

VICTORY IN JESUS

The Battle for Christian Educational Freedom in Nebraska

1977-1984

Lorraine Lostroh

In honor of my mother, Esther Birkmann, who died in 1997 during the final days of this booklet's preparation. Like many other parents of those involved in this struggle, she did not always understand the need for home education, especially when it put her loved ones in danger. Nevertheless, I am sure she prayed for us. It must have been a very difficult period for all such parents.

**Victory in Jesus
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ABOUT THE AUTHOR

Lorraine Lostroh and her husband David began home schooling in January of 1981 in Columbus, Nebraska. Later that month, the Nebraska Supreme Court handed down its first ruling against Faith Baptist Church of Louisville. For the next three-and-one-half years, the Lostrohs were actively involved in the battle for Christian educational freedom in Nebraska. For two years during this controversy, they helped operate a parent-run church school in Columbus. Their experiences gave them an intimate knowledge of the struggle from both the church school and the home school perspectives.

In those years, there was no Home School Legal Defense Association, and there were very few lawyers who understood the issues. A real need existed for someone to help the desperate home school families who were in trouble with the law. The Lord raised up Warren Rushton, a fellow home schooler in Columbus, to meet this need. In addition to being a nuclear engineering manager and the pastor of a small church, Warren spent many hours studying the law. Although he was not allowed to give paid, legal advice, he could give parents his opinion of what he would do in similar circumstances. David spent many unpaid hours helping Warren in this area.

David and Lorraine live in Seward, Nebraska, and are the parents of nine children. They have four home school graduates, all of whom have also graduated from college. The Lostrohs are committed to home schooling and intend to continue until their youngest has finished high school. David and Lorraine are active in the Nebraska Christian Home Educators Association, in which David serves as vice-president and legislative watchman.

Introduction

Panic gripped me. I had just passed our home's front window and was startled to see a car with an official-looking seal pull into our driveway. Throughout Nebraska, parents were facing charges for home schooling their own children. Our own county attorney had recently threatened my husband, saying he was thinking of sending the sheriff to pick up our school-age daughter and take her to the public school. As I quickly herded my children into a corner of the family room, I told them to be very quiet. I was certain that the sheriff had either come to arrest me or to take away my daughter. The doorbell rang. "O Lord," I cried silently, "please protect us!" My heart beat so hard that I felt as if it could be heard even outside the front door. The doorbell rang again. Had my husband already been arrested? How could I endure any of my precious children being taken from me?

After several agonizing minutes, I heard a car door slam, followed by the sound of a car driving away. Cautiously, I remained in hiding for several minutes. Hearing nothing more, I quietly made my way to the front door, slowly opened it, and was greeted by a vase of roses that my thoughtful and loving husband had sent for my birthday!

My own story had a happy ending, but for others in Nebraska in the early 1980's, the sheriff's knock on the door *did* mean arrest or the confiscation of their children. I was privileged to meet some of these people at that time. I will never forget my husband going to an out-of-town meeting and coming home with two small, frightened children. Their desperate father had asked David (whom he had just met) to take his children out of the state to safety. Both he and his wife were soon to appear in federal court, and they were genuinely afraid that their children might be taken from them. We drove the children to friends of their parents in South Dakota the next day. A short time later, we attended these home-schooling parents' federal court case. The parents lost the case, but their children were safe.

I remember waiting in the Central City court room for the first trial of Roland Morrow, a soft-spoken, home-schooling father of three. The room was suddenly filled with confusion as it was learned that during the pretrial conference, the judge had thrown Mr. Morrow's constitutional consultant in jail. Mr. Morrow had fled rather than go through trial without counsel. Several weeks later, Mr. Morrow, representing himself, did stand trial. This time, a well-known home school advocate, Dr. Raymond Moore, was flown in to testify on behalf of Mr. Morrow. I was privileged to hear Dr. Moore give outstanding testimony on the benefits of home schooling. But as the jury went out for deliberation, I remember thinking that

Mr. Morrow did not have much of a prayer. Nevertheless, while the jury deliberated that evening, our family prayed with Roland and Dorothy Morrow, Raymond and Dorothy Moore, and a few other home school supporters. When we returned to the courtroom, the members of the jury were polled one by one. Each one stood and clearly stated, "Not guilty."

