups. The Gentalas sued, and a federal district judge ruled against the Gentalas. The Ninth Circuit *en banc* affirmed. Shortly after the final decision of the Ninth Circuit, the U.S. Supreme Court decided *Good News Club v. Milford Central School*, which held that it is a violation of the right to free speech to deny a group access to government facilities because the group was communicating a religious message. The Gentalas filed a petition to the Supreme Court. The Supreme Court remanded the case to be reconsidered in light of the *Good News Club v. Milford Central School* ruling. Finally, in 2003, the federal district court ruled that Mr. Gentala could not be discriminated against because of the religious message of the event.

- ***Moore v. City of Van, Texas,* 238 F. Supp. 2d 837 (E.D. Tex. Jan. 7, 2003)**
  Van, Texas, had an unwritten policy prohibiting groups from using the Van Community Center if the use was for a religious purpose. Citizens wanting to use the center for religious purposes sued the city. A federal district court held that Van's policy was unconstitutional.

- ***Child Evangelism Fellowship, Inc., San Fernando Valley Chapter v. Los Angeles Unified School District,* No. 02-1329 (C.D. Cal. 2002)**
  The Child Evangelism Fellowship (CEF) applied to the Los Angeles Unified School District to use an elementary school to host a Good News Club. The school policy permitted use by civic and community groups, but prohibited use by "sectarian or denominational religious exercises or activities." In response, CEF applied through the real estate branch and was willing to pay application and rental fees, which are not required of any other groups, but CEF was still denied. A lawsuit had to be filed to gain equal access for the religious group and to prevent the school district's religious discrimination.

- ***Pearce v. Northville Public Schools,* No. 00-CV-75174 (E.D. Mich. 2000)**
  A Bible club was told it would have to meet before or after school and not during seminar periods as other groups were permitted to do because the group was religious. Bible club members filed suit to protect their right to meet without being discriminated against on the grounds of religion.

- ***Liberty Christian Center v. Board of Education of the City School District of Watertown,* 8 F. Supp. 2d 176 (N.D.N.Y Jun. 10, 1998)**
  The Board of Education of Watertown, New York, denied the Liberty Christian Center access to the Watertown High School Cafeteria during non-school hours. The school permitted other groups to use the cafeteria during non-school hours, but rejected the Liberty Christian Center because of the center's religious affiliation. A lawsuit was filed to prevent the school board from discriminating against a religious group and

denying the group's rights to equal access.

- ***Ford v. Manuel,* 629 F. Supp. 771 (N.D. Ohio Aug. 8, 1985)**
  The Findlay Board of Education permitted the Findlay Weekday Religious Education Council to operate before and after school hours in the public schools in accordance with "Community Use of School Facilities." Parent-taxpayers complained about the program because of concerns regarding the Establishment Clause and filed a lawsuit to strike down the program. A federal district court held that the school district's allowing the before-school and after-school religious group to meet violated the Establishment Clause.

- ***McKee v. City of Pleasanton,* 750 P.2d 1007 (Kan. 1988)**
  Students in Pleasanton, Kansas, formed a Fellowship of Christian Athletes (FCA) chapter on their school campus and were recognized as an official student club on campus. A new superintendent and school board, however, stripped FCA of their official status and refused to recognize them as a school club. A lawsuit was filed to restore the group's recognition as an official student club.

- ***Council for Secular Humanism, Inc. v. McNeil,* 44 So. 3d 112 (Fla. Dist. Ct. App. 1st Dist., Apr. 27, 2010)**
  The Council for Secular Humanism sued the state of Florida and two faith-based halfway houses that provided reintegration assistance to recently released prisoners. The Council for Secular Humanism challenged the state's contracts with the two halfway houses, asserting that any payment to the halfway houses constituted payment to a church. The trial court found for the state. The case has been appealed.

- ***Aldersgate United Methodist Church v. City of Rockland, Maine, et al.*, No. _____ (Super. Ct. Me. Apr. 24, 2012)**
  Aldersgate United Methodist Church in Rockland, Maine, filed suit against the city for taxing churches differently than it does other benevolent charities and non-profit organizations. Rockland only allows churches to get tax exemptions for their main buildings and not for their parsonages or other buildings. Other non-profit organizations, however, receive tax exemptions for all of their buildings.

- ***Big Hart Ministries Association, Inc. v. City of Dallas,* 2011 WL 5346109 (N.D. Tex. Nov. 4, 2011)**
  Big Hart Ministries Association, which provides food for the homeless in Dallas, Texas, brought suit against the City of Dallas, alleging that a Dallas ordinance that requires Big Hart to have a pre-approved location for food distribution violates the Texas Religious Freedom Restoration Act. A federal district court refused the city's motion to dismiss the case.

- **Evangelist Prohibited from Distributing Religious Tracts at Cheese Festival**
  http://religionclause.blogspot.com/2012/05/suit-challenges-limits-on-evangelists.html
  Police stopped an evangelist from passing out religious tracts at the Sorrento Cheese Italian Heritage Festival in Buffalo, New York, even though members of other

organizations such as the Air Force and schools were allowed to pass out pamphlets. The evangelist sued, seeking an injunction allowing him to pass out his tracts as well as for costs and nominal damages. In the suit, he claimed the actions of the city violated due process and his First Amendment rights.

