IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CHRISTA SCHULTZ and DANNY SCHULTZ, both Individually and as Parents and Guardians of Minor Child C.S., a Minor (CORWYN SCHULTZ, now an Adult and Formerly a Student in the Medina Valley Independent School District); and TREVOR SCHULTZ, Individually,	)	
Plaintiffs,	)	
V.	)	**CIVIL ACTION NO. SA-11-CA-422-FB**
MEDINA VALLEY INDEPENDENT SCHOOL DISTRICT,	)	
Defendant.	)	

FILED
FEB - 9 2012
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
DEPUTY CLERK

OPINION AND ORDER OF THE COURT CONCERNING JOINT MOTION TO APPROVE SETTLEMENT AND ENTER CONSENT DECREE

Before the Court is a proposed Settlement Agreement and Release Arising During Mediation ("Agreement") for review and approval or disapproval which, if approved by the Court, will bring this litigation to a close and establish rules under which the parties can operate as they peacefully move on with their lives and educate students of the Medina Valley Independent School District.

What This Case Has Not Been About

The right to pray.

Any American can pray, silently or verbally, seven days a week, twenty four hours a day, in private as Jesus taught[1] or in large public events as Mohammed instructed.[2]

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[1] *Matthew* 6:5-8 ("and when you pray, do not be like the hypocrites, for they love to pray standing in the synagogues and on the street corners to be seen by others. . . . But when you pray, go into your room, close the door and pray. . . . And when you pray, do not keep on babbling like pagans, for they think they will be heard because of their many words.").

[2] *Quran* 2:43 ("You shall observe the Contact Prayers and give the obligatory charity, and bow down with those who bow down."). Muslims are obligated to attend the mosque at least once a week and other prayers may be said alone, but all prayer is always more acceptable to God in community. *See* PAUL GRIEVE, A BRIEF GUIDE TO ISLAM: FAITH, RELIGION, POLITICS (Carroll and Graf 2006). Daily prayers within fixed times are done "with the entire brotherhood and sisterhood of believers facing towards Mecca from all around the world, following the same prescribed formula." *Id.*

The Real Issue

Does the United States Constitution allow a government entity elected by the majority to use its power to tax and its agents and employees to support and promote a particular religious viewpoint not held by a minority?

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The Court is aware that counsel, the mediator and parties have spent countless hours seeking resolution. To the extent these issues may arise in other school districts and others may find guidance from this matter, the Agreement of the parties is set forth in Appendix I.

For those who choose to enlighten themselves on why separation of church and state has been an issue of great debate and importance in American history, Appendix II follows Appendix I.

The Court has thoroughly reviewed the proposed Agreement and finds it achieves reasonable balance between competing First Amendment rights of free speech for student speakers and freedom from government endorsement of a particular religious belief.

Accordingly, and with gratitude to all who have worked to find a fair and just compromise, the attached Settlement Agreement and Release Arising During Mediation ("Agreement") is APPROVED.

The settlement memorialized in today's Order signifies a bright point in our nation's long and difficult effort to harmonize the competing interests written into the First Amendment. Although this pursuit is far from over, "[l]et us realize the arc of the moral universe is long, but it bends toward justice."[3]

While the Court will retain jurisdiction for a period of ten years, as set forth in ¶ I.1 of the Agreement, the Court is confident the parties in their spiritual journey will be tolerant of the beliefs of others and abide by the standards they have set for themselves.

All things work together for good.[4]

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[3] MARTIN LUTHER KING, JR., A TESTAMENT OF HOPE: THE ESSENTIAL WRITINGS AND SPEECHES OF MARTIN LUTHER KING, JR. 252 (James Melvin Washington, ed. 1990).

[4] *Romans* 8:28.

The Agreement is entered as a final judgment, resolving any and all claims set forth in Plaintiffs' Complaint and First Amended Complaint, pursuant to Federal Rules of Civil Procedure 54 and 58. Motions pending with the Court are DISMISSED as MOOT. The trial set for March 5, 2012, is CANCELLED. This case is ADMINISTRATIVELY CLOSED subject to reinstatement if necessary.

It is so ORDERED.

SIGNED this 9th day of February, 2012.

FRED BIERY
CHIEF UNITED STATES DISTRICT JUDGE

A PERSONAL STATEMENT

During the course of this litigation, many have played a part:

To the United States Marshal Service and local police who have provided heightened security: Thank you.

To those Christians who have venomously and vomitously cursed the Court family and threatened bodily harm and assassination: In His name, I forgive you.

To those who have prayed for my death: Your prayers will someday be answered, as inevitability trumps probability.

To those in the executive and legislative branches of government who have demagogued this case for their own political goals: You should be ashamed of yourselves.

To the lawyers who have advocated professionally and respectfully for their clients' respective positions: Bless you.

SIGNED this 9th day of February, 2012.

FRED BIERY
CHIEF UNITED STATES DISTRICT JUDGE