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Virginia Supreme Court of Appeals has  
unanimously ruled that a state law mandating  
the inclusion of private religious views or  
viewpoints in textbooks violates state  
constitutional free exercise rights. The court  
also ruled that a lower state court was correct  
in ordering West Virginia Board of Education  
members to approve new texts that did not  
include religious viewpoints. The court said

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both its ruling and the lower court's order take a text neutral position, which is mandated by the state constitution. "We hold that the First Amendment to the United States Constitution and Article III, Section 12 of the West Virginia Constitution support the position that the government must remain neutral when it comes to the particular beliefs of a group," the court said in its decision. "Accordingly, West Virginia state government may not promote, encourage, endorse, or otherwise take a position on any particular religious viewpoint, and West Virginia state government may not attempt to engage in or endorse religious instruction. West Virginia may not endorse religion in any form. The West Virginia Constitution requires strict neutrality in the state's promotion of religious beliefs." The court

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said that it made this decision "in fulfillment of its constitutional responsibility to ensure that the First Amendment's religion clauses are not eroded." The court also noted that in its ruling, it distinguished passages that refer to God with those that refer to "spirits, gods, and gods." "In situations where the spiritual or divine is either mentioned or illustrated, there is no value judgment," the court noted, "and the religious viewpoint is more relevant to religion or spiritual matters." In its ruling, the court said that there was no "evidentiary showing" that some religiously-based textbooks were better or worse than others. The ruling said that the free exercise clause was not intended to protect a particular religion. "If the Constitution cannot long survive as an instrument for protecting freedom of religion, it is a poor tool for

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ensuring that freedom of religion survives as a living force in modern life," the court said. The West Virginia textbook fight started last December when parents began complaining about a high school history textbook.

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