



## ***FACT SHEET*** ***Sherman v. Koch***

### ***ABOUT Sherman v. Koch***

An atheist sued the Township High School District to challenge the constitutionality of an Illinois law allowing for a “period of silence” during the school day for students attending public schools.

### ***CURRENT STATUS OF Sherman v. Koch AS OF 2/9/10***

In January 2009, the U.S. District Court for the Northern District of Illinois struck down the “period of silence” law as “unconstitutionally vague.” The case was appealed to the U.S. Court of Appeals for the 7th Circuit. ADF and allied attorneys with the Chicago firm of Mauck & Baker have filed a [friend-of-the-court brief](#) on behalf of the Illinois Family Institute in support of the law. The brief points out that no federal court has ever ruled a moment of silence law unconstitutionally vague. Illinois’ moment of silence statute is constitutionally indistinguishable from moment of silence statutes recently upheld by the Fourth, Fifth, and Eleventh Circuits. Thus, the Seventh Circuit would stand alone among the circuits if it affirmed the Illinois law as unconstitutional. Furthermore, the plaintiff’s alleged injury is entirely speculative. ADF attorneys argue that her inability to prove sufficient legal injury means the court need not even reach discussion on the merits of the case, since she should not even be considered to have standing to bring the lawsuit in the first place.

### ***FOCUS OF HEARING – WHAT IS AT STAKE?***

The “period of silence” statute does not favor one religion over another, nor does it promote belief in a higher power. The law does not endorse religion, and other federal circuit courts have upheld similar laws as constitutional. The legal attack upon the Illinois law is another attempt by secularists to eliminate any form of perceived religious expression from the public square. If this attempt is successful, more legal attacks on the constitutional rights of students and citizens to express their faith, even in quiet, can be expected.

### ***CONTACT***

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### ***ABOUT ADF***

ADF is a legal alliance of Christian attorneys and like-minded organizations defending the right of people to freely live out their faith. Launched in 1994, ADF employs a unique combination of [strategy, training, funding, and litigation](#) to protect and preserve religious liberty, the sanctity of life, marriage, and the family.

### ***ABOUT Andy Norman***

Andy Norman is an attorney with the Chicago law firm Mauck & Baker, LLC. Andy has taught litigation to attorneys and law students at the request of the American Bar Association, the Illinois State Bar Association, the Chicago Bar Association, the Cook County Bar Association, the Illinois Institute for Continuing Legal Education, the Christian Legal Society, the Legal Assistance Foundation of Chicago, and all five downtown Chicago law schools. He has published two full length law articles, two Illinois State Bar Journal articles, and several legal articles for various legal periodicals. He received his Juris Doctor from South Texas College of Law in 1978 and is admitted to the bar in Illinois, the U.S. District Court for the Northern District of Illinois, and the U.S. Court of Appeals for the 7th Circuit. He is an ADF-allied attorney.