



Written by [Bob Adelman](#) on March 9, 2022

Second-grader Chastised for Preaching the Gospel to her Classmates

A second-grade student attending North Hill Elementary School in Des Moines, Washington, has been sent to the principal's office 10 times since the first of the year for witnessing to her classmates on the school's playground.

When the parents contacted the American Center for Law and Justice (ACLJ), the public-interest law firm sent a letter to the principal reminding him of the student's First Amendment-protected rights, and suggesting that unless the harassment stopped [they would be filing suit](#).



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The principal responded by telling ACLJ that the student was scaring her classmates with talks of Satan and hell. She offered religious tracts which some of her classmates took home with them, resulting, as the public-relations officer for the school district told CBN News, in "Multiple parents complain[ing] about their children coming home with religious pamphlets."

The PR officer filled in the blanks: During playtime the student would stand on a playground table and preach the Gospel. School officials told her she couldn't "tell other children they're going to hell and that [she] must stop distributing what the school considers to be unacceptable religious materials."

The principal said she would be allowed to distribute religious materials but only if the staff decides they're appropriate.

The ACLJ was astonished after learning from the parents that their daughter was being stopped at the schoolhouse door and having her backpack searched for those "unacceptable religious materials":

We were astonished when we were first contacted by a second-grade student's parents who said their little girl had been sent to the principal's office at North Hill Elementary School no less than 10 times since January 1st for witnessing to classmates on the playground.

But it only gets worse. Not only were they scolding her for talking about Jesus to her classmates outside of instruction time, but they were stopping her at the entrance to the school every morning to inspect her backpack and remove any Christian tracts!

Her mother witnessed this exchange one morning when dropping her daughter off and immediately confronted the principal. The principal told her that her child is not allowed to pass out tracts or crosses to students because it is upsetting parents, and the school wanted her to confirm that there were no tracts in her daughter's backpack every morning before dropping her off from now on.

Christian tracts were being treated as contraband, as if speaking about Jesus were an illicit drug.



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The ACLJ is prepared to defend the student if the school doesn't back down, declaring that Supreme Court precedent supports her right to share the Gospel with her classmates:

It is well-settled Supreme Court precedent that students do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” *Tinker v. Des Moines Independent Community School District* (1969). [Under that ruling] students are free to express their religious views while at school, which includes sharing Bibles, Christian tracts, and crosses.

Since 1969, *Tinker* has often been cited in cases such as this one. Although the court at the time of the ruling was considered one of the most liberal in judicial history, the majority opinion, penned by Justice Abe Fortas, is comforting:

First Amendment rights ... are available to teachers and students. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.

This has been the unmistakable holding of this Court for almost 50 years.

In this constitutional republic, wrote Fortas, freedoms come with certain inevitable risks. The alternative is tyranny where no expression outside of what the state declares is allowed:

In our system, undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression.

Any departure from absolute regimentation may cause trouble.

Any variation from the majority's opinion may inspire fear.

Any word spoken, in class, in the lunchroom, or on the campus, that deviates from the views of another person may start an argument or cause a disturbance.

But our Constitution says we must take this risk ... and our history says that it is this sort of hazardous freedom — this kind of openness — that is the basis of our national strength and of the independence and vigor of Americans who grow up and live in this relatively permissive, often disputatious, society.

If the Highline School District, where North Hill Elementary School is located, decides to accept ACLJ's challenge, it will have to show that the student's behavior “materially and substantially interfere[s] with the requirements of appropriate discipline in the operation of the school,” according to the *Tinker* ruling.

ACLJ has given the school district until March 14 to respond. *The New American* will report on any developments in the case.



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