- **Air Force Academy Withdrawals Support of Operation Christmas Child**
  http://www.gazette.com/articles/religious-127840-academy-christmas.html
  The Freedom From Religion Foundation wrote a letter to the U.S. Air Force Academy complaining about the support the Academy gives Operation Christmas Child by encouraging cadets to participate in the project. Operation Christmas Child is a charity that sends children Christmas presents along with a religious message. The Academy responded to this letter by no longer directly encouraging the project, and only allowing school chaplains to promote participation.

- **ACLU Attempts to Force County to Discriminate Against Religious Festival**
  http://www.wdtv.com/wdtv.cfm?func=view&section=Fox-10&item=Prosecutor-Commission-Legal-Funding-Jesus-Fest269
  The ACLU attempted to force Harrison County, West Virginia, to discriminate against a religious festival in its grant distribution. The County Prosecuting Attorney refused to discriminate, noting that the grant funding process was neutral towards religion.

- **ACLU Sued School for Holding Graduation Ceremonies in a Methodist-Owned Auditorium**
  Lauren Green, "New Jersey School and ACLU Compromise of Graduation at Christian-Owned Site," FoxNews.com, available at http://www.foxnews.com/us/2011/05/26/new-jersey-high-school-aclu-compromise-grnew-jersey-school-aclu-compromise/ (May 26, 2011)
  The ACLU sued Neptune High School in Neptune, New Jersey, after the school decided to continue with their seventy-year tradition of holding its graduation ceremonies at the Great Auditorium of the Ocean Grove Camp Meeting Association, a Methodist organization. The school and the ACLU settled with the school, agreeing to cover any religious symbols in the Great Auditorium.

- **ACLU Threatens School for Holding Graduation Ceremonies in a Church Building**
  Liberty Counsel, "Texas Graduation Gets Free Offer of Help from Liberty Counsel Against ACLU Threat," available at http://www.lc.org/index.cfm?PID=14100&PRID=1068 (May 19, 2011)
  Irving Independent School District holds their graduation ceremonies at The Potter's House, a nondenominational church, which is used because it can seat more persons than any school-owned facility. The ACLU threatened to sue the school if it did not change locations.

- **Library Prohibited Christian Author from Holding Book Discussion**
  http://ilenevickministriestn.blogspot.com/2011/01/whats-it-going-to-take-in-us-christians.html

Ilene Vick, author of *Personality Based Evangelism*, filed suit against Putnam County after the library refused to let her use the library's room to lead a discussion on her book. In the suit that followed, the judge ordered the library to never again refuse access to its facility to a Christian.

- **Church Brings RLUIPA Suit in Illinois**
  http://religionclause.blogspot.com/2010/12/hispanic-congregation-sues-illinois.html
  The Rios de Agua Viva church filed a RLUIPA suit against Burbank, Illinois, for requiring it to file for a special use permit to use a restaurant as a meeting place. The church alleges that other, non-religious institutions do not have to apply for the special permits.

- **Michigan Church Wins RLUIPA Settlement**
  http://www.dailytribune.com/article/20101102/NEWS/311029991/church-asks-court-to-strike-down-hazel-park-zoning-law
  The Salvation Temple in Hazel Park, Michigan, settled a lawsuit it filed against the city for not allowing it to move into a building zoned for commerce or industry. The restriction on the church was prohibitive because there were no other properties available that could house the church. In the settlement, the city allowed the church to move into a vacant commercial building.

- **Libraries Censoring Religious Discussion**
  http://americanlibrariesmagazine.org/news/02172010/florida-man-sues-two-libraries-religious-discrimination
  http://www.wnd.com/2010/08/191129/
  Several public libraries across the county have banned the discussion of religious books and the holding of religious seminars in their facilities.

- **Dallas, Texas, Prohibits Church from Hosting a Christian School**
  Eric Nicholson, "Council Says 'No' to Coram Deo; Liberty Institute Lawyer Claims Violation of Federal Law," *Preston Hollow People*, available at http://www.prestonhollowpeople.com/2010/06/23/council-says-no-to-coram-deo-liberty-institute-lawyer-claims-violation-of-federal-law/ (Jun. 23, 2010)
  Dallas, Texas, prohibited Hillcrest Church from hosting a Christian school, Coram Deo Academy, in its building, citing traffic concerns. The school, however, was already housed on the same street, just down the block from the church.

- **Richmond, Virginia, Changes Ordinance to Protect Religious Speech**
  http://www2.timesdispatch.com/news/2010/feb/05/suit05_20100204-223008-ar-11567/
  Two street evangelists were confronted six different times by Richmond, Virginia, police who wanted them to end their public preaching. Some of the officers threatened the preachers with invented violations. After the evangelists sought legal assistance to protect their free speech rights, the Richmond City Council recognized the problems in its law and proposed a new noise ordinance to end its unconstitutional discrimination against religious speech.

- **Los Angeles Bars Evangelism On Sidewalks Near Courthouses**
  http://www.adfmedia.org/News/PRDetail/3731
  http://oldsite.alliancedefensefund.org/userdocs/MianoComplaint.pdf
  The City of Los Angeles prohibited anyone from approaching another person about education and counseling, among other things, within 100 feet of courthouse doors, unless the other person consents. This was interpreted as making it illegal for an evangelist to peacefully share the Gospel to willing members of the public who passed by on sidewalks next to the unused emergency exits of a courthouse.

