

UNDENIABLE

The Survey of Hostility to Religion in America

2013 EDITION

Kelly Shackelford, Esq.

Executive Editor



LIBERTY
I N S T I T U T E

Restoring Religious Liberty in America

Kelly Shackelford, Esq., Executive Editor

Justin Butterfield, Esq., Editor-in-Chief

Bryan Clegg, Assistant Editor

Copyright © 2013 Liberty Institute.

All rights reserved.

This publication is not to be used for legal advice. Because the law is constantly changing and each factual situation is unique, Liberty Institute and its attorneys do not warrant, either expressly or impliedly, that the law, cases, statutes, and rules discussed or cited in this publication have not been subject to change, amendment, reversal, or revision. If you have a legal question or need legal advice, please contact an attorney. Liberty Institute's attorneys may be contacted by going to www.LibertyInstitute.org, selecting the "Contact" menu option at the top of the page, and then selecting "Request Legal Help."

Liberty Institute

2001 W. Plano Parkway, Suite 1600

Plano, Texas 75075

(972) 941-4444

AN OPEN LETTER TO THE AMERICAN PEOPLE

To my fellow Americans,

Your most basic rights are being gravely threatened. This threat is coming in the form of a tidal wave of government-driven hostility to religious liberty in America. Such hostility is a tsunami that—if it reaches shore—will sweep away all your other liberties.

Why? The Declaration of Independence, the birth certificate of our nation, acknowledged that all our rights—such as the right to a fair trial and to elect our own government—are “endowed” by a “Creator.” They are therefore “unalienable” and not to be violated by government.

For that reason, the Founders called “free exercise” of religion, guaranteed in the First Amendment to the Constitution, to be our “First Freedom.” They regarded the right of everyday people to express open allegiance to the Creator as a safeguard against government attacks on any rights given by that Creator.

But what if open and widespread expression of religious freedom—in government, schools, workplaces, the military, public places, and more—is eliminated, driven into the shadows of society? What if religion becomes an opinion only to be expressed privately in your home or quietly in your church, if at all? What if religious liberty becomes a poor, subservient tenant of an arbitrary and imperious government landlord?

If that occurs, then government can erase any of your rights as it sees fit, since government, not the “Creator” cited by the Founders, will be regarded as the ultimate definer, giver or taker of all rights.

This book shows that such a disastrous reversal—government placed above the religious impulses and liberties of its citizens—is happening

now, today. The threat is being pushed by wealthy, radical organizations like the ACLU, Freedom From Religion Foundation, American Atheists, and even misguided government officials who seek to delete religion from the public arena, from schools, and even from churches.

The following collection of legal cases, detailing anti-religious bigotry throughout America, documents this threat. The tidal wave is growing. Indeed, the tide is already rising around our legs! Attacks on religion by government are the worst they have ever been in American history.

There is still time to turn back this tide. In fact, there is encouraging evidence that we can do so if we choose.

Liberty Institute stands ready to boldly defend and restore religious liberty in America and has a victory rate (to date) of over 99 percent in legal cases against violations of the Founders' protections of religious liberty. From the local district courts to the U.S. Supreme Court, we will face each challenge head-on to protect our most precious liberty—our freedom of religion.

We offer this book both as an undeniable warning and an encouragement to join us in restoring religious liberty.

Kelly Shackelford, Esq.
President & CEO
Liberty Institute

TABLE OF CONTENTS

Executive Summary	1
Section I: Attacks in the Public Arena	15
Section II: Attacks in the Schoolhouse.	37
Section III: Attacks Against Churches and Ministries	63
Section IV: Attacks Against the Military and Veterans.	85
About Liberty Institute	97
Kelly Shackelford	99
Endorsements	101

EXECUTIVE SUMMARY

When the *Survey of Religious Hostility in America* was released last year, it was met with a wide range of responses: from thankfulness that the survey shined a light on a growing problem to shock at how much religious persecution occurs in the United States to skepticism and outright denial of the included incidents, though each incident includes a citation to a court case, a news article, or a report from an organization involved in the incident. This year, the survey has been renamed *Undeniable: The Survey of Hostility to Religion in America*. This title exemplifies the purpose of the survey: to bring to light the increasing acts of hostility to religion in such a way that even the most uninformed and skeptical person cannot deny that we in America are facing an unprecedented assault on our First Freedom.

Undeniable: The Survey of Hostility to Religion in America, while not exhaustive, now records almost 1,200 incidents of hostility to religion in America—approximately double the number of incidents in last year’s *Survey of Religious Hostility in America*. Like last year’s survey, *Undeniable: The Survey of Hostility to Religion in America* divides the incidents of hostility to religion into three broad categories: attacks on religious liberty in the public arena, attacks on religious liberty in the schoolhouse, and attacks against churches and ministries.

Attacks on Religious Liberty in the Public Arena

Attacks on religious liberty in the public arena are perhaps the most widely recognized and one of the fastest growing forms of hostility to religion in the United States today. This category covers all attacks on exercising religious liberty in public, including challenges to praying in public, challenges to publicly displaying

Nativity scenes or menorahs, and challenges to displaying the Ten Commandments. Since last year's edition of this survey, a new attack on religious liberty in the public arena has exploded, threatening to shut down any company that refuses to fund abortion-inducing drugs because of religious convictions: Obamacare's "HHS Mandate." The HHS Mandate is a federal regulation that requires any company that provides group health insurance to also fund coverage for abortion-inducing drugs such as Plan B (the "day-after pill") and Ella (the "week-after pill"). Many companies with religious convictions against funding abortions are being forced to sue the government to avoid having to either violate their religious beliefs or go out of business. One of the largest of these companies is Hobby Lobby, which is being threatened with fines exceeding one million dollars per day for refusing to fund abortion-inducing drugs. The following are some of the most significant cases in this category:

Attacks on Companies that Oppose Funding Abortions

- *Hobby Lobby Stores, Inc. v. Sebelius*
- *Holland v. U.S. Department of Health and Human Services*

These cases are representative of the many lawsuits filed by for-profit companies that oppose the federal government's forcing them to fund abortion-inducing drugs against the companies' religious beliefs. Under Obamacare's HHS Mandate, any company that provides group health insurance must also fund coverage for some abortion-inducing drugs. While none of these cases have reached a final conclusion yet, most courts have ordered the government to temporarily stop enforcement of the HHS Mandate against religious objectors. If the U.S. Supreme Court ultimately

sides with the government, however, any company with a religious objection to funding abortion-inducing drugs will have to decide whether to violate its religious beliefs or close.

Attacks on Ten Commandments Displays

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

These cases both involve challenges to Ten Commandments displays, one at the Texas capitol and one in a courthouse in Kentucky. The U.S. 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

- *Galloway v. Town of Greece*
- *Atheists of Florida, Inc. v. City of Lakeland, Florida*

These cases involve 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 founding of the United States, and Congress hired a chaplain to give these opening prayers the same week that it passed the First Amendment. Despite the historical evidence and the U.S. Supreme Court's holding that legislative prayer is constitutional, threats and lawsuits challenging these prayers are growing more frequent. In *Atheists of Florida, Inc. v. City of Lakeland, Florida*, the Eleventh Circuit Court of Appeals followed the Supreme Court's decision in *Marsh v. Chambers* and upheld a city commission opening each meeting with a prayer. In *Galloway v. Town of Greece*, how-

ever, the Second Circuit Court of Appeals rejected the Supreme Court's decision in *Marsh v. Chambers* and struck down legislative prayer. The Supreme Court has agreed to hear an appeal of *Galloway v. Town of Greece*, revisiting this issue for the first time since *Marsh v. Chambers*.

Attacks on Public Speech and Expression

- *Barton v. City of Balch Springs*

In *Barton v. City of Balch Springs*, 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 their lawsuit their meals would be taken away because praying over government-funded meals violates the “separation of church and state.”

