

THE LEGAL EAGLE

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Blurring the Line *Between Church and State*

by Michael Barbella

Legal conflicts are developing across the nation over the First Amendment's Establishment Clause, as some states push for expanding the role of religion in public schools by incorporating the Ten Commandments or the Bible into state curriculum.

The Establishment Clause is contained, along with the Free Exercise Clause, in the U.S. Constitution's First Amendment, which is the cornerstone of the nation's right to freedom of religion. The First Amendment states: "Congress shall make no law respecting an establishment of religion (Establishment Clause), or prohibiting the free exercise thereof; (Free Exercise Clause)..."

The Establishment Clause prohibits the government from establishing a national religion or favoring one religion over another. The clause was interpreted by Thomas Jefferson in an 1802 letter as a "wall of separation between the church and state." The Free Exercise Clause protects a person's right to practice the religion of their choice or to practice no religion. A 2023 Pew Research study revealed that 28% of Americans do not identify with a particular religion.



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U.S. Supreme Court *and the Second Amendment*

by Robin Roenker

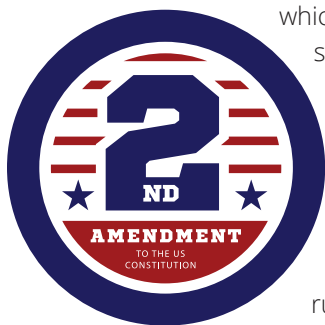
In the U.S. Supreme Court's more than 230 years of existence it has issued approximately 10 rulings on Second Amendment cases—the first in 1876. In 2024, the Court ruled in two Second Amendment cases—*U.S. v. Rahimi*, which addressed the constitutionality of banning gun rights for domestic abusers, and *Garland v. Cargill*, which addressed banning bump stocks. The Second Amendment states: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

To understand the Court's ruling in the 2024 cases, we need to go back to its 2022 ruling in *New York State Rifle & Pistol Association Inc. v. Bruen*, which expanded gun rights and established a new standard for evaluating restrictions on the right to bear arms. With *Bruen*, the Court struck down New York's strict gun permitting

system and ruled that laws limiting gun ownership must be based on the "historical tradition of firearm regulation" in the U.S. In other words, determining whether or not a particular gun restriction is or is not constitutional under the Second Amendment would now depend on historical legal precedent.

"With the *Bruen* case, the Court essentially determined that the way to **adjudicate** these cases is to ask whether the modern gun law being challenged is consistent with history and tradition. So, it's certainly a very different test," explains Andrew Willinger, a professor at Duke University School of Law and executive director of the Duke Center for Firearms Law.

Before the *Bruen* ruling, courts tended to evaluate the legality of gun ownership restrictions by weighing both public safety concerns and an individual's right to carry firearms, as outlined by the Second Amendment. Giffords Law Center is an organization that promotes gun violence prevention and gun safety laws in the United States. It is led by former Congresswoman Gabrielle Giffords who was shot by a gunman at a 2011 constituent event in Tucson, Arizona. In 2023, one year after the *Bruen* decision, Giffords Law Center



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Predatory Teen Marketing—Not Kid’s Stuff

by Sylvia Mendoza

The National Financial Educators Council (NFEC), a social impact company focused on financial wellness, estimates that U.S. advertisers spend approximately \$2.9 billion a year for targeted ads to children. They project that the number will reach \$21.1 billion by 2031.

In 2024, NFEC launched “Stop Advertising to Kids—Stop Predatory Advertising,” a campaign that urges lawmakers to pass legislation to stop marketing or advertising to kids under eight years old. According to NFEC, by the time a young person turns 21, they will have seen more than one million advertisements through television, YouTube, video-on-demand, social media, or gaming.

NFEC’s 2024 report, *Empower and Protect: Ban Advertising to Kids and Mandate School Financial Education*,

stated that “marketing to children under 8 years old should be stopped because they can have a negative impact on children’s self-esteem, financial behaviors, health, and activities.”

The report cites information from the American Psychological Association, which contends that marketing to kids at or under eight years old is “inherently unfair because it capitalizes on younger children’s inability to attribute persuasive intent to advertising.”

Predatory marketing, sometimes referred to as “stealth” marketing, is a business practice that manipulates vulnerable people, such as kids, into buying products using misleading tactics to make products look more enticing. Experts say young children cannot differentiate between content and advertising.