- **ACLU Opposed Connecticut Town's Allowing Salvation Army to Collect Funds at Festival**
  http://religionclause.blogspot.com/2009/12/group-complains-about-citys-favoritism.html
  Meriden, Connecticut, hosts the Festival of Silver Lights every year, which is a large attraction. In 2009, the ACLU complained because Meriden gave the Salvation Army the exclusive right to collect funds at the festival. The ACLU claimed that this showed that the city favored a religious institution. The funds, however, only went towards the charity's social services.

- **Monroeville, Pennsylvania, Denies Church Permission to Use Park for the National Day of Prayer**
  Norwin Star, "Church to Use Park for Prayer Day," available at http://aclj.org/aclj/the-norwin-star-monroeville-pa---church-to-use-park-for-prayer-day- (Apr. 24, 2008)
  Members of the Suburban Community Church in Monroeville, Pennsylvania, requested permission to use a public park for the National Day of Prayer, but were denied access. The church sought legal assistance, which sent a demand letter to the borough explaining the constitutional rights of the church to use the park. The letter asked for a statement in writing that the church would be allowed to use the park. Following reception of the letter, the borough's council met and voted unanimously to allow the church to use the park.

- **Westmoreland, Pennsylvania, Denies Church Permission to Use Park for the National Day of Prayer**
  Patti Dobranski, "Religious Freedom Bolstered in Irwin," *Pittsburgh Tribune-Review*, available at http://aclj.org/aclj/tribune-review-pittsburgh-pa---religious-freedom-bolstered-in-irwin (Apr. 15, 2008)
  The Borough of Westmoreland, Pennsylvania, denied Suburban Community Church permission to use a public park for a National Day of Prayer event. The borough stated that they would not allow the park to be reserved for religious purposes. After receiving a demand letter, one of the borough's council members denied that the borough prohibited the church from reserving the park. After being notified that the council's prohibition was recorded on tape, the borough's council unanimously approved the church's request to use the park.

- **Plano, Texas, Prevents Church from Reserving Council Chambers for National Day of Prayer Unless Church Agrees to Include Other Faiths**
  Free Market Foundation, "Free Market Sues City of Plano for Preventing Pastor from using Council Chambers on National Day of Prayer," available at http://freemarketblog.wordpress.com/2008/03/14/free-market-sues-city-of-plano-for-preventing-pastor-from-using-council-chambers-on-national-day-of-prayer/ (Mar. 14, 2008)
  The City of Plano prohibited an all-Christian alliance from renting its facilities for the National Day of Prayer, insisting that other faiths be required to share the space as a condition for use.

- **Pennsylvania Schools Demand Fees from Religious Club**
  Liberty Counsel, "Religious Club Gains Equal Access to Pennsylvania Public Elementary Schools," available at http://www.lc.org/index.cfm?PID=14100&PRID=545 (Jan. 26, 2007)
  Child Evangelism Fellowship (CEF) had been holding Good News Clubs in two elementary schools in Clinton County, Pennsylvania, for a number of years. At one point, CEF was advised that, unlike other groups, they would have to pay a fee for the use of school facilities. They were first told that they would be charged a fee because CEF was not local. After CEF showed that it had a local office, they were told that CEF must pay because the Good News Clubs were "sectarian." After receiving an attorney's letter, the school superintendent informed CEF they would not impose a fee.

- **New Jersey School Bans Good News Club After Discovering Club is Christian**
  Liberty Counsel, "School District Reverses Decision and Grants Christian Club Equal Access to Facilities," available at http://www.lc.org/index.cfm?PID=14100&PRID=16 (Jan. 17, 2007)
  After learning that the Good News Club teaches morals and character development from a Biblical perspective, the principal of Minue Elementary School in Carteret, New Jersey, tried to block club meetings on the school premises. The principal first refused to allow flyers to be sent home to inform parents about the club, and then told the club they could not use school premises, even though they paid the usage fee. After receiving an attorney's letter, the school attorney informed the club that they could meet and distribute flyers.

- **Milwaukee School Limits Number of Students Who May Attend Bible Club**
  Liberty Counsel, "Milwaukee Public Schools Remove Cap on Good News Clubs," available at http://www.lc.org/index.cfm?PID=14100&PRID=14 (Jan. 11, 2007)
  Hi-Mount Elementary School in Milwaukee, Wisconsin, limited the number of school children who could attend the Good News Club and refused to allow permission slips to be sent home to parents, informing them about the club and requesting permission for their children to attend. Good News Club coordinators tried unsuccessfully on numerous occasions to resolve the issue and were forced to file a lawsuit to convince the district to end the discrimination.

- **School Makes Bible Club Start an Hour After School**
  Liberty Counsel, "Milwaukee Public Schools Remove Cap on Good News Clubs," available at http://www.lc.org/index.cfm?PID=14100&PRID=14 (Jan. 11, 2007)

Congress Street School in Milwaukee refused to allow its Good News Club to meet until an hour after the end of the school day. Secular clubs were permitted to begin immediately after school. After correspondence with attorneys, the school ended its discriminatory practice.