Attacks on Religious Liberty in the Schoolhouse

Attacks on religious liberty in the schoolhouse is the second broad category of hostility to religion chronicled in *Undeniable: The Survey of Hostility to Religion in America*. These cases primarily involve school officials prohibiting students or teachers from sharing their faith or 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 unless the school officials stamp out all religious expression within the school. While this type of attack on religious liberty has been common for decades, these attacks are now occurring with increasing frequency. The following are some of the most significant recent attacks on religious liberty in the schoolhouse:

- *Matthews v. Kountze I.S.D.*

The Kountze High School cheerleaders wanted to display

Executive Summary

encouraging messages to the football players of both KHS's team and the opposing teams. The cheerleaders decided that the best way to encourage the players was to write Bible verses on the "run-through" banners that the football players run through at the beginning of each game. The Freedom From Religion Foundation discovered that the cheerleaders were writing Bible verses and sent a letter to Kountze I.S.D. demanding that the school district stop the cheerleaders. The superintendent of Kountze I.S.D. then banned any student group, including the cheerleaders, from bringing signs with religious messages to sporting events. The cheerleaders sued the school district to protect their free speech and religious liberty rights. A state district court judge held that the cheerleaders' speech is protected and may not be censored by the school district. The school district is now appealing.

- *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 stop 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 violated Ms. Barrow's constitutional parental rights and she subsequently won a jury verdict against the government school official.

Attacks on the Religious Liberty of Churches and Ministries

The final broad category of hostility to religion that is 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 & Sch. 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.

- *Opulent Life Church v. City of Holly Springs, MS*

The Opulent Life Church in Holly Springs, Mississippi, wanted to move into a larger facility because 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 sued the City of Holly Springs for violating the Constitution and the Religious Land Use and Institutionalized Persons Act, which prohibits zoning ordinances from discriminating against churches. After the Fifth Circuit ruled in favor of the church, the case settled, and Opulent Life Church is now free to move into its new property.

- *Barr v. City of Sinton*

The City of Sinton, Texas, 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 Freedom Restoration Act to rule in favor of Pastor Barr and his ministry.

Executive Summary

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

Texas 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 Texas Supreme Court reversed and held that the law violated the First Amendment and the Texas Constitution.

- *Westbrook v. Penley*

A member of Crossland Community Bible Church in Fort Worth, Texas, 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 Texas Supreme Court unanimously held for the church.

Attacks on Religious Liberty in the Military and Against Veterans

Attacks on the religious liberty of active and retired members of the U.S. military accelerated at such an alarming pace that this year’s 2013 edition of *Undeniable: The Survey of Hostility to Religion in America* has added it as a separate area of focus. Liberty Institute retained as an in-house attorney the services of Michael Berry, a

high-level Judge Advocate and Marine officer, to head its Armed Forces Religious Liberty Project in order to counter growing assaults on the religious liberty of service members. Religious liberty and open religious sentiment in the armed forces goes back to the Continental Army, and was formalized in the administration of President Thomas Jefferson. Religious freedom in the military has been recognized as an essential part of the strength of the armed forces, in which men and women are sent into incredibly stressful, life-and-death, and even lonely situations where access to their faith is crucial and necessary to mission accomplishment and troop morale within the armed services as a whole. Religious rights in the military are recognized in the U.S. Constitution, Department of Defense Regulations, service branch regulations, and upheld by extensive and recent case law. Nevertheless, recent years have seen attacks on religious liberties that ignore this law and tradition. Below are merely samples of other violations documented in this publication:

**Attacks on Service Members' Religious Belief,
Thought, and Association**

• *Army Training Materials Label Christians*

"Extremists," in the Same Category as Al-Qaeda

U.S. Army training materials provided for an Army Reserve unit in Pennsylvania labeled Evangelical Christians and Catholics as "religious extremists," along with Hamas and Al-Qaeda. After religious groups complained about the presentation, the Army trainer who prepared the material apologized. However, other similar training content surfaced, associating a well-known Christian ministry with a "hate" group and referring service personnel to sources that are openly hostile to Evangelical Christianity and label several popular ministries as "hate" organizations

on par with the Ku Klux Klan, warning soldiers against associating with such organizations. In doing so, the military was taking a position against the doctrine of established, traditional religion; participating in labeling a particular traditional religious belief in a highly negative manner; and seeking to persuade military personnel to reject such traditional religious institutions and their beliefs and to disassociate themselves.

Attacks on Veterans' Memorials

- *Salazar v. Buono*
- *Trunk v. City of San Diego*
- *Hewett v. City of King, North Carolina*

These cases each represent a lawsuit demanding that a veterans' memorial be torn down because it includes a cross. In *Salazar v. Buono*, the memorial was saved after Congress transferred the land to private ownership. In *Trunk v. City of San Diego*, the U.S. Court of Appeals for the Ninth Circuit held that the veterans' memorial is unconstitutional, but the courts are still determining whether the memorial must be removed. In *Hewett v. City of King, North Carolina*, Americans United for Separation of Church and State are demanding that a memorial designed by The American Legion be removed because it depicts a cross-shaped headstone.

Attacks on Religious Speech

- *Rainey v. U.S. Department of Veterans Affairs*
- *Pentagon Removes Chaplain-Created Video Tribute to First Sergeants*

These cases illustrate the growing pattern of censorship of religious speech within the active military. In *Rainey v. U.S. Department of Veterans Affairs*, 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, Liberty Institute attorneys 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 the second example, an Air Force chaplain wrote a poem to honor First Sergeants, patterned off of the popular Dodge Ram commercial, “God Created a Farmer.” The poem was adapted into a video. The video was posted on the official Joint Base McGuire Dix YouTube site; however, it was quickly removed after someone complained about the video. The alleged offense of the video was the language “On the eighth day, God looked down on His creation and said, ‘I need someone who will take care of the Airmen,’ So God created a First Sergeant.”

There is Hope

While *Undeniable: The Survey of Hostility to Religion in America* shows that attacks on religious liberty are dramatically increasing in the United States, both in the frequency and in the severity of the attacks, this survey also shows that those persons and organizations, like Liberty Institute, that stand up for religious liberty win when they fight. When those who value religious liberty actively engage the cultural and legal battle against secularism, they push

Executive Summary

back the secularists' agenda. While the presidential administration's arguments in *Hosanna-Tabor Evangelical Lutheran Church & School v. EEOC* and in the HHS Mandate cases are stunning examples of the executive branch's rejection of religious liberty, the courts have not given the secularists the victory. In *Hosanna-Tabor*, the U.S. Supreme Court unanimously held that churches are free from government control over their employment decisions. So far, most of the courts that have heard HHS Mandate cases have temporarily, at least, stopped the government from forcing businesses to decide between abandoning their religious beliefs or going out of business. As more and more Americans become aware of the growing attacks on religious liberty and what their rights are, they can stand and turn back the tides of secularism and hostility that have so eroded our religious liberty rights, our First Freedom.

SECTION I

Attacks in the
Public Arena

***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.

***Hobby Lobby Stores, Inc. v. Sebelius*, No. 12-6294 (10th Cir. 2013) (en banc)**

In implementing the Patient Protection and Affordable Care Act, also known as "Obamacare," the Department of Health and Human Services issued a mandate (the "HHS Mandate") that requires every organization except churches that provide group health insurance to provide, directly or indirectly, for abortifacients such as Plan B (the "day-after pill") and Ella (the "week-after pill"). Hobby Lobby, a for-profit Christian organization, objected to being forced to fund these abortifacients. Hobby Lobby sued the federal government and argued that the HHS Mandate violates Hobby Lobby's First Amendment religious liberty rights. A federal district court and the Tenth Circuit Court of Appeals ruled against Hobby Lobby, but the Tenth Circuit reviewed the case en banc and reversed itself, agreeing that the HHS Mandate likely violates Hobby Lobby's religious liberty rights. Hobby Lobby then got a court order temporarily stopping enforcement of the HHS Mandate against the company.

***Atheists of Florida, Inc. v. City of Lakeland, Florida*, 713 F.3d 577 (11th Cir. 2013)**

A group called the Atheists of Florida sued the City of Lakeland, Florida, for opening each city commission meeting with a prayer.

The city sent invitations to pray to all of the religious groups in the city. Atheists of Florida argued, however, that the prayers violated the Establishment Clause because some of the persons who prayed did so “in the name of Jesus Christ” or to “the Father, Son and Holy Spirit.” A federal district court held that just because some of the persons invited to pray give Christian prayers, it does not mean that the city’s policy violates the Establishment Clause. The Eleventh Circuit Court of Appeals affirmed.