In 2022, the Federal Trade Commission (FTC), an independent federal agency whose mission is to protect consumers, sponsored a webinar, titled “Protecting Kids from Stealth Advertising in Digital Media.” During the webinar, then FTC chair Lina Khan addressed children’s vulnerability to marketers, explaining that the more time kids stay online, the more likely their information can be collected. In addition, Khan said, “Developing brains are more susceptible to deceptive or harmful practices where long term and immediate effects can be serious.”

Selling junk food

According to a 2024 Australian study conducted by Deakin University in Melbourne, teenagers between the ages of 14 and 17 years old are, on average, targeted everyday with at least

one ad on gambling and 24 junk food ads. Its youth report, *#Digital Youth – How Children and Young People are Targeted with Harmful Product*



Marketing Online, also found that children as young as eight years old are targeted with approximately 13 junk food ads per day.

Research from the University of Connecticut’s Rudd Center for Food Policy and Health revealed that the

food, beverage and restaurant industry spend nearly \$14 billion per year on food advertising in the United States. Their research found that food companies often engage in “targeted marketing” to children and teens.

Marketing junk food to kids is not just a problem in the U.S. The issue is a global one. NCD Alliance, which is based in Switzerland, is a network of more than 400 civil society organizations dedicated to eradicating noncommunicable diseases such as diabetes, cardiovascular diseases, respiratory diseases and mental health conditions. According to its 2023 report, *Selling a Sick Future*, “Commercial marketing of unhealthy products towards children and young people is a key factor behind the global rise of noncommunicable diseases (NCDs), which cause 41 million deaths annually, with rising rates among children and young people in countries of all resource levels.”

In February 2023, the Predatory Marketing Prevention Act (PMPA) was introduced in the New York State Senate, and a similar bill was introduced in the New York Assembly in January 2025. Both bills focus on false or misleading advertisements of food and food products. In a statement issued when he introduced his bill,



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State Senator Zellnor Myrie, who is now running for Mayor of New York City, said, “Young people in communities like mine are inundated with deceptive and predatory marketing of unhealthy food. This industry spends billions researching the most efficient ways to sell their products to kids. The PMPA gives New York a chance to fight back.”

At press time, there had been no movement on either bill.

Vaping

According to the U.S. Food and Drug Administration, 1.63 million or 5.9% of youth across the country used vaping products in 2024, despite the legal age to smoke or vape in the United States being 21. As of 2024, according to the Centers for Disease Control and Prevention, e-cigarettes were the most common tobacco product used by middle and high school students.

In 2007, when e-cigarettes first came on the market, its manufacturers maintained that they did not target teenagers. However, court documents in a 2020 lawsuit against JUUL, one of the largest manufacturers of e-cigarettes, revealed the company purchased ads on such kid-friendly media as the Cartoon Network, Nickelodeon, and *Seventeen* Magazine, as well as educational sites for middle and high school students.

In April 2023, JUUL settled a lawsuit brought by six states—California, Colorado, Illinois, Massachusetts, New Mexico and New York, as well as Washington, DC—and agreed to pay \$462 million for its role in the youth vaping epidemic. According to a statement issued at the time by the New York State Attorney General’s Office, the agreement was the “largest multistate settlement with JUUL and places the most stringent restrictions on JUUL’s marketing, sales, and distribution practices in order to protect and prevent minors from underage vaping.”

In February 2025, New York’s

Attorney General filed another lawsuit against 13 vape companies for distributing, marketing and selling flavored vapes, such as “Strawberry Donut,” “Tropical Rainbow Blast,” and “Pink Lemonade.” Flavored vapes were banned by New York state law in 2020.

“The vaping industry is taking a page out of Big Tobacco’s playbook: they’re making nicotine seem cool, getting kids hooked and creating a massive public health crisis in the process,” New York Attorney General Letitia James said in a statement. “For too long, these companies have disregarded our laws in order to profit off of our young people.”

Gateway to gambling

Another industry that is targeting teens is sports betting. While most teens obviously cannot gamble, “social sportsbook” apps, like Fliff, draw young fans in. Social sportsbooks, which function much like a regular sports betting app, are marketed as appropriate for ages 13 and up. Unlike a regular sports betting app, social sportsbooks use “virtual currency” instead of real money.

