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Lawsuits Delve into Science vs. Religion

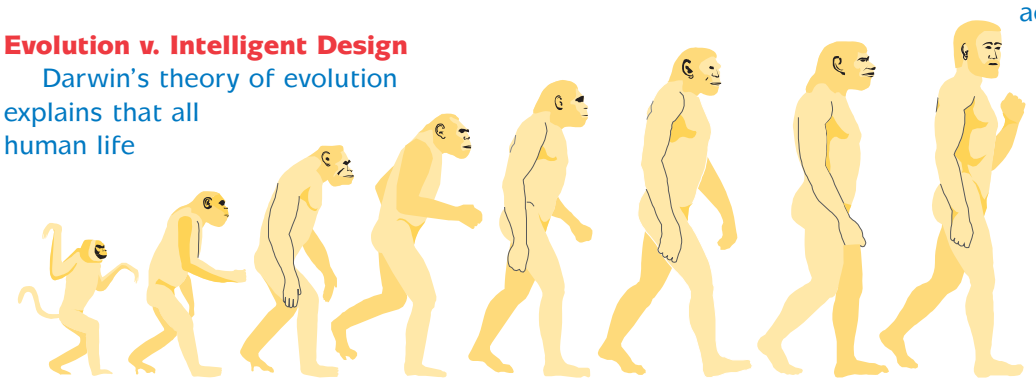
by Phyllis Raybin Emert

Since the 1859 publication of Charles Darwin's *The Origin of Species*, there has been an ongoing debate about the origins of life on earth. That debate pits supporters of Darwin's theory of evolution against religious creationists who believe the creation stories as told in the Bible.

The argument has raged since the Scopes Monkey Trial in 1925 and has heated up in recent years with several lawsuits that seek to have intelligent design, a controversial alternative science, taught alongside evolution, or as an alternative to it. In 2005 alone, more than a dozen bills in 13 different state legislatures were introduced to challenge the teaching of evolution in the public school science curricula. Kansas, Georgia, and most recently Pennsylvania, have been thrust into the national spotlight with lawsuits that oppose or dispute the teaching of evolution and instead promote intelligent design, considered by some to be a "scientific" offshoot of creationism.

Evolution v. Intelligent Design

Darwin's theory of evolution explains that all human life developed from non-human single cells as the result of natural processes, which randomly happened over billions of years. New species were formed, according to Darwin's theory, by passing on characteristics that were the result of natural selection, or survival of the fittest. Weaker species failed to survive and only the strong traits continued and ultimately evolved into human beings.



Creationists believe the Bible story of Genesis, which is that God created the earth in six days, about 6,000 to 10,000 years ago. Most creationists feel that God made the first human beings all at once exactly as they are today.

The Center for Science and Culture (CSC), part of the Discovery Institute, a conservative Christian research group in Seattle, is largely responsible for developing and promoting the intelligent design theory. Separating themselves from their creationist counterparts, CSC and supporters of intelligent design see it as an alternative science. They accept that the age of the earth is several billion years old and even accept some parts of the doctrine of natural selection. However, they believe that life is too complex and complicated to be completely explained by evolution. They do not claim that the intelligent designer is God, a higher being, or an omnipotent force, but only that "certain features of the

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Freedom of the Press Helps Everyone, Not Just Reporters

by Cheryl Baisden

In some countries, writing an article like this—where different ideas and opinions are expressed—would be illegal, and could land you in jail. But in the United States, the First Amendment to the U.S. Constitution guarantees citizens the right to express themselves in print.

Freedom of the press is one of our basic rights under the First Amendment, which prohibits the government from restricting what is written in newspapers and magazines, and reported on television and radio.

"The Founding Fathers knew that the press could be a check on government power," says Bruce S. Rosen, a Chatham lawyer who works on First Amendment cases. "The Founding Fathers also hoped that the press would encourage participation in important public issues and educate the public."

The First Amendment Center in Nashville, an organization that works to preserve and protect First Amendment freedoms through information and education, encourages all Americans to take the right to freedom of the press seriously, whether they are reporting the news or reading about it. Associated with Vanderbilt Institute for Public Policy Studies, the Center notes that in countries without laws that protect freedom of the press, the government controls what is reported, so citizens only hear one side of an issue and do not have the right to publish their own opinions. Reporters and publishers who decide to go

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High Court Revisits Church-State Debate

by Barbara Sheehan

More than 200 years since the Bill of Rights was ratified in America, our society and our courts continue to debate the intent of the First Amendment and the boundaries that exist between church and state.