***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 homosexual 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.

***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 prohibited such declarations. The Seventh Circuit reversed.

***Cenzon-DeCarlo v. Mount Sinai Hospital*, 626 F.3d 695 (2d Cir. 2010)**

A nurse at Mount Sinai Hospital in New York 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 if she refused to participate in the abortion. Following a request from her attorneys, the U.S. Department of Health and Human Services investigated the hospital for civil rights violations. Mount Sinai Hospital now has a policy that no person can be forced to participate in an abortion against that person's conscience.

***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.

***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” because most of the prayers before the town board—along with

most of the churches in the town—were Christian. The U.S. Supreme Court has agreed to hear an appeal in this case and should decide the case next year.

***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. The Tenth Circuit held that the crosses violate the Establishment Clause.

***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.

***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.

***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 Court of Appeals held that state law requiring closures on Good Friday violated the Establishment clause.

***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.

***Holland v. U.S. Dep't. of Health and Human Svcs.*, No. 2:13-15487 (S.D.W.V. filed Jun. 24, 2013)**

Joe Holland Chevrolet is a family-owned Chevrolet dealership whose stated purpose is “to glorify and honor God by being faithful stewards for all that is entrusted to us.” Because of the Holland family’s strong religious beliefs regarding abortion, Joe Holland Chevrolet does not want to fund abortifacient drugs like Plan B (the “day-after pill”) and Ella (the “week-after pill”) as required by Obamacare’s HHS Mandate. Liberty Institute is working with Joe Holland Chevrolet to fight the government’s requirements that the Holland family’s company fund these abortion-inducing drugs.

***Stormans, Inc. v. Selecky*, 844 F. Supp. 2d 1172 (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.

***The Criswell College v. Sebelius*, No. 3:12-4409 (N.D. Tex., filed Nov. 1, 2012)**

The Criswell College is a nonprofit, Christian college that was going to be forced under Obamacare to indirectly provide for abortifacient drugs such as Plan B (the "day-after pill") and Ella (the "week-after pill"). Liberty Institute worked with The Criswell College to fight the government's requirements that The Criswell College provide these drugs against its religious convictions.

***Doe v. School Board of Giles County*, No. 11-435 (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.

***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 claim 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.

***Gaskell v. University of Kentucky*, No. 09-244 (E.D. Ky. 2010)**

Professor Martin Gaskell applied for the position of Observatory Director at the University of Kentucky, 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*, 109 Fair Empl. Prac. Cas. (BNA) 1559 (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 violating their religious liberty. The case settled.

***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.

***Elane Photography, LLC v. Willock*, No. 33,687 (N.M. 2013)**

A Christian photography company was sued after declining for religious reasons to take a job photographing a homosexual couple’s commitment ceremony. The New Mexico Human Rights Commission ordered the photographer to pay over \$6,600 in attorney’s fees. The New Mexico Supreme Court affirmed, with one

justice stating that the photographers “now are compelled by law to compromise the very religious beliefs that inspire their lives.”

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.

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.

***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."

***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 scene, 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.

***Cervelli v. Aloha Bed & Breakfast*, No. 11-1-3103-12 (Haw. 1st Ckt. 2013)**

Lambda Legal filed suit against Hawaii's Aloha Bed & Breakfast for refusing to rent a room to a lesbian couple. The Hawaii Civil Rights Commission also intervened in the case against the bed and breakfast. The court held that the bed and breakfast violated Hawaii's public accommodation laws and must rent rooms to homosexual couples.

***Liberty Counsel, Inc. v. Village of Plainfield, Illinois*, No. 1:12-9485 (N.D. Ill., filed Nov. 28, 2012)**

The Plainfield Village Hall is a public forum for community meetings in Plainfield, Illinois, that is open to educational, cultural, and civic groups so long as the meeting has no religious content. Lib-

erty Counsel wanted to reserve a community room to teach about American history from a Christian perspective. The administrator of the Plainfield Village Hall told Liberty Counsel that their request would be rejected because it was “from a Christian perspective.” Liberty Counsel filed a lawsuit against the village challenging the village’s discrimination against religious use.

***Daniels v. City of N. Charleston*, No. 2:12-319, 2012 U.S. Dist. LEXIS 126767 (D.S.C. Aug. 9, 2012)**

A municipal court in North Charleston, South Carolina, refused to allow Daniels, a member of the East African Hebrew religion, to wear a religious headdress into its courtroom. Daniels sued the city for violating his rights under the U.S. Constitution and South Carolina’s Religious Freedom Restoration Act.

***Naeem v. Metropolitan Taxicab Commission*, No. 4:11-670 (E.D. Mo., filed Apr. 14, 2011)**

The Metropolitan Taxicab Commission in St. Louis, Missouri, suspended Raja Awais Naeem’s taxicab license because Mr. Naeem wore the attire required by his Muslim beliefs. Mr. Naeem was also ticketed at the St. Louis Airport for wearing his religious garb and threatened with arrest for being at the airport in religious clothing. Mr. Naeem filed a lawsuit alleging that these restrictions on his ability to peacefully wear religious clothing violate his religious liberty rights.

***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.

Ghiotto v. City of San Diego, No. D055029 (Ct. App. Cal., filed Oct. 14, 2010)

San Diego, California, hosted a “Gay Pride Parade” and demanded that its firefighters participate in their official capacities or face retaliation. Four of those firefighters were Christians who objected to attending the parade because of their religious beliefs. The city threatened the firefighters with disciplinary action if they refused to participate. During the parade, the firefighters were subject to verbal abuse and sexual gestures. The firefighters sued the city and were awarded approximately \$30,000.

Moultrie v. Berkeley County, South Carolina, No. 2:10-2584 (D.S.C., filed Oct. 5, 2010)

Berkeley County, South Carolina, required its residents to obtain a permit to place signs in their yards. Political signs and for sale signs were deemed appropriate, but signs that carry a religious message were 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. The case settled.

Government Bans Prayer at Homeless Shelter

<http://www.tristatehomepage.com/story/feds-pull-plug-on-pre-meal-prayer-at-shelter/d/story/PjIU1TlktkaARlubgMguQA>

The United Caring Shelter (“UCS”) in Evansville, Illinois, allowed anyone who wanted to pray before the free meal provided by the shelter to do so. The prayers were open to all and were not mandatory. The U.S. Department of Agriculture, however, demanded that UCS stop the prayers or stop accepting federal assistance

to feed the homeless. The UCS now permits only a moment of silence before meals.

Steakhouse Threatened for “Church Member Appreciation Day”

<http://ffrf.org/legal/other-legal-successes/item/15923-ffrf-stops-mississippi-restaurant%E2%80%99s-discriminatory-discount-sept-11-2012>

The Western Sizzlin’ Steakhouse in Wiggins, Mississippi, developed promotional offers to attract customers. One such offer was the “church member appreciation day,” during which church members could get a discount at the steakhouse. The Freedom From Religion Foundation threatened the steakhouse for offering this discount, asserting that this promotion violated the Civil Rights Act. The restaurant responded by stating that it would “discontinue including churches in [its] discount promotions and programs moving forward and will only offer them to other local businesses and companies that are not religious in nature.”

City Threatened for Renting Amphitheater to Christian Musician

<http://www.christianpost.com/news/michael-w-smith-says-atheist-lawsuit-threat-is-absurd-78569/>

A resident of Draper, Utah, threatened to sue the city if it did not cancel a Michael W. Smith concert because the city rented the city’s amphitheater to the Christian musician and facilitated ticket sales through the city’s website. The city refused to cancel the concert and noted that it treated the Michael W. Smith concert in the same manner that it treats all groups that desire to perform at the amphitheater.

Christian Baker Sued for Refusing to Create Wedding Cake for Homosexual Wedding

<http://news.yahoo.com/colo-gay-discrimination-alleged-over-113354165.html>

Jack Phillips, owner of the Masterpiece Cakeshop in Lakewood, Colorado, refuses to make cakes that would violate his religious convictions. In the past, this has included refusing to make a Halloween-themed wedding cake. Now, however, the ACLU and the Colorado Attorney General's office are suing Mr. Phillips for refusing to create a cake for a homosexual wedding. The case is expected to be heard before Colorado's Civil Rights Commission in September of 2013.