- **Ohio Schools Refuse to Allow Bible Club to Distribute Information and Permission Slips**
  Liberty Counsel, "Ohio School District Halts Discrimination Against Good News Clubs," available at http://www.lc.org/index.cfm?PID=14100&PRID=13 (Jan. 10, 2007)
  Good News Clubs in Stow, Ohio, were denied the right to distribute information and parent permission slips to students. Since the parents were not informed of the opportunities to send their children to the after-school Bible clubs, attendance would be limited. After attorneys threatened to take legal action, the schools reversed their decision.

- **Connecticut School District Requires Extra Fees from Bible Club**
  Liberty Counsel, "Good News Clubs Return to Connecticut Schools," available at http://www.lc.org/index.cfm?PID=14100&PRID=10 (Jan. 4, 2007)
  Wolcott School District in Wolcott, Connecticut, had always charged Good News Clubs only the minimal charges that are applicable to local non-profit organizations, such as the Boy Scouts. When the Good News Clubs applied to use school facilities for the 2006–07 school year, however, district officials insisted that the Good News Clubs must be charged higher fees as a "non-Wolcott" organization. Following an attorney's letter, the Wolcott School District reversed its decision.

- **Ohio Library Prohibits Christian Group from Meeting to Discuss Traditional Marriage Unless Advocates of Homosexual Marriage Also Present**
  Liberty Counsel, "Ohio Library Settles Lawsuit Over Policy Which Banned 'Controversial' Religious Speech," available at http://www.lc.org/index.cfm?PID=14102&AlertID=461&printpage=y (Nov. 14, 2005)
  A Christian group requested access to a community room in the Newton Falls Library in Youngstown, Ohio, for a meeting about the biblical perspective of traditional marriage. The library director denied the request because the library's policy required that any time a "controversial subject" was discussed, the opposing viewpoint must also be presented. The policy was revised only after a lawsuit was filed.

- **Peabody, Massachusetts, Bans Churches from Renting School Facilities**
  American Center for Law and Justice, "Peabody, MA Clearing Way for Religious Organizations to Use Facilities," available at http://aclj.org/aclj/aclj-reaches-agreement-with-city-of-peabody-ma-clearing-way-for-religious-organizations-to-use-facilities (Feb. 7, 2005)
  Beverly Church of the Nazarene and the Living Hope Church of the Nazarene sued the city of Peabody, Massachusetts, for not renewing a contract to use public school facilities for religious services. School officials told the churches that they could no longer use the school because doing so was a violation of the "separation of church and state." The city and the churches settled, allowing the churches to continue using the facilities.

- **Aberdeen, Washington, Censors Announcement Posted on a Public Board Regarding Showing of the *Jesus* Film**

  Liberty Counsel, "City of Aberdeen Backs Down From Censoring an Announcement on a Public Reader Board Regarding the Private Showing of the Jesus Film," available at http://www.lc.org/index.cfm?PID=14100&PRID=395 (Jan. 5, 2005)

  Child Evangelism Fellowship of Pacific Harbors, Washington, inquired about posting an announcement on a public reader board about a public showing of the "Jesus" film. The organization was told that because of the "separation of church and state," the city could not permit the word "Jesus" to be posted on the board. After receiving an attorney's letter pointing out the unconstitutionality of this policy, the city allowed the posting.

- **Principal Removes "Christian" from Student Organization's Name**

  David Limbaugh, *Persecution, How Liberals Are Waging War Against Christianity* 50–51 (HarperCollins Sept. 7, 2004)

  A Panama City, Florida, principal changed the name of one Bible club from "Fellowship of Christian Students" to "Fellowship of Concerned Students" without conferring with student members. The principal also prohibited the organization from advertising.

- **Schools Refuse to Count Religious Volunteer Work for Graduation Requirement**

  Rutherford Institute, "School Officials Discriminate Against Religious Puppeteers, Deny Community Credit for Volunteering at Vacation Bible School," available at https://www.rutherford.org/publications_resources/on_the_front_lines/pr454 (Oct. 6, 2003)

  Montgomery County Public Schools in Maryland require sixty hours of community service as a prerequisite to graduation. Students who worked at a Vacation Bible School on an Indian Reservation were not permitted to count that time toward their hourly requirement. Attorneys intervened and the students were permitted to count the hours, but, unfortunately, the policy remains and continues to discriminate against students who participate in religiously based community service.

- **Plano, Texas, Discriminates Against Church's Roof Design**

  The City of Plano attempted to prevent the WillowCreek Fellowship Church from opening because of the slant of the church's roof, even though no ordinance existed relating to the angle of the roof and despite the fact that the roof of a school down the street from the church had an identical angle. Only after threat of a lawsuit under the RLUIPA did the city relent and permit the church to open.

- **Indiana Town Prohibits Distribution of Religious Literature in Public Parks**

  Rutherford Institute, "Rutherford Institute Attorneys File Suit Against Lebanon City Parks Officials For Banning Distribution of Religious Literature," available at https://www.rutherford.org/publications_resources/on_the_front_lines/pr421 (Apr. 28, 2003)

  A minister and a church member from Grace Baptist Church were prohibited from distributing religious literature in a public park in Lebanon, Indiana, though the minister had distributed materials in the park for years. A lawsuit was filed to protect the minister's rights.

- **School District Evicts Church in the Middle of the Church's Lease**
  ReligiousTolerance.org, "Rental of Public School & Library Facilities by Religious Groups," available at http://www.religioustolerance.org/ps_pra7.htm (Mar. 15, 2003)
  Reunion Church leased an empty high school on Sunday mornings for services, but the Dallas I.S.D. evicted the church in the middle of the lease, claiming that renting their facilities to a church violates school board policy. Reunion Church filed a lawsuit challenging their eviction, and the school district reversed its decision.