“The people who have gambling problems, who are vulnerable to gambling problems and especially youth, can develop gambling problems based on usage of these apps,” Keith Whyte, executive director of the



National Council on Problem Gambling, told *The Washington Post*.

Sports betting is now legal in 38 states (including New Jersey) and Washington, DC. In most states,

the minimum age to gamble is 21; however, in four states—Montana, New Hampshire, New York, and Rhode Island, along with DC—it is 18. What critics of these social sportsbooks fear is that kids will be compelled to bet with real money once they are of age.

“This is the type of activity that can absolutely be potentially harmful,” Brett Abarbanel, executive director of UNLV’s International Gaming Institute told *The Washington Post*. “It might not be for everybody, but there will absolutely be people, especially youth, who transition especially into real money gambling.”

Protecting kids

There are laws in place to protect children and teens from predatory marketing. The Children’s Online Privacy Protection Act is a federal law that gives parents control over what personal information websites can collect from children under 13 years old. It requires companies to obtain verifiable parental consent before collecting, using, or disclosing a child’s personal information online.

In addition, the Federal Communications Commission (FCC) limits the amount of commercial time in children’s television programming. The Children’s Television Act of 1990 established these limits. And yet, some companies find a way around those protections—so states have put additional laws in place.

“Protecting New Jersey’s youth from unlawful business practices and marketing strategies designed to exploit their vulnerability and lure them into unhealthy or harmful conduct is a responsibility that the New Jersey Division of Consumer Affairs takes very seriously,” says Cari Fais, Director of the New Jersey Division of Consumer Affairs.

To that end, the New Jersey Data Privacy Law (NJDPPL) was passed in January 2024 and took effect January 15, 2025. According to the New Jersey

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released a memo analyzing challenges to gun safety laws.

“*Bruen* has caused a great deal of confusion and disruption as lower federal courts struggled to follow the new methodology it mandated,” William Clark, a litigation attorney at Giffords Law Center wrote in the memo. “But our analysis shows that even after *Bruen*, courts are upholding state, federal, and local gun laws against Second Amendment challenges. Most courts have recognized that, when properly applied, *Bruen* allows for a wide range of gun violence prevention laws.”

Laura Edwards, a Princeton University legal historian, who, along with other historians, submitted an **amicus brief** in the 2024 *Rahimi* case, told *The Washington Post*, “What you’re seeing is the Court confronting the complications of using the past as the means of securing and legitimizing legal principles. History does not have definitive answers for you.”

Domestic abusers

In June 2024, the U.S. Supreme Court clarified its stance on legal firearm limits. In an 8 to 1 decision, the Court **upheld** a federal ban on gun ownership for people who have existing domestic violence **restraining orders**. That decision, in *U.S. v. Rahimi*, represented the Court’s first major Second Amendment ruling since the *Bruen* decision.

“Some courts have misunderstood the methodology of our recent Second Amendment cases,” Chief Justice John Roberts wrote in the Court’s **majority opinion** in *Rahimi*. “These precedents were not meant to suggest a law trapped in amber.” Essentially, to be “trapped in amber” refers to being stuck or frozen in time, unable to change or move forward.

“In *Rahimi*, you had a man who had abused and threatened his girlfriend firing a gun in a public place and putting people at risk,” Professor Willinger says.

“Given the facts of the case, it was hard to see the Supreme Court agreeing with the Fifth Circuit, which had earlier ruled that a ban against people with domestic violence restraining orders was unconstitutional under the Second Amendment.”

To provide the historical tradition that *Bruen* required, in *Rahimi*, the U.S. Court of Appeals for the Fifth Circuit cited the fact that domestic violence laws did not exist at the time the Second Amendment was adopted. No laws addressed domestic violence and gun ownership, at the time, therefore, the law in question was unconstitutional, according to the Fifth Circuit Court.

In a lone dissent, Justice Clarence Thomas agreed with the Fifth Circuit, writing, “The court and government do not point to a single historical law revoking a citizen’s Second Amendment right based on possible interpersonal violence.”