Atheist Group Bullies Santa Clara, California, to Remove Historical Marker

<http://ffrf.org/news/action/item/15057-help-remove-cross-in-santa-clara-park>

<http://santaclaraca.gov/index.aspx?page=1455#memorial>

The Freedom From Religion Foundation demanded that Santa Clara, California, remove a granite cross from Memorial Cross Park. The Santa Clara Lions Club had donated the cross for the park as a historical marker to mark the location of a mission built in 1779.

Cisco Employee Fired for Religious Views About Marriage

http://townhall.com/columnists/mikeadams/2011/06/16/the_cisco_kid/page/full/

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. Cisco's 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.

Owners of Vermont Inn Fined \$30,000 for Refusing to Host Homosexual Wedding

<http://www.christianpost.com/news/owners-of-vermonts-wildflower-inn-oppose-maines-same-sex-marriage-referndum-in-new-video-83747/>

Jim and Mary O'Reilly own the Wildflower Inn in Vermont. Although the O'Reillys open their inn to homosexuals, they could not, because of their Catholic faith, host a homosexual wedding at the inn. The ACLU then filed a lawsuit against the O'Reillys. They were forced to pay \$30,000 to the homosexual couple and the Vermont Human Rights Commission.

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.

Employee Fired for Religious and Political Message Written on His Car

<http://www.crosswalk.com/1441745>

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.

U.S. Capitol Visitor’s Center Replaces “In God We Trust” with Erroneous National Motto

<http://www.mcclatchydc.com/2008/12/02/56905/conservative-lawmakers-bring-god.html>

When the \$621 million U.S. Capitol Visitor’s Center was opened, Senator DeMint pointed out that it incorrectly identified “E Pluribus Unum” as the national motto instead of the actual motto: “In God We Trust.” The center also downplays the Founding Fathers’ faith in God but prominently displays a quote from a Massachusetts lawyer from the 1830s: “We have built no temple but the Capitol. We consult no common oracle but the Constitution.”

ACLU Works to Stop Tourism Grant from Going to Christian Concert

<http://www.tampabay.com/news/humaninterest/aclu-wants-to-ensure-freedom-fest-not-overtly-christian/912837>

Hernando County, Florida, makes grants available for events that will bring tourists into the county in order to spur economic development and promote the county as a tourist destination. The Tourist Development Council approved a grant for the Freedom Fest, a Christian music festival held on the Fourth of July weekend. Despite the secular purpose of the grant and the neutral manner in which it is granted, the ACLU complained about the funds going

to a religious festival. In response to the complaints, the festival was forced to change its name from the “God and Country” festival to the “Family, Freedom, and Country” festival, and the grant had to be given directly to vendors instead of the organization promoting the festival. The ACLU nevertheless warned that any “overt religious overtones” at the event would cause “trouble” for the county.

Voluntary After-Prison Rehab Center Closed Because of its Faith-Based Technique

<http://www.southcoasttoday.com/apps/pbcs.dll/article?AID=/20070510/NEWS/705100414>

<http://www.au.org/our-work/legal/successes/falls-river-ma>

The Bristol County, Massachusetts, sheriff’s department funded a rehabilitation program to help recently released prisoners reintegrate into society. The program was completely voluntary and boasted an 86% success rate at keeping participants from returning to jail versus a 7% success rate for secular programs. Despite the program’s success, Americans United for Separation of Church and State threatened legal action against the county for funding a faith-based organization. The sheriff gave in to the pressure and closed the program.

Girl Barred from Singing “Kum Ba Yah”

http://articles.sun-sentinel.com/2000-08-16/news/0008160005_1_talent-show-girls-club-club-s-executive-director

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.

***Noesen v. Dep't. of Regulation and Licensing*, 311 Wis. 2d 237 (Wis. Ct. App. 2008)**

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 Roman Catholic.

Coach in Northglenn, Colorado, Banned from City Recreation Facility for Religious Speech

<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 recreation facility's 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.

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 sent a letter to Dennis Lennox, a county drain commissioner, 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."

Oregon 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.

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.

Seniors Banned from Singing Christmas Carols in Their Homes

<http://www.lc.org/pressrelease/2005/nr121305b.htm>

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.

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.

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.

Virginia High School Bans Students from Posting the Ten Commandments to their Lockers

<http://www.lc.org/index.cfm?PID=14102&AlertID=1244>

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.

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.

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/>

After receiving a complaint from the Freedom From Religion Foundation, the state of Washington banned all holiday displays other than the “holiday tree” inside its capitol building.

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.

**To view the entire list of cases, please visit:
www.LibertyInstitute.org**

Undeniable: The Survey of Hostility to Religion in America

SECTION II

Attacks in the Schoolhouse

***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.

***A.M. v. Taconic Hills Cent. Sch. Dist.*, 510 Fed. Appx. 3 (2d Cir. 2013) (unpub. op.)**

An eighth-grade student, the president of her class, wanted to include a sentence from the Old Testament in her graduation speech. The school told the student that she could not include the sentence because it was “too religious.” The Second Circuit upheld the school’s censorship, stating that a reasonable observer might perceive the student’s message as having been endorsed by the school.

***Ward v. Polite*, 667 F.3d 727 (6th Cir. 2012)**

Julea Ward was expelled from Eastern Michigan University’s (“EMU”) graduate counseling program because she would not affirm homosexual conduct or heterosexual conduct outside of marriage to clients that she saw during the clinical portion of her program, instead referring these clients to another counselor. A federal district judge ruled against Ms. Ward, but the Sixth Circuit Court of Appeals reversed. Following the Sixth Circuit’s ruling in

Ward's favor, the case settled with EMU reinstating Ms. Ward and providing financial compensation to her.

***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.

***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.

***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.”

***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.

***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’s 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 Court of Appeals 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.

Corder v. Lewis Palmer School Dist. No 38, 566 F.3d 1219 (10th Cir. 2009)

Erica Corder, class valedictorian, made a short speech during her 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. A federal district court found for the school district, and the Tenth Circuit Court of Appeals affirmed.

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 Court of Appeals 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 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.

***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.

***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.

Silver v. Cheektowaga Cent. Sch. Dist., No. 1:13-31 (W.D.N.Y., filed Jan. 10, 2013)

Cheektowaga Central School District in New York permits teachers to display personal messages, including inspirational messages, in their classrooms—so long as those messages have no religious content. Joelle Silver, a high school science teacher, was given a “counseling letter” and forced to remove any posters with religious messages from her classroom as well as sticky notes on her desk with religious verses and the Bible Study Club’s prayer request box that was in her room. As a result of the school’s actions against Ms. Silver, she filed a lawsuit against the school district to protect her freedoms of speech and religion.

Child Evangelism Fellowship, Inc. v. Buena Park Sch. Dist., No. 12-2012 (C.D. Cal., filed Nov. 19, 2012)

Buena Park School District in Orange County, California, rejected a Christian after-school club’s request to meet in the school’s facilities on equal terms with similar but non-religious organizations. The Christian club filed a lawsuit against the school district to be given equal access to the school district’s facilities.

Solid Rock Christian Club v. Wyatt, No. 2:12-978 (D. Ut., filed Oct. 22, 2012)

Snow College in Utah has an annual homecoming tradition called “Paint the Town” in which student groups decorate the windows of participating businesses. The Solid Rock Christian Club had participated in the past; but, in 2012, Snow College changed their policies and refused to permit the Solid Rock Christian Club to fully participate because of the club’s religious affiliation. Snow College forced the Solid Rock Christian Club to wash away their displays, and the college itself washed away a display on private property whose owner had personally invited the Solid Rock Christian Club to create. The Solid Rock Christian Club filed a

lawsuit against Snow College because of the college's discriminatory conduct.

***Florida Christian College v. Shanahan*, No. 4:12-109 (N.D. Fla., filed Mar. 8, 2012)**

The State of Florida withheld grant money from students attending Florida Christian College because the college did not satisfy the state's "secularity checklist." Florida Christian College and three of its students whose grant money was withheld filed a lawsuit against the Florida Board of Education to stop the state's religious discrimination. The case settled, and the Board of Education agreed to allow grant money to be distributed to students at Florida Christian College.

