

Minnesota Good News Club Fights for Campus Rights

The U.S. Court of Appeals for the Eighth Circuit on Wednesday is hearing a case that has implications for religious freedom on campus.

Liberty Counsel is representing Child Evangelism Fellowship of Minnesota (CEF), the sponsor of Good News Clubs, against Minneapolis Special School District No. 1 for unfairly denying equal access and opportunity to after-school programs.

CEF has been an approved member of the Minnesota Public Schools Community Partners since 2000 and participated in the after-school program from 2005-2009. In 2009, a school employee determined to revoke CEF's after-school program because the Good News Club included **prayer** and "proselytizing."

"The law is crystal clear," says Mathew Staver, founder and chairman of Liberty Counsel, who is presenting oral argument on Wednesday before a panel of three judges. "Christian or other religious viewpoints are constitutionally protected. Public schools must provide equal access for Christian viewpoints and Christian clubs."

The district concedes that all 242 members of the Community Partners are private speakers, not government or school speakers. Community Partners are allowed some access after school. From this group, the district invites groups for preferred or additional access opportunities. Included in these 40 or more groups are the Scouts.

The district also concedes that the Good New Club and the Scouts address character development, morals, and respect, but it claims Good News Club is different because of prayer and religious perspective.

The district court sided with the school district, citing to the Supreme Court case of *Good News Club v. Milford*, but, according to Liberty Counsel, erroneously relied on Justice Stevens' opinion as "concurrence," when in fact it was a "dissent" that was explicitly rejected by the Supreme Court.

The Supreme Court, along with every federal court to consider *Good News Clubs*, has ruled that *Good News Clubs* must be provided the same access provided to the Scouts. These courts, including the Supreme Court, have ruled that prayer and proselytizing are protected religious viewpoints.

As the Court held in *Good News Club v. Milford*, "speech discussing otherwise permissible subjects cannot be excluded from a limited public forum on the grounds that the subject is discussed from a religious viewpoint."

"There is no constitutional basis to discriminate between *Good News Clubs* and the Scouts or other similar groups that address similar subject matters," Staver says. "The First Amendment is a benefit, not a disability. Private speech endorsing religion is fully protected by the Free Speech and Free Exercise Clauses of the First Amendment."