- **Texas Tech Defends Professor that Discriminates Against Religious Students**
  Lisa Falkenberg, "Policy Involving Evolution Prompts Federal Inquiry," Associated Press, Jan. 29, 2003, BC cycle
  A Texas Tech professor discriminated against students on the basis of their religion. The university stood behind the professor, saying the professor's policies were not in conflict with those of Texas Tech.

- **Religious Civil Rights Organization Banned from Using Library for Meeting About American History and the Ten Commandments**
  Beverly Goldberg, "Christian-Rights Group Sues over Nixed Library Meeting," *American Libraries Magazine*, available at http://americanlibrariesmagazine.org/news/01202003/christian-rights-group-sues-over-nixed-library-meeting (Jan. 20, 2003)
  Liberty Counsel, a Christian civil rights legal defense organization, was denied access to the Dunedin Public Library near Tampa, Florida. Liberty Counsel wanted to use a community meeting room for a meeting relating to America's Christian History and the influence of the Ten Commandments. After Liberty Counsel sued, the Dunedin Public Library changed its policy to settle the lawsuit.

- **Mitchell County, Texas, Library Refuses Access to Religious Groups**
  American Library Association, "Texas Library Sued for Denying Religious-Meeting Request," available at http://www.ala.org/ala/alonline/currentnews/newsarchive/2002/july2002/texaslibrary.cfm (Jul. 22, 2002)
  The public library in Mitchell County, Texas, denied Rev. Seneca Lee access to a room in which he planned to hold a meeting about political and social issues from a Christian perspective. A library policy prevented religious groups from using the meeting room. Only after a lawsuit was filed did the library change their policy of discriminating against religious groups.

- **Texas School District Demands Fees from Bible Club**
  Grapevine-Colleyville I.S.D. surprised Students Standing Strong (SSS), a student-led Bible study club, on a Friday with an ultimatum that it must sign away its right to be a student club and pay fees in order to hold its previously approved club meeting the following Monday. Other, non-Christian clubs were not given the same ultimatum. After a demand letter was sent, the school district agreed to allow SSS to meet without signing an additional form or paying additional fees.

- **Angelina College Refuses to Rent Space to Religious Organizations**
  Vision America contacted Angelina College to rent space from the public institution for an upcoming conference. Angelina College refused because Vision America was a religious organization and the written policy of Angelina College prohibited renting facilities to religious organizations. Angelina College agreed to change its policy and allow religious groups to use its facilities only after attorneys intervened.

- **From the Cave Creek School District, Arizona**
  The Cave Creek public school district passed a policy that allowed non-profit community groups to meet in public schools without charge, but the policy excluded churches. A church was charged $1,200 under the policy to access the school. An attorney explained the constitutional issues associated with the policy and also requested records under the Freedom of Information Act to determine how much the school had charged other groups during the previous three years. Only as a result of this intervention did the school district decide to revise the discriminatory policy and reimbursed the church their money.

- **Iowa School Refuses Access to Fellowship of Christian Athletes**
  Alliance Defense Fund, "The Walls Keep Tumbling Down… Another Exciting Equal Access Win to Report!" available at http://www.alliancedefensefund.org/Home/ADFContent?cid=2639
  The South Tama Community School District in Iowa refused the Fellowship of Christian Athletes (FCA) access to school facilities, so an FCA member complained. Only after a demand letter was sent to the school district did the district back down and change their policy to stop discriminating against religiously affiliated groups.

- **Community College in New York Prohibits Christian Student Group**
  Alliance Defense Fund, "Speak Up: North Country Community College," available at http://www.speakupmovement.org/Map/CaseDetails?Case=213
  Tammy Snyder, a student at North Country Community College in Saranac Lake, New York, attempted to start a Christian student group on campus. To advertise, Ms. Snyder hung flyers around campus, careful to respect school policy regarding the creation of a student organization. On three separate occasions campus officials removed Ms. Snyder's flyers, informing her that her organization would violate the separation of church and state. After being sent a demand letter, the college reversed its position and allowed Ms. Snyder to establish the club.

- **Allen, Texas, Refuses to Lease Property for Church Use But Leases to Secular Groups**
  The City of Allen denied Cottonwood Creek Baptist Church the right to lease property for church use, even though the city had previously allowed secular groups to lease the same space. The ordinance applied by the city targeted churches for unfair treatment and exclusion. After a lengthy discussions with the church's attorneys, the city finally allowed the church to lease the space.

- **Terrell, Texas, Bans Churches from Meeting in City-Owned Buildings**
  The city of Terrell, Texas, prohibited the Purpose Life Church from meeting in a city-

owned building, saying, "Local governments are not allowed to have church activities in a city owned building. This is consistent with city policy. The city has denied these types of requests of other church events. We are governed in this area by both state and federal law." Only after attorneys filed a lawsuit and the Department of Justice investigated the city did the city settle the lawsuit and pay damages to the church.