***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.

***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.

***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.

***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.

***Christian Legal Society v. Eck*, 625 F. Supp. 2d 1026 (D. Mont. May 19, 2009)**

The University of Montana School of Law derecognized 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's policy on sex being reserved

for marriage violated the law school's diversity statement, allowing the school to freely discriminate against CLS.

***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.

***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.

***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.”

***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.

***Nichol v. Arin Intermediate Unit 28*, 268 F. Supp. 2d 536 (W.D. Pa. June 25, 2003)**

A 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.

***Duncan v. State of New Hampshire*, No. ____ (Sup. Ct., Strafford County, N.H., Jun. 17, 2013)**

New Hampshire implemented a program to encourage private donations to scholarship organizations by granting an up-to-85% tax credit for such donations. The ACLU and Americans United for Separation of Church and State, however, opposed the program

because the state did not require the scholarship organizations to discriminate against students who attend religious schools. A court struck down the program under the New Hampshire Constitution.

***Matthews v. Kountze Indep. Sch. Dist.*, No. 53526 (356th Dist. Ct., Hardin County, Tex., May 8, 2013)**

The Kountze High School (“KHS”) cheerleaders wanted to display encouraging messages to the football players of both KHS’s team and the opposing teams. The cheerleaders decided that the best way to encourage the players was to write Bible verses on the “run-through” banners that the football players run through at the beginning of each game. The Freedom From Religion Foundation discovered that the cheerleaders were writing Bible verses and sent a letter to Kountze I.S.D. demanding that the school district stop the cheerleaders. The superintendent of Kountze I.S.D. then banned any student group, including the cheerleaders, from bringing signs with religious messages to sporting events. The cheerleaders sued the school district to protect their free speech and religious liberty rights. A state district court judge held that the cheerleaders’ speech is protected and may not be censored by the school district. The school district is now appealing.

***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.

College Student Ordered to Hide Cross Necklace

<http://blog.libertyinstitute.org/2013/07/university-investigating-religious.html>

Audrey Jarvis, a student at Sonoma State University, was working at a student orientation fair when her supervisor told her to hide her cross necklace because it "might offend others, it might make incoming students feel unwelcome..." Jarvis, a devout Catholic, was so upset by the incident that she left the student fair. Liberty Institute assisted Ms. Jarvis in seeking a religious accommodation from Sonoma State University, and the university is now investigating the religious discrimination.

EEOC Investigates Firing of Teacher for Giving a Bible to a Student

<http://blog.libertyinstitute.org/2013/06/thanks-to-liberty-institutes-pressure.html>

Walt Tutka, a substitute teacher in New Jersey, was fired by the Phillipsburg School District for handing a Bible to a student who asked for it. When the student was the last to enter through a door, Mr. Tutka said, "The first shall be last, and the last shall be first." The student repeatedly inquired about the origin of the phrase. Eventually, Mr. Tutka found the quote in a pocket New Testament and showed it to the student. The student then commented that he did not own a Bible, so Mr. Tutka offered the pocket Bible to the student. The school district then fired Mr. Tutka. With help from Liberty Institute, Mr. Tutka filed a charge of discrimination against the school district with the U.S. Equal Employment Opportunity Commission ("EEOC"). Without conducting the required review, the EEOC dismissed Mr. Tutka's complaint. After Liberty Insti-

tute pressured the EEOC to perform the required investigation and discovered evidence that the school district fired Mr. Tutka because of his membership in Gideons International, the EEOC reopened its investigation and has requested that Mr. Tutka and the school district enter mediation.

Valedictorian Silenced During Speech for Sharing His Faith

<http://blog.libertyinstitute.org/2013/06/joshua-ids-officials-violate-state-and.html>

Remington Reimer, valedictorian of Joshua High School in Joshua, Texas, planned to give his valedictorian address and then get ready to attend the U.S. Naval Academy. When Reimer began to speak about his faith during his valedictorian address, however, that was all put at risk. Texas law prohibits schools from editing valedictorian addresses, but as soon as Reimer began to speak about liberty and his faith, school officials cut his microphone. Furthermore, the principal of Joshua High School threatened to send a letter to the U.S. Naval Academy to ruin Reimer's reputation in retaliation for Reimer's speaking about his faith. Following a demand letter from Liberty Institute, school officials apologized to Reimer and provided assurances that no further discrimination against student religious speech will occur in the future.

Florida College Student Suspended for Refusing to Stomp on "Jesus"

<http://www.libertyinstitute.org/pages/florida-atlantic-university-student-suspended>

A professor at Florida Atlantic University required the students in his class to write "Jesus" on a piece of paper and then stomp on the paper. Ryan Rotela, a Mormon student in the class, refused to stomp on the paper because of his religious beliefs. Rotela then reported the incident to university officials. Instead of protecting Mr. Rotela's religious liberty rights, however, the university officials

brought academic charges against Rotela and suspended him. Following a legal demand from Liberty Institute, the university reversed its decision, apologized to Rotela, expunged the academic charges, and agreed to allow Mr. Rotela to take the class from a different professor.

Pennsylvania School District Denies Equal Access to Religious Club

http://www.pennlive.com/midstate/index.ssf/2013/02/bible_class_fight_christian_gr.html

When the Good News Club, a Christian student club, wanted to start an after-school program at Foose Elementary School in Harrisburg, Pennsylvania, the school responded that the club would have to pay a \$1,200 annual fee to use the school's facilities because the club is religious. Other nonprofit organizations are granted free use of the school facilities after school. The Good News Club filed a lawsuit against the school district to be treated fairly.

School Bans Teachers from Mentioning Religion in Personal Biographies

<http://ffrf.org/legal/other-legal-successes/item/17343-ffrf-cleans-up-jackson-tennessee%E2%80%99s-school-district-website-jan-22-2013>

The Jackson-Madison County School District in Jackson, Tennessee, asked its teachers for biographical information for the district's website. As would be expected in a diverse selection of teachers, some of the teachers found religion important to their lives and incorporated this into their biographies. The Freedom From Religion Foundation accused these teachers of "push[ing] religion on a captive audience" and demanded that the "religious messages be scrubbed" from the biographies. The school district responded by requiring all teachers to remove any religious elements from their personal biographies.

Atheist Opposition to “Merry Christmas, Charlie Brown” Cancels School Field Trip

<http://charlotte.cbslocal.com/2012/12/05/church-calls-off-charlie-brown-christmas-show-amid-controversy/>

Students in Little Rock, Arkansas, were planning to take a field trip to see “Merry Christmas, Charlie Brown,” a stage adaptation of the classic “A Charlie Brown Christmas.” The school explained to parents that the play “would enhance [their] child’s creative imagination in the area of dramatic arts.” The school also provided notice that the play contained religious themes. As a result of the opposition to the students’ being allowed to see the play, the play was canceled due to safety concerns.

Oklahoma School Bullied into Replacing Christmas Songs with “Secular Winter-Themed Songs”

<http://ffrf.org/legal/other-legal-successes/item/17345-ffrf-calls-out-religious-songs-and-bullying-at-oklahoma-grade-school-jan-11-2013>

The Freedom From Religion Foundation threatened Sulphur Elementary School in Sulphur, Oklahoma, for including Christmas songs referencing the historical reason for Christmas in the school’s December play. FFRF claimed that references to “a baby boy” as the “reason for the season” are “divisive” and the Christmas songs should be replaced with generic “secular winter-themed songs.” The school submitted to the FFRF’s demand.

Atheist Group Threatens School for Teaching Two Songs that Mention God in Music Class

<http://www.christianpost.com/news/atheist-group-demands-ny-school-district-remove-songs-mentioning-god-from-curriculum-79929/>

The Freedom From Religion Foundation threatened the Shenendehowa Central Schools of Clifton Park, New York, because the school district’s music class includes two songs that mention God

in their lyrics. The school district refused to change its curriculum, noting that the songs “were used appropriately to teach specific musical concepts, and as the basis for secular classroom activities.” FFRF did not follow through on its threats against the school district.