That was the end of jury trials for home schoolers. The next year, Mr. Morrow was tried civilly without the option of a jury. The judge found him guilty.

I remember making many trips to Louisville to support Pastor Everett Sileven and the small Christian school there. Once we attended one of Sileven's trials and heard the judge explain to him that he had no Fifth Amendment rights in a civil court. No rights to a jury! No rights to remain silent! The state knew what verdict it wanted and did what it could to ensure it. I asked myself many times how such atrocities could happen in America.

Sunday, October 17, 1982, is forever etched in my memory as the day my husband did *not* to go to Louisville, even though we knew a confrontation was likely to take place there soon after midnight. In an attempt to keep the church school from operating, the judge had ordered the church padlocked except for church services. Church school supporters therefore planned a worship service which was to begin that Sunday evening, but which would not end. Around 6:00 a.m. on Monday morning, the sheriff, five deputies, and twelve state troopers arrived, arrested the worshippers, dragged them out of the building, and padlocked the church. My husband reluctantly decided not to go to Louisville because he felt a family obligation to attend a birthday party planned for his father and niece that same evening. With a two-week-old baby and three other young children to take along, he knew that without him I was not up to making the 130-mile round trip to represent our family at the party. Several of our closest friends were among those dragged out of the Louisville church, and we shall always regret my husband not having the honor of being arrested for attending church.

I remember many other things that occurred during the three-and-one-half years we were personally involved in the struggle. Our family was privileged to make many trips from our home in Columbus to the state capitol building in Lincoln so that my husband could testify in front of the Education Committee. Listening to threatened pastors and parents testify of their faith and plead with the senators to "let my people go" left a profound impression upon me.

There were also numerous rallies, featuring stirring speakers from across the nation—speakers such as Lester Roloff, Jerry Falwell, Earl Little, Paul Lindstrom, Bill Cowell, R. J. Rushdooney, David Gibbs, and Jack Hyles. The glorious hymn

“Victory in Jesus” became the theme song of the persecuted, and it was sung at nearly all gatherings.

One of my last memories of the controversy is of attending the State Board of Education meeting in Lincoln on August 6, 1984. With many other Christians, I disgustingly sat through the first item on the agenda, a discussion about the need to spend money for the counseling of the many deaf children who had been sexually abused in the one school run directly by the State Department of Education. After that business, Governor Robert Kerrey walked in and told the board that it was time for the state to end the long battle with the Christian schools. A few days later, the Board voted to exempt the Christian schools from approval requirements, and the controversy was over.

Many years later, my husband and I attended the 1997 National Home School Leadership Summit in Washington, D. C., where we met Pastor Joe Adams of Kentucky. When he found out we were from Nebraska, he told us that he had spent a long time in Louisville, with hundreds of other pastors from across the country. Pastor Adams related that it was very hard for the pastors to see the state padlock a church. One might expect that in Russia, but not in a country founded by those seeking freedom to practice their Biblical convictions. At one point, he and three other pastors made plans to cut off the padlock on the Louisville church. Because there was an armed guard inside the door, they felt it likely that at least one of the four would get wounded or killed. One of the men decided that he wanted to be the one to risk getting shot while the other three tried to jump the guard to prevent further shooting. As these four, unarmed men were walking to the door to cut off the padlock, a sheriff’s car pulled up to the curb; a deputy quickly got out, ran right around the four, and unlocked the door! The judge who had originally ordered the padlocking had just issued another order to open the church building.

I truly thank God that I was privileged to be given a small taste of being persecuted for His name’s sake and to enjoy the fellowship with Him and other believers that comes with persecution. There were times when I was frightened, and there were many times when I was weary, but the fellowship was so indescribably sweet that I would never trade a moment of the experience.

I would not wish hardship and persecution on anyone, but I know that they are chosen instruments of God to strengthen us and to conform us to the image of the Lord Jesus Christ. I also know that “the sufferings of this present time are not worthy to be compared with the glory which shall be revealed in us” (Romans 8:18b). There really is victory in Jesus. Praise His holy name!

