

**The Rights of Christians**

**A Publication of The Rutherford Institute**

**With an Introduction by John W. Whitehead**

**Introduction**  
**by John W. Whitehead**

*The essence of what has been said and written on the subject is that only those interests of the highest order and those not otherwise served can overbalance legitimate claims to the free exercise of religion.*

U.S. Supreme Court Chief Justice Warren Burger  
*Wisconsin v. Yoder* (1972)

Christians, and religious believers in general, have a clear and unambiguous right to express themselves. This is true, despite the fact that certain individuals and private interest groups advocate a position that would place Christians in a second-class status in our society. This is often done under the guise of the so-called separation of church and state.

Fortunately, decisions by the courts over the years—especially in recent years—have not taken this position. As a result, Christians now find that they have the weight of the law on their side in exercising their faith.

We must remember, however, that winning the rights of Christians was not an easy battle. It took courageous stands by many individuals, with the backing of such organizations as The Rutherford Institute, to establish key legal precedents on behalf of Christians.

As Thomas Jefferson once said, “Eternal vigilance is the price of liberty.”

Perhaps that is the lesson here: To maintain our freedoms, we will have to keep fighting for them. If not, there is always the chance we will lose them.

## **THE RIGHTS OF CHRISTIANS IN PUBLIC SCHOOLS**

The vigilant protection of our constitutional freedoms is nowhere more vital than in the community of American schools. The classroom is peculiarly the “marketplace of ideas.” The Nation’s future depends upon leaders trained through wide exposure to that robust exchange of ideas which discovers truth “out of a multitude of tongues,” rather than through any kind of authoritative selection.

*Keyishian v. Board of Regents*  
385 U.S. 589, 603 (1967)

### **Students Have the Right:**

#### **To pray and to speak to other students about Christ and religious beliefs.**

*Tinker v. Des Moines Independent School District*, 393 U.S. 503 (1969)  
*Lamb’s Chapel v. Center Moriches Union Free Sch. Dist.*, 508 U.S. 384 (1993)  
*Hedges v. Wauconda Comm. Unit Sch. Dist.*, 9 F.3d 1295 (7<sup>th</sup> Cir. 1993)

#### **To read their Bibles.**

*Tinker v. Des Moines Independent School District*, 393 U.S. 503 (1969)  
*Abington Sch. Dist. v. Schempp*, 374 U.S. 203 (1963)

#### **To attend a Bible club.**

1984 Equal Access Act, 20 U.S.C. Sec. 4071-4074  
*Board of Education of Westside Comm. Schools v. Mergens*, 110 S. Ct. 2356 (1990)

#### **To distribute Christian literature.**

*United States v. Grace*, 461 U.S. 171, 176 (1983)  
*Johnston-Loehner v. O’Brien*, 859 F. Supp. 575 (M.D. Fla. 1994)  
*Slotterback v. Interboro School District*, 766 F. Supp. 280 (E.D. Penn. 1991)

#### **To address Christian beliefs in a class assignment.**

*Tinker v. Des Moines Independent School District*, 393 U.S. 503 (1969)  
*Cornelius v. NAACP Legal Defense and Educ. Fund, Inc.*, 473 U.S. 788 (1985)  
*Abington Sch. Dist. v. Schempp*, 374 U.S. 203 (1963)

#### **To sing Christian songs during religious holidays.**

*Florey v. Sioux Falls Sch. Dist. 49-5*, 464 F. Supp. 911 (D. S.D. 1979)

**To wear religious symbols/T-shirts.**

*Tinker v. Des Moines Independent School District*, 393 U.S. 503 (1969)  
*McIntire v. Bethel School, Indep. Sch. Dist. No. 3*, 804 F. Supp. 1415 (W.D. Okl. 1992)

**To not be forced to participate in an activity that conflicts with their religious beliefs.**

*West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943)

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It can hardly be argued either that students or teachers shed their constitutional rights ... at the schoolhouse gate.

*Tinker v. Des Moines Independent School District*, 393 U.S. 503 (1969)

**Teachers Have the Right:**

**To meet with other teachers for prayer or Bible study during non-instructional time.**

Title VII of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000e-2(a)  
*Cruz v. Beto*, 405 U.S. 319, 322 (1972)

**To academic freedom.**

*Kingsville Indep. Sch. Dist. v. Cooper*, 611 F.2d 1109 (5<sup>th</sup> Cir. 1980)  
*Cary v. Board of Education*, 427 F. Supp. 945 (D. Colo. 1977), aff'd, 598 F.2d 535 (10<sup>th</sup> Cir. 1979)

**To wear religious symbols.**

Title VII of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000e-2(a)  
*Hysong v. School Dist. of Gallitizin Borough*, 164 Pa. 629, 657 (1984)  
*Cooper v. Eugene Sch. Dist. No. 4J*, 301 Or. 358 (1987)

**To teach about the Bible.**

*Abington School District v. Schempp*, 374 U.S. 203 (1963)

**To teach Christian and other religious songs during holidays.**

*Florey v. Sioux Falls Sch. Dist. 49-5*, 464 F. Supp. 911 (D. S.D. 1979)

*Police Dept. of City of Chicago v. Mosley*, 408 U.S. 92 (1972)

**To display religious holiday symbols in the classroom.**

*Florey v. Sioux Falls Sch. Dist. 49-5*, 464 F. Supp. 911 (D. S.D. 1979)

*Police Dept. of City of Chicago v. Mosley*, 408 U.S. 92 (1972)

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The child is not the mere creature of the State; those who nurture him and direct his destiny have the right coupled with the high duty, to recognize and prepare him for additional obligations.

