

Testimony of
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OPENING REMARKS

Chairman Cornyn, Ranking Member Feingold, and members of the Senate Subcommittee on the Constitution, thank you for extending the invitation to me to testify before you on the subject of the current hostilities to religious freedom.

I respectfully request that the entirety of my personal statement be made a part of the record of today's hearing.

INTRODUCTION

Unfortunately, we do not have to look to Canada's recent passage of a hate speech law, which makes it a crime to read sections of the Bible aloud, in order to find outrageous violations of religious freedom. We have our own problems here in the U.S.

While I have been Adjunct Professor of Law at the University of Texas School of Law since 1994 teaching Religious Liberties, I speak to you today as the Chief Counsel of the Liberty Legal Institute. I have spent the past 15 years as litigator in the area of constitutional religious freedoms and have overseen hundreds of cases. Let me assure you- the hostility is real. We see it everyday. There are those who feel they are doing the country a service by removing all religious vestiges of our country and restricting religious speech from the public arena; and they are having great success.

Ten Commandment displays are being removed by court orders across the country. "Under God" is being challenged in our pledge. Cities are having all religious symbols removed from their city seals. Churches and synagogues are being banned from entire communities and children are being told their religious expression is prohibited in school.

CASES

In the short time I have, I just want to share a few of our cases as an example. You have already heard from one of our clients, Barney Clark. In Balch Springs, the senior citizens were told they could not sing Gospel songs or pray over their meals in their own senior center, because it was a public building. They were shocked. Only after an extensive lawsuit over months and attorneys who donated over \$80,000 of time did they get their rights vindicated.

In Barrow v. Greenville ISD, teacher Karen Barrow waited 9 years for an assistant principal job to open. When it did, she was told by the Superintendent she could only have the job if she removed her children from the private, Christian school they attended. When she stated she could not do that, she was told she had "no future" in the district. Superintendents from across the state

testified in depositions that this is the customary approach by Superintendents. Mrs. Barrow's case is still ongoing, after 6 years, with over a million dollars of attorney's time having been donated so far for this teacher.

In the H.E.B. Ministries v. Tex. Higher Educ. Coordinating Bd., Tyndale Seminary was fined \$173,000 for issuing 34 diplomas in the Bible without first getting State approval of its curriculum, board, and professors. The lower courts have ruled against them at each step of the way up to this point. Small African American and Hispanic seminaries across the state are being shut down for failing to get state approval as well. The Institute for Teaching God's Word Seminary, an African-American seminary which was simply training black pastors in the Bible, was shut down for not getting State approval first of their board and curriculum.

Even more disturbing to me are the actions taken against children:

? Jonathan Morgan, 9 years-old, just wanted to give a gift to his fellow students at the Christmas Party like everyone else was. School officials, however, stopped him at the door because his candy cane had a religious message on it. The school district and its attorneys have refused to back down and Jonathon and his family are now forced to prepare a lawsuit to simply have the right to pass out a candy cane at school to his friends.

? Hispanic Kindergartner Doe saw that other children were bringing Pokemon and other cards to share at school. When she brought her cards, however, they were confiscated from the hands of her classmates and school officials told her to "never bring religious things to school." To this day, she is scared to bring or say anything religious at school.

? Another one of our clients, an elementary school girl, was told she could give pencils to her friends at school but not ones with "Jesus" on them. Crying, she asked her mom "why does the school hate Jesus?"

These young kids get the message. Their religion is treated the same as a curse word. These children are being taught at an early age, "keep your religion to yourself" "it's dirty" "it's bad." That is wrong. They are being robbed of their innocence and the hostility to religion is clear.

Many are aware of the Santa Fe ISD v. Doe, football game prayer case. Few are aware of the order below in which the federal judge not only ordered the students not to pray in Jesus' name but told them that federal marshals would be in attendance to carry any student who did so to the Galveston County jail for up to six months. The judge then stated, and I quote, "Anybody who violates these orders, no kidding, is going to wish that he or she had died as a child when this court gets through with it." This is the atmosphere we have created in the schools for our children.

NATIONAL MONUMENTS

Last, I want to mention the Ten Commandments case in which we were involved. In Van Orden v. Perry, we pointed out that this attempt to remove the Ten Commandments was clear religious bigotry and hostility. Numerous monuments exist around the Texas Capitol grounds. The attempt to ban only the historical monument with religious content is wrong. It is an attempt to censor and erase the religious parts of our history.

Unfortunately, the Establishment Clause is now a weapon used to eradicate from the public realm any ideas which one disagrees with by labeling them "religious." As the many Ten

Commandments cases show, it is now an instrument being used to rewrite history- in particular, to censor religious parts of our history and heritage. Our Founders are turning in their graves.

CONCLUSION

The hostility is real. A pervasive atmosphere has been created to ban religion in public. The "separation of religion and state" fundamentalists and activist courts are succeeding in sowing confusion and an atmosphere of hostility--with most government officials now even feeling they have some duty of "religious cleansing" in public.

We are moving quickly towards a naked public square with religion being treated as pornography when expressed in public. The hostility has spread quickly from across our public schools to all aspects of public life- including our historical monuments. If we do not begin to speak up and act now, we will lose the great religious heritage and freedoms upon which this country was founded. That would be a terrible mistake.