VICTORY IN JESUS

THE BATTLE FOR CHRISTIAN EDUCATIONAL FREEDOM IN NEBRASKA

1977-1984

In order to appreciate today's freedom to home school in Nebraska, it is necessary to be familiar with the struggle which occurred in the state during the seven years between the fall of 1977 and the fall of 1984. Many who have started home schooling since then have little knowledge of the sacrifices made and the hardships endured by a host of Christians whose faith was tested and tried during the early years.¹

The Biblical Background

Christians have historically believed that because God is the ultimate authority and lawgiver (James 4:12), any man-made law that directly conflicts with God's Word is not valid and need not be obeyed. Indeed, when commanded by the Jewish council not to speak or teach in the name of Jesus, Peter and the other apostles replied, "We ought to obey God rather than men" (see Acts 4:18-33 and Acts 5:27-29). Old Testament examples of civil disobedience for the sake of obedience to God include the Hebrew midwives, as well as Daniel, Shadrach, Meshach, and Abednego.

God, as the ultimate authority, created three human institutions and gave each one authority over different areas. The family was the first institution created and was the one entrusted to beget and nurture children and to teach them the ways of God (Ephesians 6:4). Human government was later instituted to be the "minister of God" to praise those who do good and "to execute wrath upon him that doeth evil" (Romans 12:3,4). Finally, the church was instituted and was given the responsibility to evangelize the lost and to teach the saved for the work of the ministry, which includes all types of charitable works (Ephesians 4:11-16).

As long as these three institutions are obedient to God and limit themselves to their own duties, society prospers. But whenever any institution neglects its duties or tries to usurp the duties of another, society experiences trouble. Government was instituted to have only a very limited sphere: God never gave it the duties of nurturing and of educating children.

The Stage is Set

During the nineteenth century, every state in the country abandoned the Biblical view that the education of children is a parental responsibility, and each one set up a system of government schools that made all children eligible to be educated at public expense. Many citizens protested, calling the system "anti-parental education," pointing out public education's communist foundation, and citing statistics that proved that crime and other social ills dramatically increased anywhere such school systems were used.ⁱⁱ Over time, however, compulsory education laws were added, requiring all children to attend a public or private school. Many states, including Nebraska, eventually decided to regulate all education, including private, religious schools.

The Issue for Parents

In the late 1970s and early 1980s, many Christian parents in Nebraska became concerned about the education their children were receiving in the public schools. While the parents' own education had seemed "value-neutral," or "mildly anti-Christian," it was apparent to those who investigated the public-school curriculum that much of what children were being taught was obviously hostile to Christian faith. These parents examined God's Word and realized that God held them directly accountable for the education their children received. God had commanded them to train up their children in His ways, not in the ways of the world.

Many parents decided to keep their children in the public schools, yet try at home to counteract the schools' non-Christian teaching and influences. But others came to believe that the Biblical job of parenting was two-pronged: it required parents not only to provide godly teaching, but also to provide protection from ungodly influences. These people took seriously the apostle Paul's exhortation to "keep that which is committed to thy trust, avoiding profane and vain babblings, and oppositions of science falsely so called: Which some professing have erred concerning the faith" (I Timothy 6:20-21a).

Many parents enrolled their children in Christian schools which were approved and regulated by the state of Nebraska. A few found other like-minded parents and established new, state-approved schools (a long and costly endeavor).

But others found themselves alone, without the teaching certificates and costly resources the state required. They could not in good conscience keep their children in godless institutions, and yet they saw no way for their only alternative, that of home schooling, to meet the state's approval. It was obvious that a serious usurpation of Biblical rights and responsibilities had taken place, for God had entrusted children to parents, and not to government. Indeed, He had commanded parents to teach their children in accordance with His Word, but the state had enacted laws which forbade them to do so! These parents determined to take their stand on the Bible and declare with Peter and the other apostles, "We ought to obey God rather than men."

The Issue for Church Ministries

During this period, many pastors and other church leaders also recognized the ungodly influences in the public schools. These people shared their insights with their congregations, teaching that children should be instructed in the ways of God. Since the church was given a teaching ministry by God, they felt responsible to establish church schools where children would be daily taught the Word of God. The state of Nebraska had previously decided to regulate private, church-sponsored

education, despite the First Amendment to the Constitution, which said, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof..." The churches believed that any regulation and prohibition of their ministries clearly violated the United States Constitution.