- **New York City Prohibits Bible Study in Community Center**
  Alliance Defense Fund, "Almost a Year after the Tragic Attack on America, Pastor Wins Right to Hold Bible Study for Residents in New York City…," available at http://www.christianrights.org/Alliance%20Defense%20Fund/ADF%205.htm
  Following the September 11 attacks, a New York City pastor wanted to use the Woodside Community Center, located in a public housing development, to host a Bible study for New Yorkers. The pastor was denied his request because religious services (unless connected to a family-oriented event like a wedding) were prohibited. A lawsuit was filed to prevent the community center from treating religious groups differently than other groups.

3. Free Speech

- ***Greater Baltimore Ctr. for Pregnancy Concerns, Inc. v. Mayor & City Council of Baltimore,* 2012 WL 2402573 (4th Cir. 2012)**
  Baltimore's City Council passed an ordinance that compelled limited-service pregnancy centers, such as those maintained by religious organizations, to post signs stating that they do not provide or make referrals for abortion or birth control services. Claiming the church's free speech, free exercise of religion, and equal protection rights were violated, the Roman Catholic Congregation, Inc. and the Greater Baltimore Center for Pregnancy Concerns, Inc. sued the city. The district court held that the ordinance violated the centers' free speech rights. The Fourth Circuit Court of Appeals affirmed the lower court's decision.

- ***Brown v. City of Pittsburgh,* 586 F.3d 263 (3rd Cir. 2009)**
  The Third Circuit Court of Appeals found that a Pittsburgh law that required protesters to remain 15 feet from hospital entrances and 8 feet from hospital patrons while within 100 feet of the hospital unconstitutionally overbroad and vague. The law was passed in an effort to keep anti-abortion protesters away from hospital patrons that may be seeking an abortion.

- ***Chosen 300 Ministries, Inc. v. City of Philadelphia,* No. 2:12-3159 (E.D. Penn., filed June 5, 2012)**
  Philadelphia relocated an art collection to the downtown area and enacted new regulations that closed down a church's program of feeding homeless people outdoors in public parks. A group of churches filed a complaint claiming the new regulations were designed to stop the food programs in violation of the churches' First Amendment free speech rights as well as rights created by Pennsylvania's Religious Freedom Protection Act. The group of churches claims the city targeted religiously sponsored feeding programs, while creating exceptions for other non-religious activities.

- ***Austin LifeCare, Inc. v. City of Austin,* No. 1:11-cv-0875 (W.D. Tex. 2012)**
  The City of Austin passed an ordinance compelling Pregnancy Resource Centers to post a misleading sign on their doors stating whether they have a full-time medical director on-site, even if the center is not opened full-time, and whether they are licensed by the state, even though there is no license available for Pregnancy Resource Centers.

- ***State of Nebraska v. U.S. Department of Health and Human Services,* No. 4:12-3035 (D. Neb., filed Feb. 23, 2012)**
  The attorney generals of South Carolina, Texas, Florida, Ohio, Oklahoma, and Nebraska filed suit against the U.S. Department of Health because of recent legislation requiring insurance to cover birth control. The attorney generals claim that the legislation violates the Religious Freedom Restoration Act, freedom of speech, freedom of association, and the free exercise of religion. The attorney generals are bringing the suit both on behalf of their states and the people of their states.

- ***Evergreen Association, Inc. v. City of New York,* 801 F. Supp. 2d 197 (S.D.N.Y. July 13, 2011)**
  The U.S. District Court for the Southern District of New York enjoined a New York law from going into effect that would compel "pregnancy service centers" to post signs about services they do not provide, distracting from the messages those organizations want to communicate. The court found that the definition of "pregnancy service centers" was overly vague and that the ordinance was subject to strict scrutiny and not narrowly tailored. The City of New York appealed the ruling to the Second Circuit.

- ***St. Mark Roman Catholic Parish Phoenix et al. v. City of Phoenix, Arizona,* No. 2:09-1830 (D. Ariz. Apr. 19, 2010)**
  A federal district court in Arizona permanently enjoined the City of Phoenix from enforcing its noise ordinance against noises arising from religious expression, such as the ringing of church bells, holding that enforcing the noise ordinance against such noises violated the First and Fourteenth Amendments to the U.S. Constitution and Arizona's Free Exercise of Religion Act.

- ***Bethel v. City of Montgomery,* No. 2:04-743, 2010 WL 996397 (M.D. Ala. Mar. 2, 2010)**
  Preachers challenged a city ordinance requiring people to obtain a permit before participating in public assembly, such as religious protests. A magistrate judge found the ordinance to be constitutionally permissible and recommended the case be dismissed with prejudice.

- **Americans United for Separation of Church and State Asked IRS to Investigate Hager Hill Freewill Baptist Church Due to Alleged Political Statements During Sermons**
  http://www.au.org/files/pdf_documents/2012-05-hager-hills.pdf
  On May 21, 2012, Americans United for Separation of Church and State wrote to the IRS contending that the pastor of Hager Hill Freewill Baptist Church violated federal tax law by intervening in an election where he told his congregation that "he wants to see President Barack Obama removed from office." The pastor made this statement while discussing the

President's comments affirming his policy backing same-sex marriage, a policy antithetical to the church's religious belief on the biblical conception of marriage.

- **Navy Chaplain Sued by Military Religious Freedom Foundation for Content of His Prayers**
  http://www.dallasnews.com/news/religion/20120403-judge-dismisses-lawsuit-against-dallas-based-group-former-chaplain-for-use-of-curse-prayers.ece
  The founder of the Military Religious Freedom Foundation, Mikey Weinstein, filed suit against the former Navy chaplain and the chaplaincy of Full Gospel Churches for saying prayers that Weinstein claimed incited threats of violence against him. The district court judge disagreed, however, and dismissed the suit on the grounds that there was no proof of a connection between the prayers and the threats.

