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June 10, 2010: Whose Fault is the Florida “Right to Witness” Law?

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Title: Whose Fault is the Florida "Right to Witness" Law?

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6/10/2010—Word is that Florida Governor Charles Crist signed a school-speech bill that prevents school districts in Florida from infringing the "right" of students, teachers and staff from the exercise of their free exercise of religion rights. (story here) Of course what is going on is the attempt by school districts to avoid violating the Establishment Clause of the Constitution by prohibiting employees from engaging in religious activities on school grounds. Those efforts are targeted in this bill. We have gotten to this weird point because of over-enforcement of the Establishment Clause. When the U.S. Supreme Court held that school districts could not arrange for prayer, even nondenominational prayer, during high school graduations, football games and other events, school districts simply retreated and pretended that the resulting prayer activity was "private" speech by students and teachers etc. Of course this private speech was not private at all. In pure free speech cases, the Supreme Court recognizes that everything that goes on at public school takes place at the behest of the school district. So, ironically, students and teachers and staff have almost no constitutional right to speak; they only have a right to pray. We need to acknowledge that school districts can have something to do with prayer so that the fiction of private speech can be dispensed with.