

**RAISING THE BAR**

**A DECATO LAW OFFICE NEWSLETTER**

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**How far will the pendulum swing?**

I have always been fascinated by the United States Constitution and the insight our forefathers had more than 200 years ago when they drafted it. Throughout my legal career, however, I have frequently wondered what our forefathers would think if they were around today to witness or experience the whittling away of various constitutional rights.

Among the core rights embodied in the United States Constitution are the freedoms of religion, speech, the press and assembly. These freedoms are embodied in the very first amendment. We should all be thankful for the First Amendment, especially since our country prides itself on free discourse and expression, even if such discourse or expression is repugnant to some. Take for example, the action of flag burning. Many consider the desecration of the flag as un-patriotic, and an affront to the core values that made the United States what it is today. Yet, the United States Supreme Court has held that flag burning is a form of expression, and such expression is protected under the First Amendment. Although I do not condone flag burning, I also would not want to see an exception carved out of the First Amendment to prevent such expression. After all, over time carved out exceptions could topple the fundamental freedoms themselves.

Recently, I read an article about a court decision that, to me, represents a slow, but sure, whittling away of the First Amendment. A United States Court of Appeals recently held that Scripture cannot be read during a school show and tell, despite the fact that the Bible happened to be the student's favorite book. Mind you, the show and tell was in a kindergarten class.

I can appreciate the argument that schools should not condone or advance one religion over another. I fail to understand, however, how a court can consider the reading of some Scripture during show and tell as advancing or condoning religion. Are the five and six-year-olds who make up the kindergarten class really going to be captivated by hearing Scripture for just a few minutes? Furthermore, if school is all about education, will not our children benefit by knowing even a little something about the various religions that exist around the world? I wish I knew more about all religions of the world. Knowledge, after all, is powerful.

If courts are going to go down the slippery slope of limiting the pledge of allegiance in schools, or of allowing brief Scripture to be read during show and tell in a kindergarten class, then these courts had better be prepared to issue ruling requiring the removal of any reference to religion on all government buildings. While the courts are at it, the phrase “In God We Trust” should be removed from all United States currency, and December 25<sup>th</sup> should be just another workday for all state and federal employees, especially the judges.

For me, the First Amendment was intended to be all about tolerance. Tolerance in speech, tolerance in the press, tolerance in religion and tolerance in assembling. How disappointing to see the pendulum swinging to an era of less tolerance.

#### UPDATES / REMINDERS:

#### New Hampshire Food Bank:

Decato Law Office will be hosting a food drive during the month of July, 2009. July is Fruit Month - canned fruit or fruit in juice or light syrup. Your contribution will make a difference in someone’s life. Please bring your contribution to our office and we will ensure it gets to the Food Bank. Thank you.

Go Green with Decato Law Office: Save a tree. Have your billing statement e-mailed to you. Tell your attorney or the paralegal, or e-mail us at [krobbins@decatolaw.com](mailto:krobbins@decatolaw.com).

For new matters only: Matters opened from May 2009: Any sums not received by Decato Law Office on or before the due date, shall accrue interest at the rate of 1.5% per month.