Group Demands School Band Stop Playing “God Bless America”

<http://www.metrowestdailynews.com/news/x521650947/Group-lodges-complaint-about-God-Bless-America-in-Wayland>

The Freedom From Religion Foundation demanded that the Wayland High School band in Wayland, Massachusetts, stop playing “God Bless America” on Pearl Harbor Day and Memorial Day. The FFRF’s letter to the school stated that playing “God Bless America” “sends a message to students that the school is endorsing and compelling belief in a god.” The school did not acquiesce to the group’s demands.

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 Forces Nursing Students to Participate in Abortions

http://www.nj.com/news/index.ssf/2011/12/umdnj_settles_with_nurses_over.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 settled, and the nurses may now refuse to participate in abortions for religious reasons.

Student Suspended for Identifying as a Christian and Stating Views on Homosexuality

<http://www.foxnews.com/us/2011/09/22/texas-school-punishes-boy-for-opposing-homosexuality/>

Dakota Ary, an honors student in Fort Worth, Texas, mentioned to a friend during German class that he is a Christian and that he believes homosexuality is wrong. The comment was a result of the German teacher's discussion of homosexuality with the class and the teacher's displaying of a picture showing two men kissing. The teacher overheard Ary's comment and became irate. The teacher then sent Ary to the principal, who suspended Ary for three days. After the school was confronted with its discrimination against Ary's Christian beliefs, it rescinded his punishment.

Principal and Athletic Director Criminally Charged for Praying Over a Meal

<http://www.fox10tv.com/dpp/news/pace-high-schools-frank-lay-retires>

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 prohib-

iting school employees from promoting religion at school events. Lay and Freeman were found not guilty of violating the injunction.

Univ. of Wisconsin-Madison Denied Funding to Student Group that is “Too Religious”

<http://www.speakupmovement.org/Map/CaseDetails?Case=240>

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.

Professor Fired for Teaching Catholic View of Homosexuality in “Introduction to Catholicism” Class

<http://www.foxnews.com/us/2010/07/09/university-illinois-reinstates-instructor-fired-catholic-beliefs/>

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.

College Student Penalized for Choosing to Write About Religious Poem

<http://www.speakupmovement.org/Map/CaseDetails?Case=231>

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.

High School Class President Threatened with Arrest for Praying at Graduation

<http://www.lc.org/index.cfm?PID=14100&PRID=1071>

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.

Student Penalized for Mentioning Jesus in a Christmas Poem

<http://www.lc.org/index.cfm?PID=14102&AlertID=934>

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.

Student's Religious Artwork Removed from School Mural

<http://www.christianpost.com/news/girl-s-cross-put-back-into-school-mural-27748/>

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.

High School Cancels “Diversity Day” Instead of Including Christians

<http://www.lc.org/pressrelease/2006/nr032206.htm>

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.

Middle School Students Stopped from Praying at the Flagpole

<http://www.christianity.com/news/religiontoday/1360179/>

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.

Muslim Student Suspended for Wearing Head Covering

https://www.rutherford.org/publications_resources/on_the_front_lines/pr492

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

<http://www.freerepublic.com/focus/f-news/724609/posts>

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 was filed against the school district for violating Laura’s First Amendment rights.

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

https://www.rutherford.org/publications_resources/on_the_front_lines/pr411

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 stop the discrimination.

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.

Teacher Throws Away Students' Bibles and Threatens to Call CPS

David Limbaugh, *Persecution: How Liberals are Waging War Against Christianity* 45 (*Regnery Pub. Jan. 1, 2003*)

A schoolteacher at Lynn Lucas Middle School near Houston, Texas, threw away two students' Truth for Youth Bibles and took the students to the principal's office where she threatened to call Child Protective Services 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.

Colorado School Bans Biblical Book Reports

<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.

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.

**To view the entire list of cases, please visit:
www.LibertyInstitute.org**

Attacks in the Schoolhouse

Undeniable: The Survey of Hostility to Religion in America

SECTION III

Attacks Against Churches and Ministries

***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. The school argued its right to hire or fire Perich based on the “ministerial exception,” which legally protects the rights of churches and ministries to select their religious leaders without government interference. During oral argument at the Supreme Court, the government argued that there is no ministerial exception, allowing the government to regulate who a church may hire or fire as its religious leaders. 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.

***Greater Baltimore Ctr. for Pregnancy Concerns, Inc. v. Mayor & City Council of Baltimore*, Nos. 11-1111 and 11-1185, 2013 U.S. App. LEXIS 13607 (4th Cir. 2013) (en banc)**

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, but the Fourth Circuit Court of Appeals, en banc, said that the district court erred in its handling of the case and ordered the district court to reconsider the case.

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 sued the City of Holly Springs for violating the Constitution and the Religious Land Use and Institutionalized Persons Act, which prohibits zoning ordinances from discriminating against churches. The case settled, and Opulent Life Church is now free to move into its new property.

Reaching Hearts Int'l, Inc. v. Prince George's County, 478 Fed. Appx. 54 (4th Cir. 2012) (unpub. op.)

The county of Prince George, Maryland, denied Reaching Hearts International Church clearance to build a new church. The suit, which began in 2008 against the county for opposing the construction of a new building, continued on as the county 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 county 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 county councilmen. The Fourth Circuit affirmed the district court's decision in favor of the church.

***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.

***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.

***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 the Religious Land Use and Institutionalized Persons Act (RLUIPA). Since Mr. Moussazadeh filed his lawsuit he has been relocated to a facility that serves kosher meals.

***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 preach-

er 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.

***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 Court of Appeals 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 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.

***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.

***Community House, Inc. v. City of Boise*, 490 F.3d 1041 (9th Cir. 2007)**

Boise, Idaho, leased a homeless shelter to a nonprofit 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 Court of Appeals reversed, saying that there should be no religious activities at the shelter, even if participation is voluntary.

***Skoros v. City of New York*, 437 F.3d 1 (2d Cir. 2006)**

A Catholic parent objected to a policy of excluding a Nativity scene 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 Nativity scene. The court determined that it was appropriate to exclude the Nativity scene 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.

***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.

***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.

***Geneva College v. Sebelius*, No. 2:12-207, 2013 U.S. Dist. LEXIS 85107 (W.D. Penn., June 18, 2013)**

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.

***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.

***Austin LifeCare, Inc. v. City of Austin*, No. 1:11-0875 (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.

***Woodridge Church v. City of Medina*, No. 11-275, 2012 U.S. Dist. LEXIS 87687 (D. Minn. June 25, 2012)**

Woodridge 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. The case settled.

***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)

Jose Muniz was cited and Todd Leibovitz was arrested and jailed overnight for peacefully preaching and distributing free religious literature on public sidewalks in San Antonio. Liberty Institute represented Muniz and Leibovitz in a lawsuit against the city of San Antonio. The case settled for approximately \$15,000 and the city’s agreement that peacefully preaching and distributing free religious literature are constitutionally-protected activities.

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.

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.

***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 to meet in the pastor's home under federal law.

***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.

***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 the Religious Land Use and Institutionalized Persons Act (“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.

Aldersgate United Methodist Church v. City of Rockland, Maine, et al., No. CV-12-020 (Super. Ct. Me., Mar. 20, 2013)

Aldersgate United Methodist Church in Rockland, Maine, filed suit against the city for taxing churches differently than it does other benevolent charities and nonprofit organizations. Rockland only allows churches to get tax exemptions for their main buildings and not for their parsonages or other buildings. Other nonprofit organizations, however, receive tax exemptions for all of their buildings. Following the lawsuit, the church was granted tax exemptions for all of its buildings.

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.

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.

***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.

***Westbrook v. Penley*, 231 S.W.3d 389 (Tex. 2007)**

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.

***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.

FEMA Denies Disaster Relief to Churches Devastated by Sandy

<http://www.breitbart.com/Big-Government/2013/03/21/Bill-To-Provide-Sandy-Relief-To-Houses-of-Worship-Stalled-in-Senate>

http://www.huffingtonpost.com/2013/02/13/sandy-aid_n_2679410.html

Superstorm Sandy, the second-costliest storm in U.S. history, devastated communities throughout the Northeast. Among the ruins were many churches and houses of worship. Federal funds were allocated to help the communities rebuild, but FEMA refused to allow any funds to be used to repair houses of worship. In response, the U.S. House of Representatives voted overwhelmingly to end FEMA's religious discrimination. Following opposition from the ACLU, Americans United for Separation of Church and State, and the *New York Times*, the bill stalled in the Senate, and the churches have been denied any assistance.