However, Chief Justice Roberts wrote, “When a restraining order contains a finding that an individual poses a credible threat to the physical safety of an intimate partner, that individual may—consistent with the Second Amendment—be banned from possessing firearms while the order is in effect. Since the founding, our nation’s firearm laws have included provisions preventing individuals who threaten physical harm to others from misusing firearms.”

According to Professor Willinger, the *Rahimi* ruling required the U.S. Supreme Court to “modify, in some sense, what the majority had said in the *Bruen* case, since you’re not going to find the specific types of domestic violence laws we have today, if you look back historically.”

The ruling helped clarify the Court’s view that firearms restrictions do not necessarily require a precise “historical twin” to be constitutional. But they do need to defer to historic laws that



are “relevantly similar” in how they were passed and applied. The *Rahimi* ruling was limited in its scope. It did not attempt to broadly settle the many challenges on gun restrictions that have emerged since *Bruen*, including, for example, the constitutionality of restrictions on gun ownership by convicted felons and drug users.

In addition, existing restrictions on places where weapons may be carried, including laws that restrict weapons on school grounds or in public sports arenas, may be challenged at the Court in the coming years. According to Professor Willinger, *Bruen* said the Second Amendment protects the right to carry a gun in public for self-defense.

“That opens up a whole new set of questions about whether or not a state can nevertheless say, for example, that you can’t take your gun into a bar or onto the subway,” Professor Willinger explains.

Bump stocks

In a separate court decision, also from June 2024, the U.S. Supreme Court struck down a federal ban on bump stocks that had been in effect since 2018. A bump stock is a modification to the standard stock or base of a rifle that, once added, allows it to fire much more rapidly.

Following a mass shooting at a Las Vegas music festival in 2017 in which bump stocks had been used, killing 60 people and wounding 400, the first Trump administration moved to have the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) ban bump stocks. The ATF argued that bump stocks turned legal rifles into machine guns, noting that the Las Vegas shooter was able to fire 1,000 rounds of ammunition in 11 minutes.

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Machine guns are banned for civilians in the U.S. under the National Firearms Act, which Congress passed in 1934 and amended in 1986. The existing U.S. federal ban on machine guns defines them as weapons able to fire more than one shot “by a single function of the trigger.”

In a 6-3 ruling in *Garland v. Cargill* the U.S. Supreme Court found that bump stocks do not qualify as machine guns as defined by the National Firearms Act. The Court, therefore,

rescinded the U.S. federal bump stock ban. Justice Clarence Thomas wrote the Court’s majority opinion in the case and explained that bump stocks cannot be considered machine guns, since they still require the shooter to “release and reset the trigger between every shot.”

Professor Willinger explains that *Garland v. Cargill* was not technically a Second Amendment case. “It was really an administrative law case,” he says. “It centered on a question of **statutory** interpretation regarding the meaning of the term ‘machine gun’ and how that term was defined in the National Firearms Act.”

In her **dissenting opinion** in the case, Justice Sonia Sotomayor voiced her belief that the decision unfairly dismissed the profound operational similarities between rifles outfitted with bump stocks and machine guns.

“When I see a bird that walks like a duck, swims like a duck, and quacks like a duck, I call that bird a duck,” Justice Sotomayor wrote. “A bump-stock-equipped semiautomatic rifle fires ‘automatically more than one shot, without manual reloading, by a single function of the trigger.’ Because I, like Congress, call that a machinegun, I respectfully dissent.”

Justice Samuel Alito agreed with the majority of the Court in the case but issued a **concurring opinion**.

Addressing the horrific event in Las Vegas that led to the case, Justice Alito wrote, “An event that highlights the need to amend a law does not itself change the law’s meaning.”

In his opinion, Justice Alito went on to write, “There is a simple remedy for the disparate

treatment of bump stocks and machineguns. Congress can amend the law—and perhaps would have done so already if ATF had stuck with its earlier interpretation,” Justice Alito wrote. “Now that the situation is clear, Congress can act.”

Banning gun sales to teenagers

Another Second Amendment case that may end up at the U.S. Supreme Court for a final ruling is *Reese v. ATF*—another decision from the U.S. Court of Appeals for the Fifth Circuit, issued in January 2025. In this case, the Fifth

Circuit struck down a federal handgun ban for 18-to-20-year-olds, citing the Militia Act of 1792, which required “every free able-bodied white male citizen” between the ages of 18 and 45 to join his state militia and provide his own weapon, usually a musket or a rifle.