This can be seen in two recently decided U.S. Supreme Court cases concerning public displays of the Ten Commandments — which interestingly rendered opposite rulings on whether such displays are permissible under the U.S. Constitution.

Church-state issues also came into play in East Brunswick last fall when a head football coach resigned after he

reportedly was asked to stop leading his team in pre-game prayers. While that case was resolved out of court — and in fact the coach later returned to his position — it nonetheless brought to the forefront the tension that exists when debating this weighty issue.

Brian M. Cige, a constitutional lawyer in Somerville, says that in all these cases, like others that came before them, the underlying issues remain largely the same. How far can people go in exercising their freedom of religion?

Separation takes hold: a look back

To fully appreciate the church-state debate, one might first take a look back in history at how the earliest American settlers dealt with this issue. One account can be found in a fall 1997 report on the *Bill of Rights in Action: Separating Church and State*, by the Constitutional Rights Foundation (CRF), a non-profit, non-partisan, community-based organization.

According to that report, church and state were closely linked in America in the years leading up to the Revolutionary War, with 9 of the 13 colonies supporting official religions with public taxes. The report further notes, "Religious dissenters…were discriminated against, disqualified from holding public office, exiled, fined, jailed, beaten, mutilated and sometimes even executed."

With the onset of the Revolutionary War, the Church of England began to lose its "monopoly on religion" in the southern states, according to the CRF report, and the move toward more universal separation of church and state started to take shape.

Among the leaders of this movement were James Madison and Thomas Jefferson, who were instrumental in defeating proposed

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Freedom of the Press

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against the government's opinions, the Center asserts, are often arrested.

Freedom of the Press, not absolute

Of course while we are guaranteed the right to a free press, that right can be abused if it involves lies or sensitive information that could endanger people's lives, which is why reporters and publishers sometimes end up in court defending their First Amendment right to express themselves, according to Rosen. Just how far the right to a free press goes is frequently tested in the courts. In some cases, people have sued for defamation of character or **libel**, which means their reputation was damaged when false information was reported by the press. In those cases it has to be proven that the report was false, and that the reporter or publisher printed the lie intending to harm the person.

"Within certain limitations, the media is free to do or say anything it wants, however, if a reporter revealed movements of U.S. troops, for example, which jeopardized U.S. lives, that may not be protected, and may be subject to criminal penalties," says Rosen. "If you wrote lies about someone and hurt their reputation, you may be subject to civil (money) penalties, as well."

Consumer Reports v. Suzuki

A recent First Amendment case concerning freedom of the press involved a 1988 review published in *Consumer Reports*, a magazine that tests everything from air conditioners to washing machines and then reports on the results. In a review of sports utility vehicles (SUVs), *Consumer Reports* rated the Suzuki Samurai "not acceptable" because their tests showed it tended to tip and roll over during sharp turns.

Suzuki charged the magazine with product disparagement (or defaming its product), claiming it intentionally rigged the test so the inexpensive SUV would fail and *Consumer Reports* could use the results in advertising to raise money. The carmaker said the report defamed the reputation of the SUV, and because of declining sales Suzuki had to stop producing the vehicles.

Consumer Reports claimed the test and results were accurate, and that the magazine had a First Amendment right to report on the Samurai's failures.

Initially dismissed by a federal district court in California, the Ninth Circuit Court of Appeals overturned that decision and re-instated the case in June 2002.

The New York Times v. Sullivan

One of the arguments that *Consumer Reports* had put forth in its defense was that, as a magazine, it is protected by the 1964 U.S. Supreme Court decision in the case of *The New York Times v. Sullivan*, which held that in order to prove **defamation** the reporting in question must be proven to have **malicious intent** or a "reckless disregard for the truth or advance knowledge of falsity."

