

Liberty Watch

Case of Kindergarten Censorship will Go to Trial

A case of censorship involving a kindergartner's picture of Jesus is proceeding to trial. In 1999 Antonio Peck, then a kindergarten student at Baldwinsville Elementary School in Syracuse, N.Y., created artwork for a class assignment about ways to save the environment. His poster included an image of Christ along with cutouts of children recycling and picking up garbage. Citing church-state concerns, school officials folded the mural so the image of Christ could not be seen. Peck's parents later sued the school for censorship. In 2000, a trial court said the school had the right to censor the student, but in 2001 an appeals court unanimously reversed that decision, sending the case back to the trial court, which in 2004 again ruled in favor of the school. In October, a federal appeals court reversed that decision, allowing the case to go to trial. Liberty Counsel is representing the Pecks.

Appeals Court Dismisses Parents' Suit Over Sex Survey

California's Ninth U.S. Circuit Court of Appeals declared that parents have no "fundamental right" to be the exclusive provider of their children's sex education, the Associated Press (AP) reported. The ruling came Nov. 2 when the three-judge panel dismissed a lawsuit filed by parents angered that the Palmdale School District, located in Los Angeles County, surveyed their elementary school students about sex. Upholding a lower court ruling, the high court said the parents "have no due process or privacy right to override the determinations of public schools as to the information to which their children will be exposed while enrolled as students," CNS reported. The

school district said the survey, which asked first-, third- and fifth-grade students how often they thought about sex, among other questions, was part of a program to gauge exposure to early trauma and help students overcome learning barriers. The parents argued the consent forms never mentioned that students would be asked about sex. Their attorney planned to appeal.

Campaign Declares Legality of Celebrating Christmas

Jerry Falwell urged pastors to resist “bullying tactics” by the American Civil Liberties Union during the holiday season by participating in a campaign aimed at spreading the message that celebrating Christmas in public places is constitutional. The Friend or Foe Christmas Campaign began in 2004 in Alaska when Anchorage Baptist Temple ran a series of newspaper ads declaring the celebration of Christmas to be legal. Pastor Jerry Prevo said “the pre-emptive measures resulted in not one incident of religious discrimination.” In 2005, Florida-based Liberty Counsel (LC) spearheaded the effort, which also involved posting ads defending the legality of public commemorations of Christmas. LC said the campaign gained support from thousands of public school teachers and administrators.