“Ultimately, the text of the Second Amendment includes eighteen-to-twenty-year-old individuals among ‘the people’ whose right to keep and bear arms is protected,” Judge Edith Jones wrote for a three-judge panel of the Fifth Circuit. “The federal government has presented scant evidence that eighteen-to-twenty-year-olds’ firearm rights during the founding-era were restricted in a similar manner to the contemporary federal handgun purchase ban.”

The Fifth Circuit’s decision only applies to Louisiana, Mississippi and Texas. However, if the case reaches the U.S. Supreme Court, it could have an effect nationwide. 🛠️



DISCUSSION QUESTIONS



1. What do you think of the U.S. Supreme Court’s “historical test” from its *Bruen* ruling? Why do you think it caused so much confusion in determining the constitutionality of gun safety laws?
2. What do you think about bump stocks? Do you agree or disagree that they should be considered machine guns? Explain your answer.



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The U.S. Supreme Court has ruled on many First Amendment cases dealing with religion in public schools. For example, in *Engel v. Vitale* (1962) the Board of Regents of New York proposed that children in public schools should start their day with a non-denominational prayer, which read: “Almighty God, we acknowledge our dependence on Thee, and we beg Thy blessings upon us, our parents, our teachers and our country. Amen.”

In a 6 to 1 decision (two justices did not participate), the U.S. Supreme Court ruled that the prayer violated the First Amendment’s Establishment Clause. In the Court’s **majority opinion**, Justice Hugo Black wrote that a government-written prayer “breached the wall of separation between church and state” even though the prayer was non-denominational.

“When the power, prestige and financial support of government is placed behind a particular religious belief, the indirect coercive pressure upon religious minorities to conform to the prevailing officially approved religion is plain,” Justice Black wrote.

The U.S. Supreme Court **upheld** *Engel v. Vitale* with its 1963 decision in *Abington School District v. Schempp*. In that case, the Court ruled that mandatory Bible readings in public school are unconstitutional.

Displaying the Ten Commandments

In June 2024, Louisiana passed a law requiring that public schools—from elementary schools to colleges—display posters of the Ten Commandments in all classrooms. The law mandates that the posters measure at least 11 inches by 14 inches and that the “text of the Ten Commandments shall be the central focus of the poster.” In addition, according to the law, a specific version of the Commandments, associated with Protestant beliefs, must be used. The poster must also include a four-paragraph context statement explaining the Ten Commandments “three-century history in American education.”

Soon after Louisiana Governor Jeff Landry signed the measure into law, several civil rights organizations filed a lawsuit on behalf of a multi-faith group of nine Louisiana families with children in public schools. The lawsuit alleges the law violates the First Amendment’s Establishment Clause and Free Exercise Clause.

One of the **plaintiffs** in the case, Rev. Jeff Sims, a Presbyterian pastor and father of three school-age children, told *The Washington Post*, “I want my children to understand scripture in the context of our faith, which honors God’s diversity and preaches all people

are equal. This law interferes with my religious freedom—it tramples on it. We have a separation of church and state in this country to prevent just this kind of government overreach. As a pastor and father, I can’t sit by silent while our political representatives usurp God’s authority for themselves.”

The lawsuit states: “Permanently posting the Ten Commandments in every Louisiana public school classroom—rendering them unavoidable—unconstitutionally pressures students into religious observance, veneration [worship], and adoption of the state’s favored religious scripture. It also sends the harmful and religiously divisive message that students who do not subscribe to the Ten Commandments—or, more precisely, to the specific version of the Ten Commandments that the law requires schools to display, do not belong in their own school community and should refrain from expressing any faith practices or beliefs that are not aligned with the state’s religious preferences.”

In November 2024, a federal district court ruled in favor of the families. In a 177-page ruling, Judge John W. deGravelles, a U.S. district court judge for the Middle District of Louisiana, determined the Ten Commandments law “runs afoul” of legal **precedent**, is not neutral toward religion, and violates the U.S. Constitution’s Establishment Clause.

In the court’s decision, Judge deGravelles wrote that the Louisiana law is “coercive to students, and, for all practical purposes, they cannot opt out of viewing the Ten Commandments when they are displayed in every classroom, every day of the year, every year of their education.”