*Pierce v. Society of Sisters*,  
268 U.S. 510, 535 (1925).

**Parents Have the Right:**

**To opt their children out of objectionable curricula.**

*Wisconsin v. Yoder*, 406 U.S. 205 (1972)

*Moody v. Cronin*, 484 F. Supp. 270 (C.D. Ill. 1979).

**To have their children participate in release time programs.**

*Zorach v. Clauson*, 343 U.S. 306 (1952)

**To review their children's educational records.**

20 U.S.C.S. Sec. 1232g, Family Educational and Privacy Rights Act

*Falvo v. Owasso Indep. Sch. Dist. No 1-0111*, 233 F.3d 1203 (10<sup>th</sup> Cir. 2000)

*Porten v. University of San Francisco*, 64 Cal. App. 3d 825 (1976)

**THE RIGHTS OF CHRISTIANS IN THE WORKPLACE**

The defendants (employers) showed no actual imposition on co-workers or disruption of the work routine generated by occasional spontaneous prayers and isolated references to Christian belief. On the record, we hold that the defendant (Employer) failed to prove that accommodating such instances as they objected to would lead to undue hardship.

*Brown v. Polk County*,  
61 F.3d 650, 653, 657 (8<sup>th</sup> Cir. 1995)

**Employees Have the Right:**

**To speak to co-workers about God.**

Title VII of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000e-2(a)  
*Brown v. Polk County*, 61 F.3d 650 (8<sup>th</sup> Cir. 1979)

**To honor their Sabbath.**

Title VII of the Civil Rights Act of 1964, 42 U.S. C. Sec. 2000e-2(a)  
*Brown v. General Motors Corporation*, 601 F.2d 956 (8<sup>th</sup> Cir. 1979)

**To display Christian and other religious symbols in the work area.**

Title VII of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000e-2(a)  
*Wilson v. U.S. West Communications*, 58 F.3d 1337 (8<sup>th</sup> Cir. 1995)

**To read a Bible or other religious literature.**

Title VII of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000e-2(a)  
*Harris v. Forklift Systems, Inc.*, 114 S. Ct. 367 (1993)  
*Meritor Savings Bank v. Vinson*, 477 U.S. 57 (1986)

**THE RIGHTS OF CHRISTIANS IN PUBLIC AREAS**

When Milford denied the Good News Club access to the school's limited public forum on ground that the club was religious in nature, it discriminated against the club because of its religious viewpoint in violation of the Free Speech clause of the First Amendment.

*Good News Club v. Milford Central School*,  
121 S. Ct. 2093 (2001), 2001 LEXIS 4312

**Religious Persons Have the Right:**

**To speak about God on a public sidewalk or in a public park.**

*Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37 (1983)

**To display religious holiday symbols on public property.**

*Lynch v. Donnelly*, 465 U.S. 668 (1984)

*Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37 (1983)

**To use a public building for religious activities.**

*Good News Club v. Milford Central School*, 121 S. Ct. 2093, 2001 LEXIS 4312 (2001)

*Lamb's Chapel v. Center Moriches Union Free Sch. Dist.*, 508 U.S. 384 (1993)

**THE RIGHTS OF CHRISTIANS IN CHURCHES**

Any enforcement of the ordinance based on the kind of religion that is being practiced in a home would require local zoning officers to observe and evaluate the religious activities of private citizens. Such regulatory license raises the disrupting specter of governmental intrusion.

*State v. Cameron*, 100 N.J. 586, 597-598,  
498 A.2d 1217 (1985)

**Religious Congregations Have the Right:**

**To protect church property from unreasonable zoning regulations.**

Religious Land Utilization and Institutionalized Persons Act of 2000, 42 U.S.C.S. Sec. 2000cc-3(e)

*Martin v. Corporation of the Presiding Bishop of the Church of Latter-Day Saints*, 434 Mass. 141, 747 N.E.2d 131 (2001)

*City of Chicago Heights v. Living Word Outreach Full Gospel Church and Ministries, Inc.*, 196 Ill.2d 1, 749 N.E.2d 916 (2001)

**To meet in home Bible studies.**

*Murphy v. Zoning Comm'n of New Milford*, 148 F. Supp. 2d 173 (D. Conn. 2000)

*Nichols v. Stratford Planning and Zoning Commission*, 667 F. Supp. 72 (D. Conn. 1987)

*State v. Cameron*, 100 N.J. 586, 498 A.2d 1217 (1985)

**To use a public building for worship services and other religious activities.**

*Good News Club v. Milford Central School*, 121 S. Ct. 2093, 2001 LEXIS 4312 (2001)

*Lamb's Chapel v. Center Moriches Union Free Sch. Dist.*, 508 U.S. 384 (1993)

**To refuse to hire, or terminate the employment of, persons due to religious tenets.**

*Hall v. Baptist Mem'l Health Care Corp.*, 215 F.3d 618 (6<sup>th</sup> Cir. 2000)

*Killinger v. Sanford Univ.*, 113 F.3d 196 (11<sup>th</sup> Cir. 1997)

*Little v. Wuerl*, 929 F.2d 944 (3<sup>rd</sup> Cir. 1991)