



Written by [Warren Mass](#) on November 14, 2014

Pro-Lifers Win Battle to Establish Club at Virginia High School

The Spotsylvania County (Virginia) Public School District has relented and given its approval to the proposed “Students for Life” club after the principal of Courtland High School initially denied the students’ request. The school district backed down after an attorney with the nonprofit Thomas More Society sent a letter to Courtland Principal Larry Marks on November 11 accusing him of violating the constitutional rights of the student who had sought approval for the club.



The school district overturned Marks’ denial of the request after receiving a letter from Jocelyn Floyd, associate counsel for the Thomas More Society, a nonprofit public interest law firm based in Chicago. The legal society intervened on behalf of Madison “Maddie” Sutherland, the student who proposed the pro-life club. Floyd’s letter read, in part:

On October 10, Ms. Sutherland received, through her advisor, a letter formally denying her group.... The proffered reasons for the denial were that the group do not “bear a clear relationship to the regular school curriculum,” as apparently required by Spotsylvania County Public Schools “Policy IGDA,” and the student’s application did “not provide all the required information” — namely, a description of the aforementioned relationship to the school curriculum and a copy of the group’s by-laws.

The letter then chronicled Sutherland’s attempts to comply with all of the requirements by resubmitting her application with all the required documentation, including copies of the club’s constitution and by-laws. However, the principal delayed ruling on the application for two more weeks. Floyd continued:

This persistent delay and refusal to approve Ms. Sutherland’s club is a violation of her rights and her fellow students’ rights under both the federal Equal Access Act (“EAA”) and the First Amendment to the United States Constitution.

After citing language from the EAA (U.S.C. 4071) stating that it is unlawful for any public secondary school that receives federal funds to discriminate against any students who wish to conduct a meeting on the basis of the religious, political, philosophical, or other content of the speech at their meetings, the letter concluded:

As there is no legally acceptable reason to reject Ms. Sutherland’s application, we request that you reverse your decision and promptly approve Ms. Sutherland’s request to establish, publicize, and actively run a pro-life student group at Courtland High School. Should Courtland High School persist in its violation of the EAA and Ms. Sutherland’s First Amendment rights, we are prepared to pursue the matter in court.

George Mason University law professor Joyce Malcolm said, in a statement quoted by



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Fredericksburg.com, that the principal has “no business” denying a pro-life club recognition while recognizing other issue groups such as an environmental club. “I think it’s unfortunate that our schools have become ... single-minded,” said Malcolm. “Certain views are OK, and other views we don’t even want to hear.”

Fredericksburg.com noted the similarities between the Spotsylvania County case and another at Stafford County, Virginia’s Colonial Forge High School in 2007. In that incident, the principal at that time initially denied a student’s application to start a pro-life club on the grounds that it wasn’t curriculum-related. The school district decided to authorize the club after the conservative Alliance Defense Fund (now called Alliance Defending Freedom, or ADF) filed a federal lawsuit on behalf of the student.

The Thomas More Society and Alliance Defending Freedom are among several pro-family, Christian-focused organizations that have gone to bat for pro-life and pro-family people facing legal obstacles.

The Chicago-based Thomas More Society describes itself as a “national public interest law firm dedicated to restoring respect in law for life, family, and religious liberty.” It started in 1997 to defend prominent pro-life leader Joseph Scheidler against a class-action lawsuit brought against him by the National Organization for Women (NOW). In the initial case, *National Organization for Women v. Scheidler*, the Supreme Court ruled that the Racketeer Influenced and Corrupt Organizations Act (RICO) could apply to enterprises without economic motives and that pro-life protesters could be prosecuted under it. However, the Court did not issue judgment on whether Scheidler’s Pro-Life Action Network (PLAN), the organization sued by NOW, had committed actions that could be prosecuted under RICO.

The case was superseded by a subsequent 2003 case, *Scheidler v. National Organization for Women*, in which the Court rendered the opinion that extortion did not apply to the actions of the defendants (Scheidler and PLAN et al.) because they did not obtain any property from the respondents (NOW). This was an important victory for the pro-life movement.

In yet another follow-up case in 2014, the U.S. Court of Appeals for the Seventh Circuit brought in another unanimous victory for the defendants, Joseph Scheidler and the Pro-Life Action League, who were defended by the Thomas More Society.

The Alliance Defending Freedom is a Scottsdale, Arizona-based group founded in 1994 by Bill Bright (the founder of Campus Crusade for Christ), Larry Burkett (founder of Crown Financial Ministries), James Dobson (founder of Focus on the Family), D. James Kennedy (founder of Coral Ridge Ministries), Marlin Maddoux (president of International Christian Media), Donald Wildmon, (founder of the American Family Association), and leaders from more than 30 other conservative Christian organizations.

One of the notable cases that ADF was party to was *Good News Club v. Milford Central School* (2001), in which the Supreme Court ruled that religious clubs must be afforded equal access to school facilities.

Another organization named after St. Thomas More (the Lord Chancellor of England in the 16th century who was canonized as a martyr after he was put to death for opposing Henry VIII and who described himself as “the King’s good servant, but God’s first”) is the Ann Arbor, Michigan-based Thomas More Law Center. The organization’s website states its mission as “fight[ing] for the religious freedom of Christians, time-honored family values, the sanctity of human life, and a strong national defense.”

In July 2002, the Thomas More Law Center sued the Ann Arbor, Michigan public school system for



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violating a student's constitutional right to freedom of speech and right to equal protection, as well as the Establishment Clause. The Center won the case, with the judge ruling that the district had violated the student's rights by not allowing her to participate in a "Diversity Week" panel discussion concerning homosexuality and religion.

Another conservative Christian law firm engaged in defending the legal rights of those holding traditional moral values is the Washington, D.C.-based American Center for Law & Justice (ACLJ), founded in 1990 by law school graduate and evangelical minister Pat Robertson. Its chief counsel, Jay Alan Sekulow, served in 2002 as counsel of record for the pro-life organization Operation Rescue in the case *Operation Rescue v. National Organization for Women*. In a case similar to *Scheidler v. National Organization for Women*, the Court concluded that pro-life demonstrators were not racketeers engaged in extortion and that the Racketeer Influenced and Corrupt Organizations Act could not be used against them.

The recent success of Maddie Sutherland to start a pro-life club at her high school should inspire other pro-lifers to fight for their right to promote their cause. And the assistance of the noble legal defense organizations mentioned above should embolden all those who fight for the rights of the unborn and other traditional moral values. They should know that they are not alone and that expert legal assistance is available should they require it.

Photo at top: Pro-lifers at Right to Life March in Washington, D.C.



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