The issue was also one of Lordship. Who was the Lord of the church and its ministries, God or Caesar? The ability to license or certify implied the power to permit or deny. If God led a church to open a school, must it first get permission from a governmental agency? What if the agency said "no"? What if a church believed its pastor or others in the congregation had been called by God to teach even though they did not possess the state-required teaching certificates? What if a governmental agency said these individuals could only receive state certificates by taking courses which violated their faith?

A few courageous churches decided to claim God as the rightful Sovereign of His church by continuing to do what they believed He had commanded. If they were prosecuted by the government for their faith, they prayed that they would be counted worthy to join the myriad of believers who had been persecuted for taking similar stands in the past, believers such as the early Christians, John Huss, Martin Luther, John Bunyan, the Anabaptists, and the Pilgrims.

The Conflict Begins - 1977

In July of 1977, **Les and Dixie Rice**ⁱⁱⁱ of Wallace, Nebraska, saw an ad for Christian Liberty Academy's home study program. They were unsatisfied with their daughter's public school because of the lack of morality and patriotism in the school books, the teaching of evolution, the ungodly peer pressure, and their daughter's slow academic progress. That summer, they made a historic decision which proved to be a blessing for all Nebraska parents who would follow in their footsteps. After much prayer, they decided to keep their seventh-grade daughter **Leslie Sue** out of public school that fall in order to teach her at home.

Soon they were surprised by a visit from the local school superintendent, who informed them they were breaking the compulsory attendance law. Next, the county superintendent called to say the same thing. Finally, the deputy county attorney filed charges of criminal child neglect against the Rices, issuing them a subpoena to appear in juvenile court on October 25, Leslie Sue's 13th birthday.

At the arraignment, the judge informed Les and Dixie that the court had the authority to remove their daughter from their home. The judge also told Leslie Sue that she did not have to listen to her parents and had the right to go to school with her peers.

The Rices quickly found two Omaha attorneys to represent them. One of them asked Mrs. Rice if she was willing to go to jail for her beliefs. After a brief reflection, she answered, "Yes." Their trial for criminal child neglect lasted two days, after which the judge found them guilty as charged and ordered them to pay all court costs. The judge did not remove Leslie Sue from their home, however, because there were no signs of harm from the criminal child neglect.

The Rices immediately appealed the decision to district court and were scheduled for trial in July of 1978. In preparation for the trial, the Rices had a professor from the University of Nebraska test Leslie Sue's academic progress. Leslie Sue showed well over a two-grade improvement in her scores after just one year. At the trial, both the professor and **Dr. Raymond Moore** testified on behalf of the Rices. The district court judge found the Rices not guilty. The prosecuting attorney, however, appealed this decision to the Nebraska Supreme Court.

A Significant Victory for Parents

In November of 1979, the Nebraska Supreme Court upheld the district court's decision by ruling that, "Neglect of a parent to provide proper or necessary education for the health, morals, or well-being of a minor child...is not proved by simply establishing that the compulsory school attendance law...has been violated." The Associated Press story carried by newspapers across the state said that "the ruling apparently means that

parents who choose to educate their children the way the Rice's decided to educate Leslie Sue, can't be prosecuted for neglect. There remains unanswered the question of whether they are violating the compulsory school attendance law."

Future parents would be charged with violating the compulsory attendance law, but because of the Rice's courageous stand, never again would Nebraska parents be charged with criminal child neglect for simply choosing to educate their children at home or in an unapproved school. The risk of having one's children removed from the home was thereby greatly reduced.

Another Arena: The Battle Escalates

The longest and most famous Christian school battle in Nebraska occurred in the small town of Louisville. There, on August 29, 1977, **Faith Baptist Church** opened Faith Christian School. The pastor of the small church, **Everett Sileven**, was to become a highly controversial man, and even many Christians who supported his stand on Christian education were not always comfortable with all of his actions, statements, and other beliefs.

To those Christians who supported the church's stand, court decisions and state actions seemed unbelievably despotic. It was hard to understand how such things could happen in America, the nation known as the land of the free.