Dr. David W. Opderbeck, a professor at Seton Hall University Law School who serves in its Department of Religion, explains that the court described students as a “captive audience.” In other words, attendance at school is mandatory and the law requires the Ten Commandments to be displayed in every classroom so there is no way to ignore them.

The Louisiana court applied a test used in another 1980 case—*Stone v. Graham*—that also involved displaying the Ten Commandments, this time in Kentucky.

The U.S. Supreme decided in *Stone v. Graham* that displays of the Ten Commandments were “plainly religious in nature” and violated the Establishment Clause. The *Stone* case relied on a 1971 case—*Lemon v. Kurtzman*—which came up with a test to detect religious coercion.

“Whether this kind of ‘coercion’ is unconstitutional may depend on what test the court applies,” Dr. Opderbeck explains. “Under the ‘Lemon test,’ such coercion could



indicate that the law improperly promoted religion to create an excessive entanglement between church and state.”

Dr. Opderbeck notes that the *Lemon* test was abandoned with the 2022 *Kennedy v. Bremerton School District* case, where the U.S. Supreme Court upheld the right of a high school football coach to pray on the field after games. Because the Court abandoned the test, Dr. Opderbeck says, “It is not clear then, that this portion of the Louisiana opinion applied the correct legal test.”

Louisiana Attorney General Liz Murrill **appealed** Judge deGravelles’ ruling to the U.S. Court of Appeals for the Fifth Circuit. Murrill asked the appeals court to allow the law to take effect as scheduled in the 68 state parishes (the equivalent of counties in other states) not identified in the lawsuit. A federal appellate panel granted Murrill’s request. The law took effect January 1, 2025 in those 68 districts, but not in the five parishes outlined in the lawsuit—East Baton Rouge, Livingston, St. Tammany, Orleans and Vernon.

The Fifth Circuit heard oral arguments on Louisiana’s Ten Commandments law in January 2025. At press time, it had not issued a decision.

Teaching the Bible

In June 2024, Oklahoma State Superintendent of Public Instruction Ryan Walters ordered all public schools to incorporate the Bible into lessons for grades 5 through 12. In July 2024, Walters issued guidance on the classroom Bible instruction, requiring schools to provide teachers with physical copies of the Bible, along with the U.S. Constitution, and the Declaration of Independence. According to the guidance, teachers are to educate students about the Bible’s literary significance, its influence on Western civilization, its impact on American history, and its effect on the arts.

In a statement, Walters, who is a former public school teacher, said, “The simple fact is that understanding how the Bible has impacted our nation, in its proper historical context, was the norm in America until the 1960s and its removal has coincided with a precipitous decline in American schools.”

Teachers can incorporate the Bible into lessons several ways, according to the guidance: through textual analysis, comparative studies, critical thinking discussions, and historical documents/speeches.

“I think there’s a strong case to be made that biblical literacy is an important component of a broader religious literacy that is itself an essential component of cultural literacy, and that a broad religious literacy is essential in a religiously diverse democracy,” Mark A. Chancey, a professor of religious studies at Southern Methodist University, told

Education Week. “But it’s hard to avoid the conclusion that Walters is trying to promote his own particular religious views over those of everyone else.”



In October 2024, several civil rights groups, representing more than 30 plaintiffs that include public school teachers, parents, and clergy, brought a lawsuit that seeks to stop Walters’ directive from going into effect. The lawsuit claims that the mandate violates the separation of church and state, and promotes one religion over others, thereby denying children their right to religious freedom. The mandate also violates the Oklahoma Administrative Procedures Act,

according to the lawsuit, and other state statutes because officials failed to follow required rules for implementing new policies and for spending public money.

Dr. Opderbeck questions whether Walters’ directive truly represents a violation of religious freedom. The U.S. Supreme Court has ruled in the past that academic lessons that include the Bible are permissible under the First Amendment if they are **secular** in nature and not devotional.