- **Americans United for Separation of Church and State Challenged the Non-Profit Status of an Organization that Opposed Homosexual Marriage**
  http://religionclause.blogspot.com/2010/10/au-asks-irs-to-investigate-church.html
  Americans United for Separation of Church and State wrote a letter to the IRS claiming a Christian organization in Sioux City, Iowa, was in violation of its non-profit status. The organization, Cornerstone World Outreach, campaigned to local churches and asked them to preach against homosexual marriage in the weeks leading up to Iowa's Supreme Court elections so that people would vote against the justices that legalized homosexual marriage.

- **Federal Agency Backtracks After Barring Religious Worship in Public Housing Complex**
  http://www.dallasnews.com/news/community-news/dallas/headlines/20100305-Church-services-are-back-on-at-5879.ece
  After initially barring religious worship services in public housing facilities due to Establishment Clause concerns, the Dallas Housing Authority (DHA) reversed its decision. A DHA spokesman explained that the incident was caused by a misinterpretation of federal guidelines.

- **Minister's Invitation to National Prayer Luncheon Revoked Because of His Comments on Homosexuality in the Military**
  http://blogs.cbn.com/thebrodyfile/archive/2010/02/24/exclusive-tony-perkins-disinvited-to-military-prayer-breakfast.aspx
  An ordained minister and Marine Corps veteran was punished for speaking out on a topic unrelated to his planned comments at the National Prayer Luncheon at Andrews Air Force Base outside of Washington, D.C. The minister criticized President Obama's call to end "don't ask, don't tell," resulting in his invitation to speak at the National Prayer Luncheon being rescinded. The minister criticized the action as "blacklisting" to suppress unwanted viewpoints.

- **California Museum Permits Pro-Evolution Documents But Stops Pro-Intelligent Design Documentary**
  http://www.evolutionnews.org/2011/08/california_science_center_pays050081.html

The California Science Center cancelled a showing of a documentary that supported Intelligent Design theory. The following week, however, the museum showed a documentary supporting evolutionary theory. A lawsuit alleging religious discrimination was filed, and the California Science Center agreed to pay $110,000 in damages in the settlement of the suit.

- **NFL Threatens Churches Showing the Super Bowl on Big Screens**
  Jacqueline L. Salmon, "NFL Pulls Plug On Big-Screen Church Parties For Super Bowl," *Washington Post*, available at http://www.washingtonpost.com/wp-dyn/content/article/2008/01/31/AR2008013103958.html (Feb. 1, 2008)
  The NFL demanded that Fall Creek Baptist Church in Indianapolis, Indiana, cancel its advertised Super Bowl party. In addition to objecting to the church's use of the words "Super Bowl" in promotions, the league objected to use of any screen larger than fifty-five inches and disliked the church's plans to show a video highlighting the Christian testimonies of Colts coach Tony Dungy and Chicago Bears coach Lovie Smith.

4. Church Autonomy and Governance

- ***Seven-Sky v. Holder,* 661 F.3d 1 (D.C. Cir. 2011)**
  Seven-Sky challenged the Patient Protection and Affordable Care Act claiming it exceeded Congressional Commerce Clause authority and violated the Religious Freedom Restoration Act because the mandate to purchase insurance was a mandate to violate Seven-Sky's religious belief that purchasing insurance expresses skepticism in God's ability to provide. The courts held the act does not exceed Commerce Clause authority and that it does not violate the Religious Freedom Restoration Act.

- ***Catholic League for Religious and Civil Rights v. San Francisco,* 624 F. 3d 1043 (9th Cir. 2010)**
  Cardinal William Levada told Catholic adoption agencies to stop placing children with homosexual couples. The City of San Francisco issued an anti-Catholic resolution, calling Cardinal Levada's statement "hateful" and "discriminatory" and calling on him to rescind his request. The Catholic League and two individual Catholics sued San Francisco for violating the Establishment Clause. An eleven-judge panel of the Ninth Circuit Court of Appeals ruled in favor of the city, concurring with the decision by the district court to dismiss the case.

- ***Hindu Temple Society of North America v. Supreme Court of the State of New York,* 142 Fed. Appx. 492 (2d Cir. 2005)**
  Six individuals sued the Hindu Temple Society of North America, a house of worship they rarely attended, asking to be put in charge of the leadership of the Temple. They wanted to restructure the Temple's governing board and asked the court to place them in a position of authority within the Temple. After a four-year battle, the New York Court of Appeals ruled in favor of the Hindu Temple, granting them their right to order their worship as they deemed fit.

- ***Legatus et al. v. Sebelius et al.*, No. 2:12-12061 (E.D. Mich. May 7, 2012)**
  Legatus, an organization of Catholic business and professional leaders, filed suit against the Affordable Healthcare Act's mandate that businesses provide health insurance that covers birth control and some types of abortion pills even though Catholics oppose the use of any form of contraception.

- ***Geneva College v. Sebelius*, No. _____ (W.D. Penn., filed Feb. 21, 2012)**
  Geneva College, a Presbyterian college, filed suit over objections to being required to cover contraceptives that it considers abortifacients, which would be in violation of its religious beliefs. The college claims these requirements violate the Religious Freedom Restoration Act, the First and Fifth Amendment, and the Administrative Procedures Act.

