



# PREPARE THE WAY

*The crooked roads shall become straight, the rough ways smooth.*

LUKE 3:5

## Religious Expression in Public: Know Your Rights

### Court Decision, Religion of Secularism:

“The state may not establish a "religion of secularism" in the sense of affirmatively opposing or showing hostility to religion, thus "preferring those who believe in no religion over those who do believe." ... Refusal to permit religious exercises thus is seen, not as the realization of state neutrality, but rather as the establishment of a religion of secularism.”  
- U.S. Supreme Court, in *Abington Township v. Schempp* (1963)

### Court Decision, Religion of Secular Humanism:

“The First Amendment was never intended to insulate our public institutions from any mention of God, the Bible or religion. When such insulation occurs, another religion, such as secular humanism, is effectively established.”  
- U.S. District Court, in *Crockett v. Sorenson* (W.D. Va. 1983)

### The Government is required to accommodate Christianity:

“Religion Clauses must not be interpreted with a view that religion be suppressed in the public arenas in favor of secularism... The Constitution “does not require total separation of Church and State.” ... Not only is the government permitted to accommodate religion without violating the Establishment Clause, at times it is required to do so.”  
- *Brown v. Gilmore* (2001)

### Parental Authority:

“The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the state to standardize its children by forcing them to accept instruction from public teachers only. The child is not the mere creature of the state;”  
- *Pierce v. Society of Sisters* U.S. Supreme Court

“In reality, parental rights are not derived from or created by the United States Constitution. Rather, parental rights derive from natural law, what the Declaration of Independence refers to as ‘unalienable rights’ with which we are endowed by our Creator.”  
- Mathew Staver, [Eternal Vigilance](#)

### Being Involved in Politics:

Pastors, Churches, 501(c)3's:	<u>Church</u>	<u>Pastor</u>
•Endorsing/Opposing Political Candidates:	No	Yes
•Introduce Political Candidates at Church:	Yes	Yes
•Voter Registration Drives(non-partisan)	Yes	Yes
•Discuss Viewpoints of Candidates:	Yes	Yes
•Discuss Viewpoints from a Biblical Worldview:	Yes	Yes
•Support/Oppose Judicial Appointments:	Yes	Yes
•Support/Oppose Any Legislation:	Yes	Yes
•Preach Sermons on Social Activism:	Yes	Yes
•Petition Drives to Support/Oppose Legislation:	Yes	Yes
•Lobby Candidates to Support/Oppose Bills:	Yes*	Yes

- Mathew Staver, “Civic Guidelines for Pastors and Churches”

### Christianity must be accommodated in schools:

“The discriminatory suppression of student-initiated religious speech demonstrates not neutrality but hostility toward religion because the: ‘exclusion of religious ideas, symbols, and voices marginalizes religion... When the public sphere is open to ideas and symbols representing nonreligious viewpoint, culture and ideological commitment, to exclude all those whose basis is ‘religious’ would profoundly distort public culture.” - *Chandler* (1999) U.S. Federal Court

## **Freedom of Speech:**

“It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” - Supreme Court, *Tinker v. Des Moines*

“Religious speech cannot be suppressed solely because it is religious” - Federal Court, *Muller v. Jefferson* (1997)

“Verbal speech is equivalent to written speech. The two should be treated equally. The only difference between them is litter.”  
- Mathew Staver, *Eternal Vigilance*

## **Guidelines for Religious Expression in Public Schools:**

“Public schools may not provide religious instruction, but they may teach about religion, including the Bible or other scripture: the history of religion, comparative religion, the Bible (or other scripture)-as-literature, and the role of religion in the history of the United States”

“Teachers and administrators also are prohibited from discouraging activity because of its religious content, and from soliciting or encouraging antireligious activity.”

“Students may also speak to, and attempt to persuade, their peers about religious topics just as they do with regard to political topics.”  
- Federal Dept. of Education

## **Freedom of Speech & Expression in Public Schools:**

“Students may express their beliefs about religion in the form of homework, artwork, and other written and oral assignments free of discrimination based on the religious content of their submissions.”

“Among other things, students may read their Bibles or other scriptures, say grace before meals, and pray or study religious materials with fellow students during recess, the lunch hour, or other non-instructional time to the same extent that they may engage in nonreligious activities.”

- U.S. Dept. of Ed. “Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools.” 2003

## **Freedom of Speech & Expression in Public Schools:**

“School officials who choose to ignore the Department of Education guidelines risk losing their federal funding. Public schools must certify compliance with the guidelines annually with their state department of education.”

“If a class project, assignment, or activity violates a student’s sincerely held religious belief, the student may opt out and request alternative accommodations.”  
- Mathew Staver, *Eternal Vigilance*

## **Equal Access:**

“[R]eligiously-oriented student activities must be allowed under the same terms and conditions as other extracurricular activities.” - Federal Court

“Students are clearly protected by the Constitution while on public school campuses, and they may exercise their religious and free speech rights by sharing their faith with other students. These liberties are important rights which must be exercised and protected.”  
- Mathew Staver, *Eternal Vigilance*

## **Religious Rights in the Workplace:**

Title VII of the Civil Rights Act of 1964, “It shall be an unlawful employment practice for an employer - To fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin;”

Employees do not have to leave their faith at home:

Work is not a religion-free zone. Federal law prohibits employers and unions from discriminating against an employee’s sincerely held religious beliefs. An employee needs to inform the employer of their sincerely held religious beliefs which are being compromised. An employer is required to accommodate it’s employees religious belief as long as it would not cause undue hardship to the employer. Filing an Equal Employment Opportunity Commission (EEOC) claim (800 669-3362):  
- Mathew Staver, *Eternal Vigilance*

## **Using Public Facilities:**

“Above all else, the First Amendment means that the government has no power to restrict expression because of its message, its ideas, its subject matter or its content... The essence of this forbidden censorship is content control.”

- *Mosley*, U.S. Supreme Court (1972)

Traditional Public Forum, few restrictions (Parks, Streets, & Sidewalks)

Limited Public Forum, some restrictions, must allow equal access (Public Schools, libraries, public housing, public arenas, other public facility)

Nonpublic Forums, more restrictive but again must not allow viewpoint discrimination (Airports, metros, rails, and bus stations)  
- Mathew Staver, *Eternal Vigilance*