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# THE LEGAL ALERT

## Education in America

As the school year kicks off, CLA stands ready to defend Christian rights in American education.

**Texas Textbooks  
Positively Influencing  
The Nation**

**Parents And  
The Right To Educate**



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# Education in America

As the school year kicks off, CLA stands ready to defend Christian rights in American education.

The Christian Law Association defends the rights of all parents to control the education of their children. We believe the Bible, as well as America's Constitution, gives parents, not the government, the primary duty and responsibility to direct the upbringing and education of their own children.

Today, the government has become the dominant force for educating children in America, but it was not always this way. Prior to the 1850s, the government had very little input into the education of America's children. Instead, there was a decentralized system of privately funded and operated schools throughout the country, most of them organized and run by churches, philanthropic societies, or local community groups. It was only after 1850, beginning in New England and particularly in Massachusetts, that education was seen as a governmental function, with the government both funding and operating schools for all children. But for the first 150 years of America's settlement, and for the

first fifty to seventy-five years of our nation's existence, government schooling, as practiced today, did not exist.

When America's founders adopted the Declaration of Independence and the Constitution, they recognized that under the law of nature and of nature's God (natural law and the Bible), parents had the right and duty to direct the education and upbringing of their children.

**Our founders were well-educated, and they believed that to remain free, America must always have a well-educated citizenry.**

**They did not, however, believe that an educated citizenry required the government to provide, regulate, or operate schools.**

When America was founded, and when our founders were educated, government-run schools did not exist.

Prior to America's independence, the majority of colonial schools were common schools, primarily funded by private or community groups. Church schools and academies educated children at all levels—elementary, secondary, and college. Some of these schools provided free education for poor children whose families could not afford tuition to attend other private schools. These schools were intended to inculcate religious doctrine and principles into the children, as well as general knowledge, and later education for various businesses and trades.

James Kent, in his famous book, *Commentaries on American Law*, published in 1826, observed:

*The duties of parents to their children as being their natural*



Attorney David Gibbs III, his wife, Carin, and their four children. Attorney Gibbs sincerely believes in the rights of parents to choose how their children are educated.

*guardians consist in maintaining and educating them during the season of infancy and youth, and in making reasonable provision for their future usefulness and happiness in life by a situation suited to their habits and a competent provision for the exigency of that situation.*



## Early American Schools

Schools were originally established in early America to enable ordinary citizens to read the Bible for themselves and to understand the rational order of the universe created by God. The first compulsory school legislation in America was enacted in Massachusetts in 1647, a mere two decades after the first settlers arrived at Plymouth Rock. The Old Deluder Satan Act was enacted so that all children of the colonists could learn to read the Bible for themselves and would no longer be deluded as they had previously been through ignorance on the European continent. The law authorized elected community leaders to charge parents with the responsibility of teaching their children. When there were more than fifty children in a community, the parents were directed to establish a school. Teachers, then,

became the agents of the parents, not the government, in educating their children.

Our founders also recognized the need for an educated citizenry if freedom were to be preserved. Two months before the United States Constitution was adopted, Congress passed the Northwest Ordinance of 1787 to govern the newly settled territories west of the Appalachian Mountains. This Act provided for the establishment of schools, stating:

*Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools, and the means of education, shall forever be encouraged.*

The Northwest Ordinance did not presume that the government would establish these schools, but only encourage their private establishment. Just as in the original colonies, most schools were established by churches, groups of parents, or philanthropists. In 1811, when President James Madison recommended the first establishment of a federal university, Congress said “no,” concluding: “The erection of a university . . . is not within the powers confided by the Constitution to Congress.”

In 1859, President James Buchanan vetoed the first proposed legislation seeking to bring the federal government

into the education arena. In his veto message, he said:

*“I presume the general proposition is undeniable that Congress does not possess the power to appropriate money in the Treasury, raised by taxes on the people of the United States, for the purpose of educating the people of the respective States. It will not be pretended that any such power is to be found among the specific powers granted to Congress.”*



## America Adopts the European Educational Standard

In 1806, Holland became the first country to create a national system of state-regulated education in order to meet this goal. Prussia followed in 1819 by adopting a centralized government system of education.

The first movement toward state-controlled education in America began in 1817, but gained traction two decades later when Horace Mann, a Massachusetts legislator, led the fight for a uniform, government-controlled



education after the Prussian model. Horace Mann was a Puritan who rejected his Biblical faith and became a Unitarian. The population in Massachusetts was becoming more diverse religiously. Rather than allow the various religions to establish their own schools to educate their children, Mann's crusade to concentrate control of education in the government was intended

libraries in each district, and state control of teacher preparation through the establishment of teacher's colleges, called "Normal Schools." In this way, Mann laid the groundwork for gradually greater government control of all education. Parents viewed Mann's goals as antithetical to their freedom to pass on their own religious beliefs and traditions to their children. They did not want their children given to the state to be indoctrinated with the state's more secular perspectives.



## Defending Education for Christian Families Today

Today, nearly 90% of all American children are educated in government-run schools. Courts have ruled since 1947 that no government money may go to private religious schools. This monopoly of education tax dollars for public schools makes it difficult for some families to provide a religious education for their own children in addition to funding the government schools.

The Christian Law Association continues to believe that Christian parents should have their educational choices protected in our nation. CLA has been on the front lines for decades defending the rights of Christian schools to exist and assisting families who want to home educate their children by successfully winning over 8,000 cases in defense of these liberties. CLA also serves families with children in public schools to assure that these students also have the maximum opportunity possible to practice their faith in a government school setting.