Man Plans to Murder Employees at Family Research Council Because of the FRC's Stance on Homosexuality

http://www.huffingtonpost.com/2013/04/22/family-research-council-shooter-sentence_n_3132634.html

A man planned to mass-murder the employees of four religious organizations and then smear Chick-fil-A sandwiches on the employees' faces because of their opposition to homosexual marriage. After shooting the security guard at the Family Research Council, however, the man was subdued.

President Obama Opposes Conscience Protections for Military Chaplains

<http://www.alliancealert.org/2013/01/03/chaplain-alliance-calls-on-obama-administration-to-honor-chaplain-protections-passed-by-congress/>

<http://www.whitehouse.gov/the-press-office/2013/01/03/statement-president-hr-4310>

Congress passed a provision with strong bipartisan support that prohibits the armed forces from requiring chaplains to perform “any rite, ritual, or ceremony that is contrary to the conscience, moral principles, or religious beliefs of the chaplain” or from discriminating against a chaplain for that chaplain’s refusal to perform such a rite, ritual, or ceremony. President Obama, however, called the provision “ill-advised.”

Riverside County, California, Bans Churches from Wine Country

<http://www.faith-freedom.com/news/preliminary-victory-for-calvary-chapel-bible-fellowship/>

<http://www.opposingviews.com/i/religion/wine-country-vintners-church-we-dont-want-your-kind-out-here>

Since 1999, Riverside County, California, has banned churches from locating in the Temecula Wine Country. When the pastor of the only existing church in Temecula Wine Country spoke with some of the vintners in the region, he was told, “We don’t want your kind out here.” Following the threat of litigation, the county began considering amendments to its zoning regulations to allow houses of worship into the wine country.

United States Christian Commission v. Gettysburg

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.

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.

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 antidiscrimination 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.

Dallas Central Appraisal District Denies Tax Exemption to Church that Meets Outside

<http://www.libertyinstitute.org/video/romanian-orthodox-church-dallas/>

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.

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 RLUIPA, the Texas Religious Freedom Restoration Act, and the free exercise and due process clauses of the Constitution.

Westmoreland, Pennsylvania, Denies Church Permission to Use Park for the National Day of Prayer

<http://aclj.org/aclj/tribune-review-pittsburgh-pa---religious-freedom-bolstered-in-irwin>

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 councilmembers 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.

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.

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 is-

sue, the town reversed its decision and modified its zoning laws to permit Bible studies and small worship services in single-family neighborhoods.

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.

Full Gospel Powerhouse Church of God in Christ Denied Tax Exemption After Building Burns

<http://www.wnd.com/2006/08/37571/>

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 be-

ing used that were granted exempt status. The church was forced to file a lawsuit to protect its very existence.

Ontario, California, Denies Church Construction Permit Because Officials Believe the Church to be a Cult

https://www.rutherford.org/publications_resources/on_the_front_lines/pr537

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.

Ohio Library Prohibits Christian Group from Meeting to Discuss Traditional Marriage Unless Advocates of Homosexual Marriage Also Present

<http://www.lc.org/index.cfm?PID=14102&AlertID=461&printpage=y>

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.

Templo La Fe v. City of Balch Springs

The city council of Balch Springs, Texas, 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.

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 RLUIPA did the city relent and permit the church to open.

Mitchell County, Texas, Library Refuses Access to Religious Groups

<http://www.ala.org/ala/online/currentnews/newsarchive/2002/july2002/texaslibrary.cfm>

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.

**To view the entire list of cases, please visit:
www.LibertyInstitute.org**

Attacks Against Churches and Ministries

Undeniable: The Survey of Hostility to Religion in America

SECTION IV

Attacks Against
the Military and
Veterans

***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 the land could be transferred from the U.S. government to the Veterans of Foreign Wars in order to preserve this veterans memorial. 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.

***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 Mt. 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 permissible.

***Hewett v. City of King, North Carolina*, No. 1:12-1179 (M.D.N.C. filed Nov. 2, 2012)**

The American Legion Post 290 of King, North Carolina, contributed to the design and construction of a veterans memorial in King, N.C., that includes a silhouette of a soldier kneeling before a cross-shaped headstone. Americans United for Separation of Church and State filed a lawsuit against the city of King alleging that the memorial violates the U.S. and North Carolina constitutions because it contains religious imagery and sits on public land.

The American Legion, represented by Liberty Institute, intervened in the case to defend the memorial.

Mullin v. Lt. Gen. Gould, No. 1:11-247 (D. Colo. Feb. 9, 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. A federal district court dismissed the lawsuit because the plaintiffs did not have standing to bring the suit.

Pentagon Removes Chaplain-Created Video Tribute to First Sergeants

<http://radio.foxnews.com/toddstarnes/top-stories/air-force-removes-video-that-mentions-god.html>

An Air Force chaplain wrote a poem to honor First Sergeants, patterned off of the popular Dodge Ram commercial, “God Created a Farmer.” The poem was adapted into a video. The video was posted on the official Joint Base McGuire Dix YouTube site; however, it was quickly removed after someone complained about the video. The alleged offense of the video was the language “On the eighth day, God looked down on His creation and said, ‘I need someone who will take care of the Airmen,’ So God created a First Sergeant.”

Humanist Group Sues over War Memorial Depicting Soldier Mourning before Graveside Cross

<http://www.americanhumanist.org/news/details/2013-05-american-humanist-association-sues-city-of-lake-elsi>

The American Humanist Association (AHA) sued the city of Lake Elsinore, California, over its funding of a war memorial on public

property. The city allocated approximately \$50,000 to construct a memorial depicting the common image of a soldier mourning in front of a small graveside cross. The AHA sent a demand letter to the city, insisting that the City refrain from sponsoring the monument. No response was received. AHA filed suit today in the U.S. District Court for the Central District of California.

Atheist Group Tries to Silence Prayer in the Navy

<http://ffrf.org/news/news-releases/item/17785-sailors-forced-to-hear-shipboard-prayer>

The Freedom From Religion Foundation (FFRF) issued a demand letter to the Secretary of the Navy insisting that any and all ship-wide prayers be stopped. According to the FFRF's complaint, prayers are broadcast throughout the entirety of a naval ship, thus subjecting sailors to "coercive" activities. No resolution has come to the matter.

Atheist Group Demands Vietnam Veterans Memorial Be Removed

<http://blog.libertyinstitute.org/2013/04/freedom-from-religion-foundation.html>

The Freedom From Religion Foundation sent a letter to Coos Bay, Oregon, demanding that the city remove its Vietnam veterans memorial because the memorial includes a cross. Liberty Institute is working with the city to preserve the veterans memorial. Since the FFRF sent its letter, the cross has been vandalized and a bomb was placed on the cross near a playground.

United States Air Force Removes "Commando Prayer" from Air Force Plane

<http://ffrf.org/legal/other-legal-successes/item/17336-ffrf-removes-prayer-from-us-air-force-plane-march-8-2013>

The Freedom From Religion Foundation complained to the United

States Air Force that a “commando prayer” on the side of an airplane threatened the religious freedom of non-religious service members, causing their freedoms to be “trampled upon.” The U.S. Air Force bowed to their wishes and removed the prayer.

Former Serviceman Criticizes the Prevalence of Christianity in the Armed Forces

http://www.centerforinquiry.net/uploads/attachments/For_God_and_Country_Parco.pdf

A former Air Force Lieutenant Colonel wrote a thirty-five page paper criticizing the influence that “fundamental” Christianity has on the armed forces and calling for regulations that would restrict servicemen’s abilities to openly express their faith.

Army Training Materials Label Christians “Extremists,” in the Same Category as Al-Qaeda

<http://radio.foxnews.com/toddstarnes/top-stories/army-labeled-evangelicals-as-religious-extremism.html>

In U.S. Army training materials provided for an Army Reserve unit in Pennsylvania, Evangelical Christians and Catholics were labeled “religious extremists,” along with Hamas and Al-Qaeda. After religious groups complained about the presentation, the Army trainer who prepared the material apologized.