Several books have been written about the controversy which took place over Faith Christian School, and this amazing, seven-year story certainly deserves to be told in great detail. The following is merely a list of some of the church members involved and of some of the things which they suffered.

Pastor Everett Sileven

- He was repeatedly charged with and convicted of breaking as many as 14 Nebraska laws, all related to operating a school without a license.

- He was found guilty numerous times of contempt of court for refusing to close Faith Christian School.
- He was arrested and jailed on numerous occasions for contempt of court, even once arrested while in the pulpit.
- He served a total of 157 days in the Cass County jail.
- He was denounced by the most of the public and the press.

Tressie Sileven, Everett's wife

- She was found guilty of contempt of court.

Tresa Schmidt, Everett's daughter

- She was ordered to appear in court to show cause why she should not be held in contempt of court.
- She had a warrant issued for her arrest, but fled the state with her six-month-old baby.

Kenneth Heard, deacon

- He was found guilty of contempt of court.

Faith Baptist Church

- The church was found guilty of contempt of court.
- The church suffered the padlocking of its building during the week, the judge ruling it could be opened "for religious services only."
- At one point, the church moved its school to a Baptist church in Iowa.

Worship Service Attendees

- Eighty-five worshippers were arrested, dragged from a prayer meeting, and dumped outside by law officers at around 6 a.m. on October 18, 1982.

Parents of Students

- In March of 1983, several sets of parents were found guilty of contempt of court. The fathers were sentenced to 15 days in jail; the mothers were fined \$5 a day the first week, with the fines doubling each subsequent week for every day their children attended Faith Christian School.
- In November of 1983, **Larry Nolte, David Carlson, James Glenn, Ralph Liles, Kenneth Stastny, Herman Buchanan, and Raymond Robinson** were jailed for contempt of court. Their wives, **Julie Nolte, Gail Carlson, Bonnie Glenn, Jessie Liles, Elaine Stastny, Elaine Buchanan, and Barbara Robinson** had warrants issued for their arrests, but had already fled the state, along with their 23 children.
- Raymond Robinson served 44 days in the Cass County jail.
- The other six fathers served 93 days in the Cass County jail.
- Several of these fathers lost their jobs because of their incarceration.

School Students

- Many were forced to flee several times across the state line.
- Many experienced fear and trauma by witnessing their parents and church leaders being prosecuted, arrested, and imprisoned.

Pastors and Others

- Hundreds of pastors and lay people came to Louisville to support the cause, often at great expense of money and time.
- Several pastors returned to congregations that were no longer willing to support them.
- Many were willing to risk arrest.
- Many lived at the church or in buses outside and suffered numerous deprivations.

Others Who Stood

Although no other church schools or home schools received the extensive, national coverage of Faith Baptist, there were many people throughout Nebraska who suffered persecution for their beliefs. Perhaps someday all of their courageous stories can be gathered and told. For now, the following is a listing of some of the people and of some of the things they suffered.

Home School Hall of Fame

Pastor Ronald and Sharon Thomsen of Fremont

- They were criminally charged with violating the compulsory attendance laws.
- Their daughters, **Tracy** and **Heidi**, were issued subpoenas requiring them to appear in court to testify against their parents.

Pastor Franz and Audrey Yordy of Shickley

- They stood trial in district court for not sending their children to an approved school.
- They were ordered to return their two oldest children, **Jason** and **Rochelle**, back to an approved school.
- They sent these children out of state to avoid any possibility that the state would take them.
- A federal court judge ruled against them.

Virgil and Helen Long of West Point

- The Cuming county attorney sought to have the juvenile court declare the Long children truant.
- They were told by this same county attorney to get their school-aged children out of the state or out of his jurisdiction.
- They sent their children to live with relatives.
- They finally moved from Nebraska.

Roland and Dorothy Morrow of Central City

- Roland was tried on criminal charges for refusing to send his three children--**Laura, Roland Jr., and Sonya**--to an approved school.
- His first trial resulted in a warrant for his arrest after Roland walked out of the pretrial conference. He did this because the judge ordered Roland's constitutional consultant to leave the pretrial conference and then jailed this consultant for contempt when he refused.
- Roland was subsequently arrested and spent at least one night in jail.
- He was again tried on criminal charges and defended himself. The jury declared him innocent.
- The following school year, he was tried on civil charges, thus eliminating his right to a jury; he was found guilty as charged.
- Dorothy and the children went into hiding.
- He lost again on his appeal to the Nebraska Supreme Court.