In his **dissenting opinion** in the *Consumer Reports* case, Judge Alex Kozinksi of the Ninth Circuit Court cited the Sullivan case stating, "I find it incomprehensible that a review truthfully disclosing all this information could be deemed malicious under *New York Times Co. v. Sullivan*. If Consumers Union [the company that owns *Consumer Reports*] can be forced to go to trial after this thorough and candid disclosure of its methods, this is the death of consumer ratings. It will be impossible to issue a meaningful consumer review that a band of determined lawyers can't pick apart in front of a jury. The ultimate losers will be American consumers denied access to independent information about the safety and usefulness of products they buy with their hard-earned dollars," Judge Kozinski wrote.

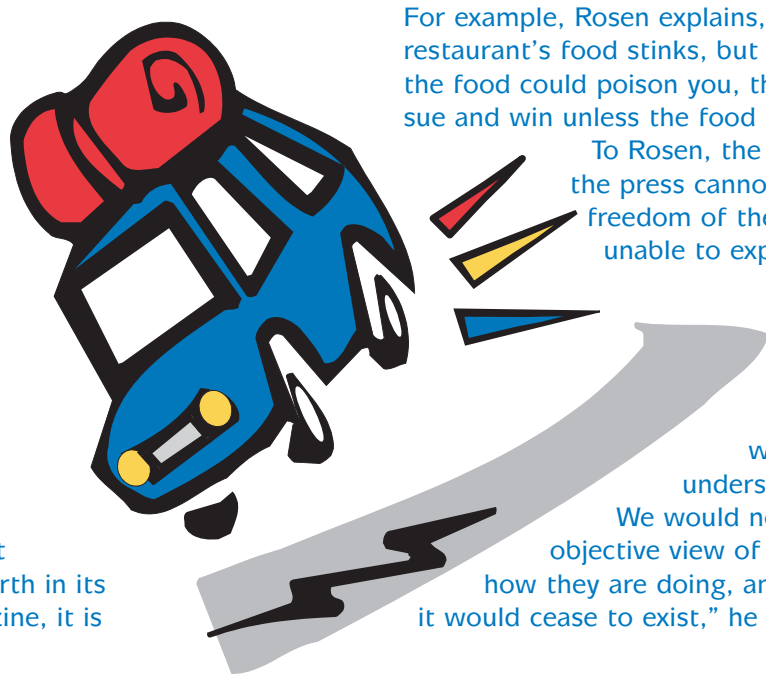
Finally resolved

In November 2003, the U.S. Supreme Court denied the request to hear the case. After an eight-year battle, both *Consumer Reports* and Suzuki agreed to have the case dismissed in July 2004. With the dismissal of the case, neither side will receive monetary damages and neither side is required to admit **liability** in the matter.

According to Rosen, if the case had gone to trial, the court probably would have found that *Consumer Reports*' review was protected under the First Amendment, since the magazine's article explained the reasons for its rating.

"If you say a product is dangerous, you also need to provide the basis for your opinion," he says. "You can be wrong, but if after you give your reasons the conclusion is a matter of opinion, it is protected."

This is why newspapers can publish restaurant and movie reviews without worrying about being sued, unless they make outrageous claims they can't support. For example, Rosen explains, a reviewer could say a restaurant's food stinks, but if the newspaper reported the food could poison you, the restaurant owner could sue and win unless the food really did poison someone.



To Rosen, the importance of freedom of the press cannot be overstated. "Without freedom of the press you would be unable to express your opinion in print or on television or radio, or be able to report on important issues without government approval," Rosen said. "The public would not be able to understand the important issues. We would not be able to have an objective view of our elected officials, and how they are doing, and democracy as we know it would cease to exist," he concluded.

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While you're there, check out other interesting and fun stuff in our Students' Corner. There is also useful information for teachers about other Foundation school-based programs.

U.S. Supreme Court Update

On February 1, 2006, Samuel A. Alito Jr. became the 110th justice to be seated on the U.S. Supreme Court. He was sworn in by Chief Justice John Roberts, who had been sworn in just four months earlier.

In 2005, the U.S. Supreme Court, which had remained unchanged for 11 years, suddenly had two vacancies. In June, Associate Justice Sandra Day O'Connor announced her retirement and two months later, former Chief Justice William H. Rehnquist died. At first, President George W. Bush nominated Judge John Roberts to replace Justice O'Connor. When Chief Justice Rehnquist died, however, the president proposed Judge Roberts to fill that vacancy instead.

