



ADF CASE UPDATES SEPTEMBER 2004

In just eleven short years, 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 DISHONEST HOTEL

Mark Slepicka was a church planter in Colorado. He had spent \$15,000 in advertising to invite members of the community to his new church: Grace Covenant Community Church. In the advertisement, he listed the temporary location of the church – at a major hotel with which he had a signed contract for a meeting room.

When people arrived for the church services, they found that the parking lot was barricaded, the rented room was locked, and the hotel's staff was less than helpful. Some of the people were told that there were no church services at the hotel. Slepicka said: "Our rooms were given away, or set up at the wrong times or in the wrong places."

He soon found out that this was not the first church that had received such treatment. When he heard that news he said, "I had turned the other cheek for three weeks, but when I heard what happened to another church, I knew it had to be stopped." His attempts to resolve the issue with the hotel fell upon deaf ears and he had no other choice but to file a lawsuit on behalf of the church.

Because the hotel was part of a deep-pocketed national chain, he knew he would need help when it came time for the case to go to trial. He said, "I contacted a number of groups for help, but I was put on their mailing lists for fundraising. ADF, however, helped me immediately."

ADF awarded his church a grant. During the litigation, it was discovered that a Jewish event had also been blocked by the hotel.

When the hotel heard about ADF's participation – they wanted to settle fast. The hotel agreed to a financial settlement and pledged not to discriminate again. Under the agreement of the settlement, ADF pledged not to reveal the hotel's name.

Unfortunately, the church was unable to survive the rocky start. Slepicka said: "We were unable to hold church services for those unchurched people who came. We had to start all over again."

THE CASE OF THE SENIOR CENTER

For twenty years, senior citizens at the Balch Springs (Texas) Senior Center have used the facility for social programs and recreational events. A group of Christian seniors had also gathered – without government interference -- at the center to sing gospel songs and hear the Word of God from a retired pastor. These seniors also quietly say a word of thanks to the Lord when they receive their meals at the center. All prayers and participation in the worship service are voluntary – no one is coerced into praying or attending.

Then things changed. In August 2003, the city of Balch Springs enacted a new policy that stated that all mealtime prayers, gospel music, and “religious messages” cease immediately. No other group was censored, only Christians.

Liberty Legal Institute, with ADF’s backing, jumped in to defend the right of these seniors to worship God at the center. Liberty Legal immediately sent a demand letter to the city – which was ignored -- to reverse its policy or face a lawsuit on the grounds that they had denied the seniors their First Amendment right to worship freely. The seniors were willing to take a stand. Some began to very peacefully picket the center to protest the actions of the city.

Then the city fired the center’s events planner and bus driver – cutting off the seniors’ access to museum outings, the state fair, and funerals of their friends. They even refused to allow the seniors to go to the drug store to get their prescriptions filled!

As promised, Liberty Legal – led by ally Kelly Shackelford -- filed a lawsuit against Balch Springs – alleging multiple violations of both the Texas and U.S. Constitutions. The city’s response? They threatened to stop the meal service to the seniors if they did not drop the lawsuit!

The situation had gotten so bad that the United States Department of Justice got involved – opening an investigation of the city’s policy.

Finally, at the federal courthouse in Dallas, Balch Springs agreed to end its discriminatory policy. In addition, the judge ruled that the seniors were to receive monetary damages from the city.

THE CASE OF THE YEARBOOK PICTURE

In Stafford, Virginia, ADF staff attorney Josh Carden successfully represented a middle school chapter of Fellowship of Christian Athletes (FCA) efforts to appear in the student yearbook. For the past three years, the FCA chapter had been included, but school administrators at Rodney Thompson Middle School decided to censor a photograph of the group after receiving “complaints.” Josh sent a demand letter to the administration explaining that the United States Supreme Court has said that students and teachers don’t “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” The administrators reversed their position and the FCA chapter could once again appear in the student yearbook.

Josh says: *“School administrators should know this is well-established law. The Fellowship must be included in the school’s yearbook on the same terms as any other non-curricular student club.”*

THE CASE OF THE CRISIS PREGNANCY CENTER

Family Life Services (FLS) operated a successful Christian ministry in North Dakota. FLS used monies it received from a credit counseling service to fund a crisis pregnancy center, a maternity home, and an adoption agency. FLS’s guiding principle was “to promulgate the gospel of Jesus Christ...to minister to people in need...facing a crisis pregnancy.”

Unfortunately, the ministry’s trust funds were commingled with other accounts. Board oversight caught this error and steps were taken immediately to ensure that no funds were lost. The board also accepted the administrator’s resignation and no contracts were breached and no client was harmed. In fact, no client ever complained.

After this was all resolved, the North Dakota attorney general went to court to stop FLS and its ministries from operating. The trial court removed the board of directors, seized all of the assets, and appointed its own board of directors, effectively terminating the funding of the pro-life ministries.

ADF backed FLS’s appeal to the North Dakota Supreme Court – which ruled that the trial court’s “restructuring” violated FLS’s religious liberty and the Establishment Clause.