- ***Eternal Word Television Network, Inc. v. Sebelius et al.*, No. 2:12-501 (N.D. Ala., filed Feb. 9, 2012)**
  Eternal Word Television Network, a Roman Catholic media network, filed a lawsuit challenging the Affordable Healthcare Act's requirement that the organization provide health insurance that covers contraceptives, abortifacients, and sterilization products for its employees.

- ***Westbrook v. Penley*, 231 S.W.3d 389 (Tex. 2007)**
  Peggy Lee Penley, a member of CrossLand Community Bible Church in Fort Worth, Texas, had a sexual relationship with a man other than her husband and desired to divorce her husband without a biblical reason. She refused to repent of her sin, and the church, through its church disciplinary process according to the book of Matthew, sent a letter to the congregation informing them of the former member's lack of repentance and the unacceptability of her behavior. She sued the church, the elders, and the pastor, dragging secular courts into an internal church matter. The Texas Court of Appeals ruled in Penley's favor. The church appealed to the Texas Supreme Court, where the lower court's ruling was overturned in a 9-0 decision.

- ***Kliebenstein v. Iowa Conference of the United Methodist Church*, 663 N.W.2d 404 (Iowa 2003)**
  A parishioner at Shell Rock United Methodist Church sued her church for referring to her divisive actions as acting within "the Spirit of Satan." The Iowa Supreme Court's decision to allow such a suit violated the First Amendment rights of the church to speak about behavior from a biblical perspective.

- ***HEB Ministries, Inc. v. Texas Higher Education Coordinating Board*, 235 S.W.3d 627 (Tex. 2007)**
  Texas passed a law forcing all seminaries to get state approval of their curriculum, board members, and professors. Tyndale Seminary was fined $173,000 by the state for using the word "seminary" and issuing theological degrees without government approval. A suit had to be filed to prohibit the government's attempts to control religious training. Both the district court and the court of appeals upheld the law. Finally, after nine years of suffering and losses, the Texas Supreme Court reversed and held that the law violated the First Amendment and the Texas Constitution.

- ***Errgong-Weider v. United Congregational Church of Norwalk,* 2011 WL 5842378 (Super. Ct. Conn. Oct. 25, 2011)**
  The Superior Court of Connecticut denied a motion to dismiss a lawsuit brought by a pastor against the church that attempted to fire him by vote of its members. The court held that it was proper for it to determine if the pastor was effectively terminated by the vote according to corporation laws. The court held that the church's own constitution and bylaws will be taken into consideration in making the decision.

- ***Doe v. Watermark Community Church,* No. 05-06-00763-CV, 2006 Tex. App. LEXIS 10362 (Tex. App.—Dallas 2006)**
  A judge prohibited Watermark Community Church in Dallas, Texas, from engaging in religious speech in following Jesus' words in Matthew 18. The church was sued by a member who sought to stop the church disciplinary process. A restraining order was issued against the church, prohibiting the leaders from speaking about sin and from following the Matthew 18 model of restoring a member to the body of Christ. The restraining order was ultimately reversed and the case dismissed on appeal.

- ***Church of Christ in Hollywood v. The Superior Court of Los Angeles County,* 121 Cal. Rptr. 2d 810 (Cal. App. 2002)**
  Former church member Lady Cage-Barile began to intimidate and harass members of the church and interrupt and disrupt Bible studies, so the church informed her she was no longer welcome on church property. When the church sought an order barring Cage-Barile, the court denied it, and the church was forced to go to the California Court of Appeals to enforce its right to exclude trespassers from church premises.

- **Illinois Severs Ties With Catholic Charities Over Adoption to Homosexuals**
  http://articles.chicagotribune.com/2011-11-15/news/ct-met-catholic-charities-foster-care-20111115_1_civil-unions-act-catholic-charities-religious-freedom-protection
  The state of Illinois ended its historic relationship with Catholic Charities, which was the first organization to inspire child welfare services in that state, because the organization would not adopt children to homosexual couples. Adopting to homosexual couples would violate well-established Roman Catholic Church doctrine. Although Catholic Charities was willing to refer homosexual couples to other adoption agencies, the state refused to accommodate them. Ironically, this religious-based discrimination is in response to the Religious Freedom Protection and Civil Unions Act. The Act, when combined with state anti-discrimination laws, requires homosexual civil unions to be treated like marriages, but only provides protection to religious clergy who decline to officiate a civil union. Two thousand children will now have to transition to new agencies.

- **Indiana Civil Rights Commission Brings Full Force of State Power Against Small Religious Association**
  http://www.christiannewswire.com/news/1227913200.html
  The Indiana Civil Rights Commission (ICRC) asserted authority over a group of nine homeschool families that had formed an organization to provide religious-based social interaction for their children. A discrimination claim was filed with the ICRC when one of

the families requested a special diet for its child to avoid allergy concerns and the organization determined it would be safer if the child's family prepared the meal. ICRC asserted jurisdiction to investigate and penalize the small, religious association—an organization without any employees, offering no goods, services, or public accommodations, powered by volunteers and donations. The conflict has forced the group to temporarily disband pending a final resolution and has exhausted its small repository of donations.

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