

Testimony of
Ms. Nashala Hearn

June 8, 2004

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The Subcommittee on the Constitution, Civil Rights and Property Rights
U.S. Senator John Cornyn, Chairman

"Beyond the Pledge of Allegiance:
Hostility to Religious Expression in the Public Square"

Tuesday, June 8, 2004
Washington, D.C.

Thank you Senator Cornyn. It is an honor to be here. And thank you Senator Feingold, too.

My name is Nashala Hearn. I am 12 years old and I live in Muskogee, Oklahoma with my father - who is here with me today - and my mother, and my brother and my sister. I attend the Benjamin Franklin Science Academy, which is a public middle school in my home town.

On October 1st, 2003 I was suspended for 3 days from the Muskogee Public Schools for wearing my hijab - which is a headscarf required by religion - Islam.

I didn't know it was going to be a problem because on August 18, 2003 - my first day of school last year - I explained to my homeroom teacher that I am Muslim and I wear a hijab - and that I also pray between 1:00 and 1:30. She said that was fine and that she had a room for me to pray in.

From that day forward - I received compliments from other kids as well as school officials.

But my problems started on September 11, 2003. I was in the breakfast line when my teacher came up to me and said that after I was done eating to call my parents because my hijab looks like a bandanna or a handkerchief and that I was not allowed to wear it.

So after I was finished, I went to the office.

Mrs. Walker had already called my parents. When my parents got there they were very upset. The principal said it was a bandana and I had to change it or go home.

And this is how the battle of being obedient to God by wearing my hijab to be modest in Islam versus the school dress code policy began.

I continued to wear my hijab - because it would be against my religion not to.

So - like I said before, I was suspended from school on October 1st for 3 days. When I came back to school on October 7th - I was suspended again. This time it was for 5 days.

I was able to go back to school after that until the problem was fixed.

This experience has been very stressful, very depressing and humiliating.

But thanks to the Department of Justice, the Rutherford Institute and my lawyer, Mrs. Leah Farish, the problem no longer exists in the Muskogee Public Schools. The school agreed to let me and other kids wear our religious clothing.

Thank you for listening and thank you very much for having me here today!