“As I read the guidance issued by the Oklahoma Superintendent, the Bible is to be taught as an influential historical text from a variety of literary, artistic, ethical, and critical perspectives without promoting or favoring any specific religious belief. If that guidance is taken at face value, it seems to me acceptable under current and past Supreme Court **precedents**,” Dr. Opderbeck says. “Of course, it remains to be seen whether the policy is implemented in this neutral manner. And good arguments can be made in favor of also requiring other influential religious texts, such as Confucian, Buddhist, Hindu, or Islamic texts, alongside the Bible. Perhaps favoring the Bible over these other texts could present some Establishment Clause problems.”

Religious charter school

While the above cases have not yet reached the U.S. Supreme Court, in January 2025 the Court agreed to hear another Establishment Clause case—*St. Isidore of Seville Catholic Virtual School v. Drummond*. Also from Oklahoma, the case deals with a publicly funded religious charter school. In June 2024, the Oklahoma State Supreme Court ruled that the charter school violated “Oklahoma statutes, the Oklahoma Constitution and the Establishment Clause.”

Oklahoma Supreme Court Justice James Winchester wrote in the court’s opinion that public school “must be **nonsectarian**.” The opinion stated: “St. Isidore will **evangelize** the Catholic faith as part of its school curriculum while sponsored by the State.”


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Division of Consumer Affairs' website, the NJDPL "guarantees New Jersey consumers certain rights with regard to their personal data and imposes requirements on the individuals and businesses (called "controllers") that process that data." Personal data includes home addresses, driver's license numbers, login credentials, and browsing history. As for protecting kids, the NJDPL states, "When a controller knows or willfully disregards that a consumer is between the ages of 13 and 16, the controller must get the consumer's consent before processing the consumer's personal data."


Fais says the New Jersey Division of Consumer Affairs has taken steps to protect New Jersey kids "through enforcement actions that include investigations to halt the unlawful sale of flavored e-cigarettes and vaping devices targeting children and teens with

enticing flavors and bright packaging and through lawsuits to stop TikTok and Meta from employing deceptive tactics to coerce adolescents into spending excessive amounts of time on social media platforms that expose them to the risks of sleeplessness, depression, eating disorders, cyber-bullying, and suicide."

When businesses violate laws made to protect kids, actions can be taken. In New Jersey, for example, consumers can report suspected violations of the NJDPL to the New Jersey Division of Consumer Affairs via their website (njconsumeraffairs.gov).

Fais says, "These enforcement actions send a clear message that New Jersey will not allow corporations to enrich themselves through marketing strategies that harm and exploit our vulnerable young residents." 


DISCUSSION QUESTIONS

1. Should companies be banned from mining consumer data? Is data privacy important to you? Why or why not? 
2. Do you agree or disagree that advertisers should not be allowed to market to children under the age of 8? Explain your answer.
3. Do you regularly see ads for junk food, vaping or sports betting? If so, how much do you think they influence you? Explain your answer.

Blurring the Line CONTINUED FROM PAGE 7

In January 2025, the U.S. Supreme Court agreed to hear the case. At press time, oral arguments in *St. Isidore of Seville Catholic Virtual School v. Drummond* were scheduled for April 30, 2025. A ruling is expected in June or July 2025—the end of the Court's current term. 

DISCUSSION QUESTIONS

1. Why do you think the Founding Fathers included the Establishment Clause and the Free Exercise Clause in the First Amendment of the U.S. Constitution? 
2. Do you think only learning about the Bible and not about other religious texts is fair? Why or why not?
3. How could learning about the Bible in public school potentially affect the learning environment for students who do not believe in Christianity? Explain your answer.

GLOSSARY

adjudicate — to act as a judge.

amicus brief — a friend of the court brief, which is submitted by an entity with strong interests in a case but not a party in the case.

appealed — when a decision from a lower court is reviewed by a higher court.

concurring opinion — a separate opinion delivered by one or more justices or judges that agrees with the decision of the court but not for the same reasons.

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

evangelize — to seek to convert to Christianity.

majority opinion — a statement written by a judge or justice that reflects the opinion reached by the majority of their colleagues.

nonsectarian — not associated with any formal religious denomination.

plaintiff — person or persons bringing a civil lawsuit against another person or entity.

precedent — a legal case that will serve as a model for any future case dealing with the same issues.

rescind — to void an act or an order.

restraining order — a court order issued to prohibit someone from approaching or contacting a specified person.

secular — not sacred or concerned with religion.

statutory — based on legislative enactment.

upheld — supported; kept the same.