After hearings during which the U.S. Senate Judiciary Committee questioned Roberts about his views on constitutional law, the full U.S. Senate approved his nomination by a vote of 78–22, making him the 17th chief justice of the U.S. Supreme Court.

Still needing a replacement for Associate Justice O'Connor, President Bush nominated an attorney on his staff, Harriet E. Miers. Unlike John Roberts, Miers' nomination was received with widespread disapproval and criticism, based on what many perceived as her lack of experience in constitutional law. Before the U.S. Senate could conduct its hearings, President Bush withdrew Miers' nomination at her request.

The search for a new nominee resulted in the nomination of Judge Samuel Alito, an Appeals Court judge from New Jersey. While Judge Alito received the American Bar Association's highest approval rating for his experience, various senators expressed concern over how Judge Alito responded to questions on how **precedent**-setting cases would affect future court decisions. Other senators believed such concerns were more political than legal.

After an unsuccessful attempt led by Democratic Senators Edward Kennedy and John Kerry for a **filibuster**, the full U.S. Senate confirmed Samuel Alito by a vote of 58–42. This was the closest confirmation vote since Justice Clarence Thomas, who was confirmed 52–48 in 1991.

—Roberta K. Glassner, Esq.

Science vs. Religion

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natural world are the products of intelligence." According to the Discovery Institute, "the scientific theory of intelligent design is **agnostic** regarding the source of design and has no commitment to defending Genesis, the Bible, or any sacred text."

The Scopes trial

Although the theory of evolution is the accepted scientific standard today, there was a time in some Southern states when it was illegal to teach it in public schools. In 1925, the Tennessee Legislature passed the Butler Act, named after John Washington Butler, the Tennessee farmer who proposed the law. The Butler Act made it illegal to teach the theory of evolution, or any theory that denied the biblical account of creation, in Tennessee public schools. The American Civil Liberties Union (ACLU) joined with local high school biology teacher John Scopes to challenge the law. Scopes taught Darwin's theory to his students and was charged with violating the Butler Act. What ensued was the Scopes Monkey Trial, which pitted famous defense attorney Clarence Darrow against three-time presidential candidate and fundamentalist leader William Jennings Bryan, and was also the inspiration for the stage play *Inherit the Wind*.

The trial attracted national attention and was the first trial to be broadcast on national radio. The defense challenged the Butler Act on a number of different issues, including its violation of the separation of church and state; however, after eight days the jury returned a guilty verdict and the judge fined John Scopes $100. Scopes' conviction would eventually be overturned on the technicality that the jury should have set the amount of the fine, not the judge.

By the end of the 1920s, Mississippi, Arkansas and Texas had joined Tennessee in passing legislation forbidding the teaching of evolution in public schools. Some publishers even deleted any mention of it from their textbooks. Tennessee **repealed** the Butler Act in 1967 when a teacher, who was fired for violating the Act, claimed that it violated his First Amendment right to free speech. In 1968, the U.S. Supreme Court weighed in on the issue for the entire country with the case of *Epperson v. Arkansas* (see sidebar). In that case, the Court ruled that banning the teaching of evolution is a violation of the U.S. Constitution's establishment clause, which prohibits the government from endorsing any one religious belief.

Kitzmiller v. Dover—Scopes II, but in reverse

According to *The New York Times*, lawyers at the Thomas More Law Center in Michigan, a nonprofit Christian organization, visited school boards throughout the country to find one willing to teach intelligent design and challenge evolution in the classroom. School districts in Michigan, Minnesota, and West Virginia, among others, turned them down. Despite a warning from its lawyer, the school board in Dover, Pennsylvania said yes.

In October 2004, the eight-member Dover school board voted to become the first district in the U.S. to require that students in 9th grade biology class be taught intelligent design. According to newspaper accounts, before teaching evolution, teachers were required to read the following disclaimer: "Because Darwin's theory is a theory, it continues to be tested as new evidence is discovered... Gaps in the theory exist for which there is no evidence... Intelligent design is an explanation of the origin of life that differs from Darwin's view." The statement then advised students to read the intelligent design textbook, *Of Pandas and People*, which was available in the school library.

A group of teachers in Dover responded to this order by sending a letter to the school district superintendent. According to *New York Magazine* columnist Ken Andersen, the teachers wrote (all in caps), "Intelligent design is not science. Intelligent Design is not biology. Intelligent Design is not an accepted scientific theory."

