

Testimony of
Mr. Barney Clark

June 8, 2004

Chairman Cornyn, Ranking Member Feingold, and members of the Committee, thank you for inviting me to testify to you today.

My name is Barney Clark and I'm a member of the Balch Springs Senior Center in Balch Springs, Texas. My wife, Peggy, and I have been members for over 10 years. We started our 11th year the first of May.

It has always been a pleasure to attend the Senior Center, but that has changed in the past six to eight months. We seniors have been singing religious songs since we have been attending and I understand it has been going on for the past 20 years. We also always appointed someone to bless our food during the meal time. Brother Barton has been giving an inspirational message every Monday for over 20 years at the Center.

Back in August of 2003, after our Monday devotional time and gospel music, Debbie McDaniel, the Center Director, told us we could not sing the gospel songs, have Brother Barton give us inspirational messages, and no longer ask blessings over our food. She received these directives from the City Manager who was told this by the Balch Springs' City Attorney. This was the first time we were told that we could not participate in these voluntary activities that had been going on for some 20 years with no problems.

We were in limbo for two or three days after the City of Balch Springs put these restrictions on us at the Center. Then Liberty Legal Institute, a legal group that protects people's religious freedoms and First Amendment rights contacted us and said they would represent us free of charge. The attorneys with Liberty Legal Institute said it was not right the way we were being treated. This was a violation of our religious freedom and freedom of speech.

Our attorneys put together a letter in September of 2003 and sent it to the Mayor of Balch Springs, members of the City Council and the City Manager. The letter explained that they needed to change the policy banning us from praying, singing gospel songs, and having inspirational messages at the Senior Center or else a lawsuit would have to be filed. The letter told them that they could not ban us from these activities because it was a violation of our rights as Americans. A group of seniors from the Center, including myself, had a press conference with our attorneys telling the newspapers and television about our situation and there was lots of news about us.

The City did not reply to the letter and did not change their minds about the policy. We had no other choice but to file a lawsuit. We had 16 people who signed the agreement to have a lawsuit or go to court if necessary. These 16 people are senior citizens and members of the Center. My wife called all the councilmen and asked them to come over to the Center and talk it over with us. They all refused but two. Mr. Jones and Mr. Hall did come over and they agreed with us. The City Council met on occasion and never changed the policy either. A few days later the Mayor came over and told us we could go over in a corner and pray if we wanted to. We refused to hide like criminals.

After the insurance company representing Balch Springs became involved, they called for us to go to a mediator. Mediation was not a success. One time the Balch Springs representatives got up

and walked out of the mediation, mostly because they got the wrong sandwiches - they apparently did not want to work with us very much.

We then received a letter from Mr. Norman Moorhead, Director of the Dallas Area Agency on Aging, stating our food program would be in jeopardy if we won the case. They were going to take away our meals at the Center for standing up for our rights.

In the meantime, the Justice Department became involved with the situation. This took place in early December. After the Justice Department became involved Balch Springs threw in the towel and they gave us back all our rights to the seniors. This was January of 2004 that the City finally agreed to all the things we asked for and gave us our rights back. We are able to pray again, sing our music, and have Brother Barton teach us and give us inspirational messages. Us seniors were glad to see this happen.

But, our Director, Debbie McDaniel, can not be involved with anything to do with religion. She was a member of the gospel band that provided us with music each Monday. As a result of this, her husband, Ted McDaniel, didn't feel right playing when his wife wasn't welcomed.

Consequently, we don't have our regular gospel music. Sometimes we are lucky and have some of the band play solo. Mrs. McDaniel has been the director for ten years. When she first started there was a lady, Dorothy Ward, who played gospel music on the piano each Monday. Everyone got up around the piano and sang. Mrs. McDaniel joined in on the singing as she does on all activities involved in the daily running of the center. As the Center Director this is part of her job, whether it is crafts, bingo, exercising, music, etc. As it stands now we would be satisfied if Mrs. McDaniel, our director, could once again join in the gospel music.

After all is said and done, we received another letter from the Director of the Dallas Area Agency on Aging stating that our food service was still in jeopardy, but after he talked to the lawyers at Liberty Legal Institute he backed down.

As a war veteran and proud senior who fought for our freedoms, I took part in this because I wanted to stand for my rights. I fought for these rights. It was not right for us seniors to be told that we couldn't pray or sing gospel music in a public building. More people need to stand for their rights here in this country.

You won't believe it, but the City Mayor told me actually told me that I could just "go and pray in the corner." You know what I told him? "My bible says 'profess me publicly.' I will not go and hide like a criminal. If you're going to take me to jail - take me to jail."

Senator, put my life on the line in the South Pacific some 60 years ago fighting for these rights. That's why I am here today.

Thank you for your time this afternoon.