

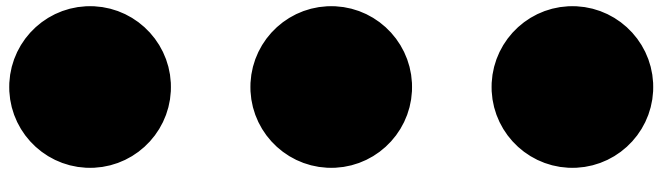


Written by [Bob Adelman](#) on February 2, 2022

Student Sues High School Principal for Violating His First Amendment Rights to Free Speech and Religion

David Stout, a junior at Plainwell High School in Michigan, [was suspended for three days last fall](#) as punishment for expressing his religious beliefs in a private conversation with a friend. When his parents learned about his suspension, and the details behind the school's action, they enlisted the assistance of the Great Lakes Justice Center.

After reviewing the background, which extends back to April 2021, the attorneys took on the case and [filed suit](#) last Thursday, claiming that the school's principal, assistant principal, and band director all violated Stout's First Amendment right to express his beliefs:



A foundational core of our Constitutional Republic is that the State cannot punish its citizens for engaging in speech that is protected by the First Amendment.

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The 29-page complaint provided the court with all the details. Last April, Stout, a self-proclaimed Christian who is active as a football player and band leader at the school, responded to a question texted to him by a Christian friend about the Bible's teaching on homosexuality.

From the complaint:

On or about April 28, 2021, Plaintiff [Stout], using his own smartphone, participated in a series of private group chat/text sessions with these friends from school.

At one point during this group session, one of these children asked to speak with Plaintiff in a private text.

Once Plaintiff began texting with this other child, Plaintiff was surprised that this friend, who was not homosexual, asked Plaintiff's opinions and beliefs about this other child's friends "being gay."

Plaintiff stated that the Bible teaches that homosexual conduct is a sin and in the Christian context that God created only two biological genders — man and woman.

Plaintiff stated that while homosexual conduct is a sin, however, everyone is a sinner due to freewill choices, and he would pray for them "to repent and follow Jesus." He also shared that he would extend love toward them because "God commands" it, as "Jesus died on the



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cross for them and extends His love toward them, and all they have to do is accept it.”

Plaintiff continued that “the Bible says at the end of days all will know the truth, every knee will bow, and every tongue confess that Jesus is Lord.”

Stout’s response offended his friend, and the text conversation ended.

However, the next day Stout reached out to his friend in an attempt at reconciliation:

Although Plaintiff felt his friend was “discriminatory, selfish, and unkind,” Plaintiff did not want to lose his friendship. Thus, on April 29, 2021, Plaintiff contacted this child for another private chat/text session.

Plaintiff began by expressing that he still held his Christian opinions, but he respected his friend’s opinions as well.

Further, Plaintiff did not want to end his friendship with this other student because of a disagreement, and he wanted to respect everyone’s opinions even if they disagreed so they could remain friends.

At no time was this conversation made public. It was private, occurred off campus, and was well within Stout’s First Amendment rights. Said the complaint: “Plaintiff never posted or otherwise distributed any of the content of this private chat/text to any public social media site, to the school, to other band members, to the student body, or to any other person.”

When school officials learned about the conversation (probably from Stout’s “friend”), they called Stout in for several “conversations,” which ultimately led to his being suspended for three days in October.

Following the filing of the complaint on Thursday, Stout’s lawyer, David Kallman, issued a statement to the media:

My client’s religious speech and beliefs should be treated with tolerance and respect. Public schools may not violate the Constitution and enforce a heckler’s veto of student speech.

Nothing David did caused any disruption or problem at the school. He has the right to express his opinion in accordance with his sincerely held religious beliefs, without vilification or punishment from the government for holding to those beliefs.

Kallman expanded on the case:

David was suspended for three days last fall for stating his Christian beliefs in a private text conversation and in a hallway at school. He is also being punished for not policing and reporting the inappropriate jokes of fellow students.

He was instructed to stop posting his religious comments on all his social media platforms, and was disciplined for the offensive behavior of some other students; something he was unaware of and did not participate in.

David is a good student with a clean record. Nothing he did caused a disruption or any problem at the school. He has the right to express his opinion in accordance with his religious beliefs without vilification or punishment from the government.



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Kallman's lawsuit is asking the court to declare the school's principal, assistant principal, and band director's "actions ... unconstitutional and that [they] violated [Stout's] fundamental constitutional rights," and to find "that [they] acted outside the scope of their authority."

The suit also demands that the school expunge Stout's school records of any mention of the incident, pay all of his attorney's fees and court costs, and "grant such other and further relief as is just and appropriate."

That would include exacting promises from the school's officials not to punish Stout as retribution during his remaining year for bringing them to task for their unconscionable, illegal, and unconstitutional acts.



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