Warren and Lorelea Rushton of Columbus

- Warren was Roland Morrow's constitutional consultant and was jailed for contempt of court after refusing to leave Roland's pretrial conference.
- Both worked tirelessly, sacrificing their own time and resources in order to encourage and help defend home schoolers who were being prosecuted.

Marjorie Bigelow of Palmer

- She was ordered by the District Court to enroll her daughter **Dawn** in an approved school.
- She refused to comply with the court's order, whereupon Dawn, 14, was removed from her home and was held for five days in a foster home.
- She was awarded temporary custody of Dawn on the stipulation that Dawn be enrolled in an approved school.

- She appealed her case to the Nebraska Supreme Court, which ruled against her, stating that, "She is in fact a real, present, and serious threat to the education of her daughter, a minor in whose education the State of Nebraska has a compelling interest."

Arthur and Susan Allen; Albert and Leigh Lundy; Edward and Irene Morey; and Lucy Peterson, all of the York vicinity

- They were convicted, along with their school-age children, of truancy.
- Their children were placed on one-year probation.
- They were ordered to send their children to a state-approved school.
- They were threatened with termination of their parental rights if they failed to comply with the judge's order.

John and Carol Wiener of Aurora

- They were forced to sell personal property in order to pay their litigation bill (complete information is not available).

Brent Shockey, Randy Peterson, Russel Berry, Keith Johnson

- Details of their prosecutions are not available.

Church School Hall of Fame

Atlee Miller of Pawnee City, **Old Order Amish**

- He was convicted of violating the compulsory attendance law and fined \$30 (\$5 for each of his school-age children), which he refused to pay.
- He lost his district court appeal.
- His \$1000 buggy was confiscated and sold for \$420 by state officials to pay the accrued district court costs.
- His checking account was garnished to pay the \$169 balance.
- He was charged again with violating the compulsory attendance law.

- He sold his land and moved his 13-member family out of Nebraska, saying, "I don't want to stay where the authorities handle their business like they do here."

Levi Troyer, Roman Borntreger, and Felty Yoder of Pawnee City, Old Order Amish

- All were charged with violating the compulsory attendance law.
- Troyer was convicted and fined. He was then charged again with the same offense.
- All moved out of the state.

Pastor Robert Gelsthorpe of North Platte, North Platte Baptist Church

- He was ordered to close his church school by a district court judge.
- He was found guilty of contempt of court for conducting a school without a license.
- He was sentenced to jail from 8:30 a.m. to 3:00 p.m. each weekday.
- He was fined \$200 each day the school continued to operate.
- His church was also fined \$200 each day.
- About \$600 from his bank account was seized to help pay the fine.
- His church was ordered to garnish 15 per cent of his salary to help pay the fine.
- Much of his personal property was seized to help pay the nearly \$19,000 in fines which he personally accrued.
- His church also accrued around \$20,000 in fines.

Pastor Agnes Rich of Grand Island, Calvary Apostolic Church

- She was ordered by a district court judge to close the church school.
- She was found guilty of contempt of court for refusing to close the school.
- She was fined, along with teachers **Paul and Louise Bonney**, a total of \$150 for each day the school continued to operate.
- "The congregation of some 50 members is prepared to sacrifice all for the privilege of training their children. They feel they may lose

their church buildings and homes in this fight for the right to direct the lives of their children. They have indicated that they would suffer the loss of those things in order to purchase freedom for their church's ministries."^{iv}

Pastor Edward Morey of York, Good Life United Pentecostal Church

- Armed law officials with a search warrant entered his church while the school was in operation.
- School and church records were seized.
- Students and teachers were photographed and terrorized.
- He was ordered by a district court judge to close the school.

Faith Christian School of Beaver Crossing, Headmaster David Burkey, Mennonite

- Two teachers, **Betty Schweitzer** and **Sherry Troyer**, were convicted of violating the compulsory attendance laws and fined \$50 each.
- Fourteen sets of parents were charged with neglect; their children were charged with truancy.
- Five school board members were charged with operating an unapproved school.