Please pray for all these families and children, and pray that Christian families in America will continue to be able to educate their children in their own Biblical faith. The future of our nation depends upon their success.

to downplay religion and use the state to instill certain more secular common beliefs among the children. Mann believed that a uniform school system would be a powerful instrument for creating societal unity.

The public at large opposed Mann's goal of having the state take over education under Europe's Prussian model, so his supporters did not immediately seek direct authority over local schools. Instead, the Massachusetts legislature worked to gradually extend the state's role in defining what would be taught in schools and setting uniform standards for teachers. When Mann later served on the Massachusetts Board of Education, he focused on three objectives: state collection of education data, state adoption of textbooks through the establishment of state-approved school

## Texas Textbooks Positively Influencing The Nation

The Texas Board of Education has made some major changes to America's social studies textbooks. The new books:

- Refer to America as a constitutional republic
- Teach about the Judeo-Christian influence
- Identify the unconstitutional source of the phrase "Separation of Church and State,"

In a second decision, the board also rejected replacing the B.C. and A.D., which stand for "Before Christ" and "In the Year of Our Lord," with the more common era designation.



**Teaching them to observe all things whatsoever I have commanded you...**

**Matthew 28:20**

# CLA Defending Parents and Serving Students Across our Nation

The Christian Law Association is honored to stand with Christian parents and students across the nation. We believe that parents continue to be ultimately responsible for directing their children's education.

As we have done for over forty years, CLA continues to protect and defend Christian schools and their graduates. CLA has won more than 8,000 legal cases involving Christian education in our nation.

**8,000**  
Number of legal cases CLA has won involving Christian education in our nation.

In one recent legal matter, our attorneys were able to successfully intervene to assist a Christian school graduate who had been hired for a government job that was later withdrawn because her Christian school was not state accredited.

CLA has also begun a special outreach specifically intended to assist those Christian parents who choose to homeschool their children. Through our Homeschool Legal Advantage ministry program, we provide resources for homeschool families as well as assistance when problems arise. Our attorneys have actively assisted parents who encounter difficulties with their local school districts, with state education agencies, or with acceptance of homeschool credits in various college and employment situations. In one recent case, our attorneys were able to assist a young man to join the military after his homeschool education credits were initially questioned.

CLA attorneys also assist Christian students who attend public schools.

Many of these public schools are not aware of the rights Christian students still have to pray, to share their faith, and to study the Bible.

While challenges continue to arise against Christian parents, CLA continues to stand for the right of Christian parents to make their own educational choices for their students. In taking this stand to defend the right and duty of all parents to educate their children, CLA

serves churches, Christian schools, and Christian families.

Christian families do have a constitutional right to train up their children in accordance with their faith. CLA is honored to defend this right across our nation.



## Notes from Supporters

Thank you for sending the information we requested about distributing tracts. It has taken a lot of pressure off many of us. We are posting this information at church. We thank God for your ministry.  
—From Massachusetts

Thank you for all of your time and advice. May the Lord's blessing continue to be upon your organization and service to His glory.  
—From Indiana

Thanks again for the time you've taken to maintain religious freedom and rights for Christians in the United States. The work you are doing is very important and becoming more crucial every day!  
—From Ohio

We, as a nation, are blessed to have your wisdom and expertise. May the Lord continue to bless and use you.  
—From Florida

## CLA SERVES AS LEGAL MISSIONARIES PROVIDING:

- Free legal defense of those facing difficulties for the Biblical faith
- Free legal counsel to churches and Christians for their ministries
- Legal seminars for ministries to help prevent lawsuits
- *The Legal Alert* radio program
- Preaching in churches across the country
- Publication of a monthly newsletter, *The Legal Alert*
- Free consulting to local, state, and federal officials and legislators to provide maximum religious liberty
- Intercessory prayer ministry for requests sent to the ministry office
- Capital Prayer Initiative
- Homeschool Legal Advantage



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# Prayer & Praise

## CLA Defends Christian Witnessing

Praise the Lord that CLA was able to assist a soul winner in Georgia who was told to move away from a city building, even though he was legally distributing tracts on a public sidewalk.

Praise the Lord that CLA was able to assist a church in North Carolina to continue its summer ministry of public soul-winning after it was challenged by local officials.

Pray for soul winners in Wisconsin who were cited for a noise violation even when the amplifiers of local pubs were much louder than their preaching.

## CLA Protects the Rights of Churches

Praise the Lord that CLA attorneys were able to correct a mistake by city officials in Florida who wanted to require a local church to get a business license in order to hold worship services.

Praise the Lord that CLA was able to assist a church in New York to hold meetings in a community center building. The city council wanted to allow the meetings but received complaints from a few in the community that this equal treatment would violate the alleged "separation of church and state."

Praise the Lord that after being contacted by CLA, a New Mexico public school agreed to distribute VBS invitations to students along with notices of other community activities.

Praise the Lord that CLA was able to assist a Michigan church to hold meetings in a local public school.

## CLA Supports Families and Individuals

Pray for parents in California who are being told they must take sexual orientation training classes before adopting or being given foster children.

Pray for Senior citizens in a housing complex in Illinois where the administration stopped prayers before meetings after one lady complained.

## PASTORS, PULPITS, <sup>\*\*\*</sup>and <sup>\*\*\*</sup>POLITICS

CLA attorneys have compiled a brand new **free brochure** to help you know your rights during this election season. In this resource you'll find answers to our most frequently asked questions regarding tax-exempt status and political involvement.



Contact us and request a copy in the mail. OR



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