As expected, a group of parents sued the school board, stating in their lawsuit that the board had, "injected religious creationism into science classes in the guise of intelligent design." The main issues of the suit were whether intelligent design was actually based on religious beliefs and whether it violated the establishment clause of the U.S. Constitution.

During the six-week trial in September 2005, a Harrisburg federal district court heard scientists testify both in support of and in opposition to intelligent design. Attorneys from the More Center, who represented the Dover school board at no charge, argued that students should have academic freedom and access to different scientific theories. They declared the board did not have a religious agenda and was not motivated by a desire to promote any religious beliefs.

The New York Times reported that in his opening statement, the attorney for the parents called intelligent design "the 21st century version of creationism." He declared that the trial would show that the school board had originally wanted creationism to be taught in the classroom, with one member proposing that creationism and evolution be given equal time. Intelligent design was substituted, the attorney said, after the school board was advised that the courts had already ruled that teaching creationism in schools is unconstitutional.

The verdict

In December 2005, U.S. District Judge John E. Jones III ruled against the Dover school board and, in his written opinion, called intelligent design "a religious view

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Challenges Over Evolution vs. Creationism Through the Years

The U.S. Supreme Court has used the establishment clause in the First Amendment of the U.S. Constitution to decide many cases regarding the teaching of evolution vs. creationism. Below are a few notable cases decided by the Court and several lower courts.

- ***Everson v. Board of Education* (1947)**—The U.S. Supreme Court ruled on the meaning of the establishment clause. Justice Hugo Black wrote, "Neither a state nor the federal government can openly or secretly participate in the affairs of any religious organization or groups and vice versa. In the words of Jefferson, the clause...was intended to erect 'a wall of separation between church and state.'"
- ***Epperson v. Arkansas* (1968)**—An Arkansas state law prohibited public school teachers from instructing students in the "theory or doctrine that mankind ascended or descended from a lower order of animals." Believing the state law to be wrong, Susan Epperson, a high school biology teacher in Little Rock, taught her students evolution and was fired from her job. The U.S. Supreme Court ruled that the Arkansas law was unconstitutional because it violated the First Amendment and the Fourteenth Amendment, which deals with equal justice under the law. The justices held that the law's main purpose was to promote the religious beliefs of fundamental creationists who believed in the reading of the book of Genesis as fact. The Court declared that a state should not eliminate ideas from a school curriculum because those ideas conflicted with the beliefs of other religious groups.
- ***Segraves v. State of California* (1981)**—Kelly Seagraves claimed that the teaching of evolution prohibited the free exercise of religion by his three children. The California Supreme Court ruled that teaching evolution was not an infringement of religious beliefs, and scientific discussions should be focused on how life began and evolved and not on the ultimate cause or origins.
- ***McLean v. Arkansas Board of Education* (1982)**—Arkansas passed a law called Act 590 in 1981, which required a "balanced treatment of Creation Science and Evolution Science." A group of parents and clergy of various faiths sued the state board, challenging the law. Federal District Court Judge William Overton wrote that Act 590 was "...simply and purely an effort to introduce the Biblical version of creation into the public school curricula...the Act was passed with the specific purpose by the General Assembly of advancing religion." The enforcement of Act 590 was permanently prohibited. Overton declared that First Amendment principles are not determined by public opinion. Whether creationists are in the majority or minority "is quite irrelevant under a constitutional system of government," the judge wrote. "No group, no matter how large or small may use the organs of government of which the public schools are the most conspicuous and influential to foist its religious beliefs on others."
- ***Webster v. New Lenox School District* (1990)**—In 1987, a social studies teacher in Illinois named Ray Webster disagreed with a textbook that stated the earth was more than 4 billion years old. After Webster started teaching creation science and ignored the textbook, a student complained and the school district warned him to stop. Webster sued the school district, claiming his right to free speech had been violated. The Seventh Circuit Court of Appeals upheld a lower court decision that the school district had not violated Webster's free speech. The court ruled that the school district could prohibit a teacher from teaching creation science to prevent a violation of the establishment clause of the First Amendment.
- ***Peloza v. Capistrano School District* (1994)**—Ray Peloza, a high school biology teacher in California, sued the Capistrano school district, claiming that evolution was a type of religion and teaching it in public schools was a violation of the First Amendment. The Ninth Circuit Court of Appeals rejected Peloza's claim and upheld the school district's requirement to teach Darwin's theory in biology classes.
- ***Freiler v. Tangipahoa Board of Education* (1999)**—In 1997, the Tangipahoa School District in eastern Louisiana passed a policy requiring teachers to read a statement (disclaimer) aloud before teaching evolution. The statement declared that evolution was only a theory and teaching it was not intended to change minds about the Bible creation story. The Fifth Circuit Court of Appeals held that "...to convey the message that evolution is a religious viewpoint that runs counter to...other religious views" is religiously motivated and unconstitutional. The U.S. Supreme Court declined to hear the school board's appeal.
- ***Selman v. Cobb County School District* (2005)**—In the Cobb County, Georgia school district, all textbooks that deal with evolution were required to have a sticker inside that read, "This textbook contains material on evolution. Evolution is a theory, not a fact, regarding the origin of living things. This material should be approached with an open mind, studied carefully, and critically considered." Parents sued the school district, claiming the stickers were faith-based and a violation of the establishment clause of the U.S. Constitution. The U.S. District Court of the Northern District of Georgia agreed with the parents and held that the stickers misled students about the importance of evolution in science and weakened the First Amendment. The stickers were ordered to be removed.