Army Removes Cross from Chapel to Avoid Offending Other Faiths

<http://radio.foxnews.com/toddstarnes/top-stories/military-crosses-removed-out-of-respect-for-other-faiths.html>

The Army dismantled and removed the cross from a chapel at an Army forward operations base in Afghanistan “out of respect for the beliefs of other faiths.” Cross-shaped windows on the building were boarded up until they can be replaced. These actions occurred following a complaint from an atheist soldier.

City Council Removes Privately Funded City Signs Honoring the Military Because They Contain a Cross.

<http://mcalesternews.com/policecourts/x685074444/Church-group-wants-city-council-to-reverse-decision-that-removed-crosses-from-street-signs?mobRedir=false>

The McAlester City Council removed street signs with silhouettes of soldiers praying before a cross for fear of establishing a religion in violation of the First Amendment to the United States Constitution. The City Council said that since the cross is a symbol of Christianity including it in a sign violates the Constitution. Supporters point out that the privately funded signs merely depict actual battlefield events and should be encouraged instead of derided as an attempt to establish an official state religion.

Freedom From Religion Foundation Attacks Military Tradition at Veterans Assembly Because It Used Religious Language

<http://ffrf.org/legal/other-legal-successes/item/15172-ffrf-gets-religious-narrative-out-of-ohio-school-assembly-august-9-2012>

The Anwerp Local School District hosted a Veterans Day Assembly. The assembly included a military tradition commonly used for retiring military members, which consists of reading the meaning of the flag's folding ceremony. The Freedom From Religion Foundation (FFRF) objected to the long-standing tradition because it mentioned God and specifically referred to Christianity. From this one event among many at the assembly, the FFRF unreasonably inferred that the assembly endorsed the proposition that "the only veterans worth memorializing are Christians." The school assured FFRF that this common military tradition would never happen again at the school's veteran's assembly.

Humanist Organization Vows to Topple Ninety Year Old Veterans Memorial Because It is Shaped Like a Christian Cross

<http://www.americanhumanist.org/news/details/2012-08-humanists-challenge-cross-war-memorial-in-maryland>

The American Humanists Association demand that the Bladensburg Peace Memorial—erected in 1912 by the American Legion to honor county residents who fought and died in World War I—be taken down because it is shaped like a cross. The Humanist organization is threatening immediate legal action if its demands are not met. The American Legion views the attack as a “slap in the face to veterans” because the peace memorial has always been a symbol of sacrifice.

Group Demands Court-Martial for Head of Indiana National Guard for Recommending Christian Military Marriage Counseling

<http://159.54.242.91/news/2012/08/gannett-watchdog-group-says-indiana-national-guard-chief-martin-umbarager-promoted-religion-082112/>

The Military Religious Freedom Foundation called for Maj. Gen. R. Martin Umbarger to be court-martialed for promoting Centurion’s Watch, a nonprofit Christian organization that offers marriage counseling to military families. The MRFF also called on the National Guard Bureau to investigate the president of Centurion’s Watch as well.

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.

World War Two Veterans Memorial & Local Landmark Threatened with Lawsuit

http://www.kofc.org/en/columbia/detail/2012_02_whitefish_jesus.html

The Tenth Mountain Division in World War Two consisted of skiers who often saw religious shrines across Europe during their missions. After arriving back in the United States and settling near mountains to ski on, some of the members decided to erect a shrine—near Whitefish Mountain—similar to what they saw in Europe to commemorate the mountain and the soldiers of the 10th Mountain Division. The commemorative shrine has been in place undisturbed since 1953 and does not serve as a site for any religious services or veneration. Rather, the Montana State Historical Preservation Office recognized it as a local historic landmark and part of the resort’s development. The permit for the statute was continually renewed by the Forest Service until 2011 after it received complaints from an atheist organization. However, the Forest Service reversed its decision shortly thereafter. Litigation over the historic memorial continues.

Air Force Pressured to Remove God from Logo

<http://christianfighterpilot.com/blog/2012/01/18/atheist-gets-secretive-agency-to-changemotto/>

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.

Military Association of Atheists and Freethinkers Attacks Memorial Cross to Fallen Marines

<http://latimesblogs.latimes.com/lanow/2011/11/camp-pendleton-cross-marinesatheists.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 memorial.

Army Prohibited Jewish Man from Keeping His Beard and Becoming 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 eventually relented, allowing Stern to keep his beard and enter the reserves.

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.

Anti-Religion Groups Attack Memorial Day Weekend “Salute to the Troops” Celebration Because Military Cooperated with Christian Organizer

<http://www.washingtonpost.com/wp-dyn/content/article/2007/05/24/AR2007052402164.html>

Task Force Patriot USA, a Christian organization, organized a U.S. Air Force 60th Anniversary “Salute to the Troops” celebration over Memorial Day weekend, involving “hourly flyovers by Air Force jets, performances by military bands, color guard presentations, a parachute demonstration by the Army’s elite Silver Wings jump team from Fort Benning, Ga., and exhibitions of Air Force equipment.” The weekend-long event also provided an opportunity to attend a worship service. Opponents to the celebration were incensed that the U.S. Air Force would cooperate with and active duty Air Force members would participate in the worship service. In response to complaints, the Army prohibited the Silver Wings jump team from participating in the celebration, banned members from wearing their uniforms at the worship service (even though it was Memorial Day weekend), and required the Task Force Patriots to scrub all references to Air Force sponsorship from the event website.

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.

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 opposed the World War II Memorial Prayer Act of 2011, which would have 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. Senator Rob Portman renewed efforts to have the prayer placed at the memorial in May of 2013.

**To view the entire list of cases, please visit:
www.LibertyInstitute.org**



Liberty Institute is the **largest legal organization** dedicated solely to defending and restoring religious liberty in America—in our schools, for our churches, our military, and throughout the public arena.

Liberty offers *pro bono* (free) legal assistance to defend Americans' religious freedom. Liberty Institute's distinctive approach features:

- **A 99 Percent Win Rate** – The highest win rate of any religious defense organization.
- **“Home-Field Advantage”** – Our national network of America's best attorneys “know the territory” and how to win, wherever the case is.
- **Victories at All Court Levels** – We've won before the U.S. Supreme Court, federal Courts of Appeals, federal District Courts, and various state courts
- **Victories Against All Opposition** – We have been *dominant* against the ACLU . . . Freedom From Religion Foundation . . . Americans United for Separation of Church and State . . . Obama Administration . . . and others

Liberty Institute's vision is to reestablish religious liberty in accordance with the principles of our nation's founders.

To learn more about our team of attorneys, please visit: www.LibertyInstitute.org

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.

ENDORSEMENTS

“Kelly Shackelford has done more to defend your religious freedom—and mine—than anyone I know.”

—Rick Santorum
former Senator, U.S.
presidential candidate



“The ACLU fears Liberty Institute. And for good reason. Liberty Institute and Kelly Shackelford are at the forefront of the intensifying battle to preserve our religious freedom. I’ve known of their work for years, and today it’s more important than ever—indeed, it is essential.”

—Mike Huckabee
former Governor, Fox News
and radio host

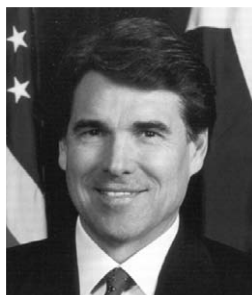
“You have chosen to devote yourself to the defense of not only religious liberty but the family and righteousness in the culture, and you are a hero of mine.”

—Dr. James Dobson
Host, Family Talk



“Liberty Institute’s one-of-a-kind legal strategy is indispensable to the survival of religious freedom in America. I urge friends of faith, family and freedom to support their work.”

— Tony Perkins
President of Family Research Council



“When secularist radicals have attacked students in our state, or government officials who simply wanted to pray in public, Liberty Institute was there to fight and win the legal battles. They are the best. Students, churches, and people of faith depend on them to stop those who would silence faith.”

— Rick Perry
Governor of Texas