

Professional Services Close-Up

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Liberty Institute: Fight Against Religious Censorship in Public Schools Welcomes More Support

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On January 26, a number of prominent voices joined the fight to end the censorship of religious speech in public schools across the country, including: former United States Attorneys General Edwin Meese III, William P. Barr, Alberto R. Gonzales, and Michael B. Mukasey; former United States Secretaries of Education William J. Bennett, Senator Lamar Alexander, and Rod Paige; **Cato Institute**; the Barnett Sisters from the landmark 1943 Supreme Court case being represented by Kenneth W. Starr; ACLJ; and The Arc of Dallas, formerly known as the Association of Retarded Citizens.

According to a release, all are seeking to reverse the Fifth Circuit's grant of immunity to government school officials whose alleged conduct was held by the Fifth Circuit to violate the Constitution. These friend of the court briefs are in support of the petition filed by lead attorney Paul Clement and Liberty Institute at the United States Supreme Court on behalf of Plano ISD students who were banned by school officials from distributing candy cane pens, pencils and other gifts containing religious messages to classmates during non-curricular time and after school outside of the school building.

"The Secretary of Education warned government school officials time and again for more than a decade that religious censorship in public schools is a violation of the Constitution," said Kelly Shackelford, Esq., president/CEO of Liberty Institute. "For those rights to mean anything in this country, the government school officials responsible must be held accountable in the same way they hold students accountable for their actions."

The petition filed by Liberty Institute asks The Supreme Court to review a deeply divided en banc decision of the Fifth Circuit U.S. Court of Appeals, which narrowly granted two school officials, qualified immunity, despite numerous constitutional violations. A majority of the court determined that the law was not clearly established enough to hold them responsible, although they recognized that the school officials' alleged conduct violated the Constitution. In July 2010, a unanimous panel of the Fifth Circuit denied the school officials qualified immunity, recognizing that the law prohibiting viewpoint discrimination is clearly established and also rejected the school officials' argument that elementary school students have no First Amendment rights.

By taking the case, the U.S. Supreme Court would likely clarify the law nationwide, affecting over 70 million students and hundreds of school districts.

Liberty Institute is a non-profit legal firm that works to restore and defend religious freedoms in schools, churches and the public arena.