—Phyllis Raybin Emert

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and a mere re-labeling of creationism, not a scientific theory."

In his 139-page opinion, Judge Jones accused the school board members of lying and called their testimony claiming that they wanted to improve the science curriculum by fostering a debate, "a sham and a pretext for the board's real purpose, which was to promote religion in the public classroom." As evidence of the school board's hidden agenda, the judge noted in his opinion that the trial included remarks from a school board meeting where a supporter of intelligent design said, "words to the effect of '2,000 years ago someone died on a cross. Can't someone take a stand for Him?'"

A month before the verdict was handed down all eight members of the Dover school board were voted out of office. According to *The Philadelphia Inquirer*, the newly-elected school board members ran on a platform that opposed the intelligent design policy, making an appeal to the decision in *Kitzmiller v. Dover* unlikely.

Suit filed in California

Despite the ruling in Pennsylvania, in January 2006 a school board in California approved a course, called Philosophy of Design, to be taught at Frazier Mountain High School in Lebec, a rural community more than 60 miles outside of Los Angeles. According to *The Los Angeles Times*, the course description read, "the class will take a close look at evolution as a theory and will discuss the scientific, biological and biblical aspects that suggest why Darwin's philosophy is not rock solid. The class will discuss intelligent design as an alternative response to evolution. Physical and chemical evidence will be presented suggesting the earth is thousands of years olds, not billions."

A group of parents instituted a lawsuit challenging the teaching of the class. Among other things, the lawsuit cites the fact that the teacher for the class has "no training or certificate in science, religion or philosophy and is the wife of the minister for the local Assembly of God Church, a Christian fundamentalist church and a proponent of a creationist world view."

The Rev. Barry Lynn, executive director of Americans United for Separation of Church and State, the organization that represented the parents in the case, told *The Los Angeles Times* that this type of course is "the wave of the future" for supporters of intelligent design.

"It is my understanding that this school district has been approached by other school districts to clone this course and use it elsewhere," Rev. Lynn said. "That is why this is of national significance. We would like to build a retaining wall against that wave with this case."

Casey Luskin, legal affairs director for the Discovery Institute, told *The Los Angeles Times* that keeping students from learning about alternatives to evolutionary theory amounted to censorship. *The Los Angeles Times* reported that the case was ultimately settled out of court, with the El Tejon Unified School District agreeing to terminate the existing course and never to offer such a course again.

Poll shows divide over man's origin

Despite court rulings, a July 2005 poll, conducted by the Pew Forum on Religion and Public Life, a non-partisan, non-advocacy organization, revealed that 42 percent of the people polled held "strict creationist views," while 48 percent said, "they believed humans have evolved over time." In all, 64 percent said creationism should be taught alongside evolution in schools and more than a third were in favor of replacing evolution with creationism.