Pastor Carl Godwin of Lincoln, Bible Baptist Church (Park West Christian School)

- He was ordered to close the school by a district court judge.
- He was ordered to appear in court to show cause why the church should not be held in contempt of court for continuing to operate an unapproved school.
- The church spent over \$50,000 in preparation for the hearing.
- Five days before the hearing, the judge issued a summary judgment, declaring the pastor and church guilty without a trial.

Pastor Burton Brush of Hartington, Grace Baptist Church

- Charges were filed against the church.

- The congregation moved its school to South Dakota.

Elder Hershel Stoner of Gering, **Gering Church of Christ**

- The church was ordered to close its school.
- The church was found to be in contempt of court and was fined \$150 a day.
- The congregation moved its school to Wyoming.

Pastor Dennis Cason of Morrill, **Independent Baptist Church**

- The church was ordered to close its school.
- The church was found to be in contempt of court and was fined \$150 a day.
- The judge made it clear he would padlock the building, jail the pastor or deacons, or seize church property.
- The congregation voted to move its school to Wyoming.

Pastor Andrew Wasmundt of Lincoln, **First United Pentecostal**

- The church was charged with operating an unapproved school and spent around \$30,000 in preparation for trial.

Faith Baptist Church of Ainsworth

- Two families were prosecuted for not sending their children to an approved school.

Bible Baptist Church of Chadron

- Details of their prosecution are not available.

Pastor Larry Lauteret of Kearney, **First Church of God**

- Details of their prosecution are not available.

Honorable Mention

The above is only a partial list of the many Christians who were called

upon to stand for their faith. Many others were supportive and offered much-needed encouragement. One of these was Chase County Attorney **Guy Curtis**, who, at the height of the struggle, invited all unapproved schools to move into his jurisdiction, promising not to prosecute them. "All county attorneys as well as judges swear an oath to uphold the United States Constitution," he said. "The Constitution is the supreme law of the land. I believe that the certification law is unconstitutional and is therefore absolutely void. The law just flagrantly violates the First Amendment right of free religion."

Hundreds of Christians spent innumerable hours lobbying, writing letters, making phone calls, testifying, making speeches, attending rallies, debating with friends and relatives, and praying. One of the movement's greatest allies in the legislature was **Senator Howard Peterson** of Grand Island, who spent countless hours trying to promote a legislative solution.

A Candle in the Darkness

What had started in 1977 as two seemingly minor skirmishes, the one involving the Rice's home school in western Nebraska and the other the Louisville church school in the east, had by the end of 1983 escalated into a full-scale war. Not only did it involve all parts of the state, but much of the nation as well. In 1982, hundreds of pastors from all parts of the country had gathered in Louisville to show their support for the church's stand. Nebraska was well-known for padlocking church doors, jailing pastors, dragging people out of prayer services, and jailing fathers (the imprisoned, Louisville fathers were known as "the Nebraska Seven").

Bill after bill had been introduced into the legislature to try to remedy the situation. Hearing after hearing had been held. But in the end, all of these bills had been defeated. Many attributed these defeats to the Nebraska State Education Association, the most powerful lobby in the state, as well as the biggest contributor to the election campaigns of many of the senators.

On December 12, 1983, Governor Robert Kerrey created the Governor's Christian School Issue Panel to "examine and report on public

policy questions surrounding the Christian School issue." The four-member panel, chaired by attorney **Robert Spire**, issued its report on January 26, 1984. Significantly, the report stated: "Nebraska teacher certification procedures, as presently defined, violate the First Amendment free exercise of religion rights of Christian schools." The panel effectively declared that the Nebraska Supreme Court had erred in its many decisions against both church and home schools.

Further Developments

In the spring of 1984, Legislative Bill 928 was pushed as a compromise bill which could end the church school controversy. After much conflict and many amendments, it was passed. Christian school supporters were not optimistic, since the bill contained dangerous and unsatisfactory provisions.

After an educational bill becomes law in Nebraska, it is the job of the State Board of Education to vote on rules and regulations for its implementation. One good thing about the new law was that it was vague and hard to understand, thereby giving the Board plenty of leeway in deciding how to implement it.

