



The Alliance Defense Fund has been involved in hundreds of cases in defense of religious freedom, the sanctity of human life, and traditional values. The stories below are just a small sampling of the ongoing battle to protect our religious liberty, reclaim what we have lost, and shape a future where religious freedom is affirmed.

## **THE CASE OF THE GRADUATION PRAYER**

Every year, hundreds of thousands of young men and women graduate from our nation's high schools. For many, one of the greatest thrills of their lives is standing up before their parents and peers to celebrate their hard work and personal achievement.

Many of these students want to use the occasion of their commencement to publicly give thanks to the One who made it all possible: Almighty God, or their "best friend, Jesus". Sadly, many are denied their constitutional right to do so because of misguided notions of "the separation of church and state."

At Norfolk (Nebraska) High School, the graduating seniors voted to have two separate prayers, an invocation and benediction, as part of their commencement ceremony. These prayers were non-sectarian. Two students were chosen to deliver the prayers.

One student who did not participate in the vote told his mother, and they went immediately to the American Civil Liberties Union (ACLU). The ACLU informed the school superintendent and school board that they would take immediate legal action if the prayers were allowed. At the beginning of the commencement ceremony, the school board president told the assembled senior class, along with the relatives and friends: *"With deepest regret from the Board and Administration, and with our most sincere apologies to the Senior Class of 2000, we will need to remove the Invocation and Benediction from today's graduation ceremonies...we are saddened that it has come to this."*

But one school board member had had enough of the ACLU's bullying tactics. When he got up to speak, he recited the Lord's Prayer, without asking anyone to bow their heads or stand, in protest of this unconstitutional censoring of religious speech. The result was that the ACLU and the family filed suit against the two members of the school board. The suit was subsequently dropped against the school board president, but the suit against the other school board member remained. ADF allied attorney Jeff Downing provided key legal assistance to his defense.

On August 20, 2003, the U.S. Court of Appeals for the Eighth Circuit, in a 2-1 decision, ruled that the school board member was *privately* opposing the school board's decision when he included the prayer in his remarks, and therefore was engaging in constitutionally protected speech. The ADF-funded victory in *Adler v. Duval County School Board* (litigated by our allies and friends at Liberty Counsel) was cited repeatedly in the majority opinion!

## THE CASE OF THE SILENCED SOAPBOX

ADF staff attorney Mike Johnson came to the aid of Jefferson Parish, Louisiana pro-life advocates who found their right to free speech impeded by local government officials. When these groups tried to stage their annual pro-life march and memorial service, local officials cited a vague local ordinance that regulated fairs and circuses in an attempt to silence the pro-lifers. Government officials instructed sheriff's deputies to prevent the event organizers from using low volume amplification equipment, a small "soapbox" stage, and from playing religious songs to the peaceable crowd of nearly 300 that had assembled on public property – just like secular groups.

Mike attempted to intervene on behalf of the pro-life groups – with no success – to ensure that the Parish would honor the groups' constitutional right to free speech and assembly. As a result, Mike filed a lawsuit against the Parish asking that officials stop enforcing ordinances that unconstitutionally regulate free speech.

Two days before a federal court would hear the case, Jefferson Parish officials used a rarely used emergency procedure to approve changes to the ordinances. While this is an encouraging development, this case will continue to move forward. Mike says: *"We asked them to make these changes three months ago, but the council's negative response at the time left our clients with no choice but to file a lawsuit. Although the council now recognizes that the existing ordinances are blatantly unconstitutional, our clients suffered discrimination and the court must remedy that. Our first choice is to solve problems without litigation, but in cases like this one, the pro-life leaders needed legal representation and we are glad to help."*

## THE CASE OF THE BASKETBALL COACH

Dan Dunn ran a basketball school in Portland, Oregon. In July 1995, a parent sent his son to the school after learning about it in brochures and other advertisements.

During the basketball camp, Mr. Dunn read to the students from William Bennett's *Book of Virtues*, which has a religious and moral theme and he talked about personal values. During the five-day camp, Mr. Dunn never received any indication that there was a problem from this parent or his son.

In September 1995, Mr. Dunn was served with a lawsuit from the parent claiming that he had published misleading information and that his basketball school was a "front" for religious indoctrination. Mr. Dunn stated that this was a basketball training school where traditional morals and values were discussed, as opposed to a religious indoctrination program where basketball was discussed.

The parent sought \$250,000 in damages against Dunn and the program. The case was eventually dismissed.

## THE CASE OF THE UNFAIR ASSESSMENT

The First Baptist Church of Hastings, Minnesota had purchased 10 acres of land which remained vacant until its members could raise the money to put a church building on the property. The building they were in was over 75 years old and deteriorating rapidly and was too costly to be repaired.

In 1996, a private developer who owned several hundred acres of land behind the church's property asked the city to put in roads and utilities which extended past/across the church property.

Despite the church's numerous objections, the project was completed and the church was specially assessed nearly \$70,000 by the city for the work. In addition to taking a portion of the land away from the church, the city also assessed the remainder of the property to make its use for a church too costly.

The city stated that the "highest and best use" for the property was for residential development. The church leaders said that there was an incredible amount of "animus" towards churches in the town, and that many other properties in the same situation were never assessed at all.

ADF funded attorneys went to bat for the church and got the amount reduced substantially. The church decided that they would rather pay a smaller amount rather than get into a legal battle (that they could have won) with the city.

## THE CASE OF PRAYER IN THE PARK

Some of the sweetest victories are not those that come the easiest, but the ones that come only after years of prayer, hard work, and perseverance.

ADF defended the right of the Gentala family to use a public park in Tucson. The Gentalas had requested use of a public park for the National Day of Prayer on the same terms as all other civic groups. However, they quickly learned there were two sets of rules – one for Christians and one for others – and were told that they would have to pay for use of services that non-religious groups received free of charge.

What emerged was a **six-year** legal battle involving the National Day of Prayer and the city of Tucson, Arizona. The battle has gone on for so long that Peter Gentala, son of the plaintiffs, who was in college when the case was launched, has **graduated from both college and law school and became a lawyer on the ADF legal team!**

This case went through the judicial system -- all the way to the United States Supreme Court -- which sent it back to federal district court (which had ruled against the Gentalas and the National Day of Prayer a few years ago) for further consideration after the ADF-supported Supreme Court victory in *Good News Club v. Milford Central School*.

In November 2003, the federal district court ruled that the city of Tucson's discrimination against the National Day of Prayer and people of faith must finally end – now!

*“This is a huge victory for free speech and a defeat for those who would like to censor Christian voices,”* said ADF chief counsel Benjamin Bull. *“The organizers of the Tucson National Day of Prayer were only asking for a level playing field, and the court is to be commended for its ruling... The court's decision establishes once again that local governments cannot discriminate against the National Day of Prayer or other Christian groups in accessing government facilities.”*