These statistics seem to show that Americans are deeply divided on their views of evolution and intelligent design. Attorney Viola Lordi of Wilentz, Goldman and Spitzer in Woodbridge, who specializes in school law, thinks that the lesson kids should take from this controversy is that adults take what kids learn in school seriously—enough to fight about it in court.

"We are a multi-cultural society and people bring different views to the table," Lordi said. "This issue [of evolution] was fought 80 years ago and in 100 years, we may still be arguing about it."

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legislation that called for a tax supporting Christian churches in Virginia. Instead, Madison and Jefferson successfully lobbied to implement a law that severed all ties between the state of Virginia and religion. This, according to the CRF report, was "the first time that a government anywhere in the world had acted to legally separate religion from the state."

In a widely circulated petition on that topic, according to the CRF report, "Madison declared that it was the natural right of all persons, even atheists, to be left to their own private views of religion. He argued that throughout history 'superstition, bigotry, and persecution' have accompanied the union of religion and government. He also asserted that Christianity did not need the support of government to flourish."

What does the First Amendment say?

For direction in deciding church-state cases, our courts frequently look to the First Amendment to the U.S. Constitution, which was ratified in 1791 in the Bill of Rights and provides a general framework on which to base opinions. Specifically the First Amendment states that, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof…"

So, while on the one hand, the First Amendment supports the "free exercise" of religion, the "establishment clause" prohibits the government from endorsing any one particular religious belief and, in the widely quoted words of Thomas Jefferson builds "a wall of separation between church and state."

Recent cases heard

Questions about just how high this "wall of separation" extends have been the subject of numerous public debates and court discussions. Last year, church-state lines were called to question in two U.S. Supreme Court cases that considered public displays of the Ten Commandments.

One of the cases challenged the posting of the Ten Commandments in two Kentucky courthouses. The other challenged a Ten Commandments monument on the grounds of the Texas Capitol in Austin.

In the first case, the justices ruled 5-4 that the postings in the Kentucky courthouses were not permissible under the U.S. Constitution, calling them "a sacred text" that carried an "unmistakably religious" message. "The government and its officials must be neutral toward religion," the court majority said, "and may neither promote nor discourage it."

Reflective, perhaps, of the mixed opinions that exist on this topic, however, the same court ruled, in an equally close 5-4 vote, to uphold the constitutionality of the Ten Commandments monument in Texas. In that case, the courts considered, among other things, that the monument stands among some 17 other monuments and 21 plaques on the capitol grounds.

"The pair of rulings suggests that the Ten Commandments may be displayed inconspicuously among other documents or monuments, but cannot be made the focus of attention in a courthouse or government building," *The Los Angeles Times* reported.

Other issues

In addition to cases above, Cige notes that the courts have, in the past, considered such issues as whether religious displays, such as Christmas trees or menorahs, should be constitutionally allowed in public places, for example in schools or government buildings. Also at the heart of considerable controversy, which is still being debated, is whether it is constitutional for students in public schools to recite the Pledge of Allegiance with the words "under God," in it.

Perhaps the greatest variable in the debate, Cige suggests, is the court's interpretation of the U.S. Constitution, an interpretation that can change over time. That is one reason why, he says, so much importance is placed on the nominees to the U.S. Supreme Court.

Nothing personal

While debates about church-state issues raise questions and sometimes raise tempers, Martin Pachman, school board attorney in East Brunswick where the coaching incident occurred, reminds people not to take them personally.

In the end, it's not about whether one religion is better than another — or whether no religion at all is best. Rather, Pachman says it comes down to the U.S. Constitution and finding a balance between allowing people to practice their beliefs freely and at the same time preventing state enforcement of any one particular religious belief.

GLOSSARY

agnostic — pertaining to the theory that no one can know for certain whether God exists.

defamation — a deliberate false statement, either published or publicly spoken, that injures another person's reputation.

dissenting opinion — a statement written by a judge that disagrees with the opinion reached by the majority of his or her colleagues.

filibuster — an attempt to block legislation or a judicial appointment by prolonged speaking.

liability — an obligation of responsibility for an action or situation, according to law.

libel — something that is published (that is untrue) which damages a person's reputation.

malicious intent — to act with purposeful ill will.

precedent — a legal case that serves as a model for all future action on a particular issue.

repealed — revoked. A law that is repealed has been withdrawn or cancelled and is no longer a law.