Also that spring, the Nebraska School for the Deaf scandal was uncovered. Although the school was directly operated by the Nebraska Department of Education, a police investigation revealed that adult supervisors had inflicted years of sexual and physical abuse on children. The same state agency that had been crying out about the crucial need to regulate the Christian schools, "lest even one child fall through a crack," was directly responsible for the repeated abuse of many children in the one school it actually ran!

Adding to the state's embarrassment that spring was Ted Kopple's national television interview with Senator Tom Vickers (chairman of the legislature's education committee) and Julie Nolte (wife of one of the seven fathers in jail). Kopple attacked the state's position, making it look unreasonable.

Also noteworthy was the impeachment of Attorney General Paul

Douglas whose name had appeared on all of the state actions against the unapproved schools. Although his impeachment was unrelated to the conflict, it did seem to many that God might be vindicating the schools. Governor Kerrey appointed Robert Spire as the new attorney general. Spire was the man who chaired the Governor's Christian School Issue Panel, which had declared that Nebraska's teacher certification laws violated the First Amendment.

Rule 13 Relief

When the Board of Education met on August 6, 1984, to discuss what type of regulation it would adopt to implement the new law, Governor Kerrey appeared before it, making it clear the state wanted peace. "It is important that we lay this thing to rest, and that we not continue to play an adversarial role with these Christian schools," he told the Board. He further said that it was embarrassing for the state to put people in jail for their religious beliefs.

The Christian school people present at the board meeting found it both sad and ironic that right before the Governor's appearance, board members had approved a \$176,000 counseling program for the 35 students from the Nebraska School for the Deaf who had suffered abuse.

On August 16, the Board adopted a regulation to exempt church and home schools from approval requirements. Known as Rule 13, both sides to the seven-year battle were cautiously optimistic that it would be the means of restoring peace.

Lest We Forget

In Nebraska we now have what is known as a religious exemption. Parents who have sincerely held religious beliefs against the state requirements for school approval and accreditation **are exempt** from meeting those requirements. Today when home schoolers sign Rule 13 forms, they are **not requesting permission to operate**, but are **electing not to meet** those state requirements. This difference was very important

to those in the battle who believed Christ, not the state, should be Lord of their church or home.

Many who currently home school or have their children enrolled in Christian schools are unaware of the issues involved in this battle.^v They have never been forced to choose between obeying God or obeying the state. Should our educational freedom again be threatened, it is imperative that these issues be clearly understood. We also need to ask ourselves just what price we would be willing to pay. Let us remember the courage of those who have gone before and praise God they were willing to pay a high price for our present freedom. Praise God for giving them victory in Jesus.

ⁱ The material in this article is based upon available sources and is believed to be accurate. Omissions of people who were prosecuted may have occurred. If you have knowledge of omissions or errors, please contact Victory in Jesus, 514 North First St., Seward, NE 68434. Copies of newspaper articles and other documents for use in future revisions would be appreciated.

ⁱⁱ Zach. Montgomery, Poison Drops in the Federal Senate: The School Question From a Parental and Non-sectarian Stand-point (Washington: Gibson Bros., 1889; reprinted New York: Arno Press, 1972). Mr. Montgomery was the Assistant Attorney General of the United States. His book is dynamite. See http://www.axon-family.net/kaleb/poison_drops/introM.htm for the book on the Internet.

ⁱⁱⁱ Additional details of the Rice's story can be found in Home-spun Schools by Raymond and Dorothy Moore (Waco: Word Books, 1982), pp. 53-61.

^{iv} "Grand Island Church is Sued for Ministering to Children," Briefcase, March 1983, p. 1. The Briefcase is the newsletter of the Christian Law Association, which represented Calvary Apostolic Church and many of the other Christian schools under attack.

^v The state is still aware. Only a few years ago, the Nebraska Department of Education issued the following position statement (spelling and punctuation as in the original):

First, the laws that were passed that provided for "home schooling", at the insistence of the fundamentalists group that were instrumental in it's passage, declared they wanted nothing to do with approved or accredited schools or any supervision or intervention from State Government. They indicated that their "sincerely held religious beliefs" prevented this association which seems to imply that a complete separation was and is desired. If this is indeed the case it would seem that no educational services or benefits will be requested or provided.