

.....  
(Original Signature of Member)

109TH CONGRESS  
1ST SESSION

**H. J. RES.** \_\_\_\_\_

Proposing an amendment to the Constitution of the United States protecting religious freedom.

\_\_\_\_\_  
**IN THE HOUSE OF REPRESENTATIVES**

Mr. ISTOOK introduced the following joint resolution; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**JOINT RESOLUTION**

Proposing an amendment to the Constitution of the United States protecting religious freedom.

1       *Resolved by the Senate and House of Representatives*  
2 *of the United States of America in Congress assembled*  
3 *(two-thirds of each House concurring therein), That the fol-*  
4 *lowing article is proposed as an amendment to the Con-*  
5 *stitution of the United States, which shall be valid to all*  
6 *intents and purposes as part of the Constitution when*  
7 *ratified by the legislatures of three-fourths of the several*  
8 *States within seven years after the date of its submission*



1 for ratification, and is intended to include protection of  
2 the Pledge of Allegiance to the Flag, the display of the  
3 Ten Commandments, and voluntary school prayer:

4                                   “ARTICLE —

5           “To secure the people’s right to acknowledge God ac-  
6 cording to the dictates of conscience:

7                   “The people retain the right to pray and to rec-  
8 ognize their religious beliefs, heritage, and traditions  
9 on public property, including schools.

10                   “The United States and the States shall not es-  
11 tablish any official religion nor require any person to  
12 join in prayer or religious activity.”.



## Original cosponsors

Aderholt, Robert  
Akin, Todd  
Alexander, Rodney  
Bachus, Spencer  
Baker, Richard  
Barrett, Gresham  
Bartlett, Roscoe  
Barton, Joe  
Beauprez, Bob  
Bishop, Rob  
Bishop, Sanford  
Bonilla, Henry  
Bonner, Jo  
Boozman, John  
Boustany, Charles  
Brady, Kevin  
Brown, Henry  
Brown-Waite, Ginny  
Burgess, Michael  
Burton, Dan  
Calvert, Ken  
Carter, John  
Chabot, Steve  
Chocola, Chris  
Coble, Howard  
Cole, Tom  
Conaway, Michael  
Cubin, Barbara  
Culberson, John  
Davis, Geoff  
Davis, Jo Ann  
Deal, Nathan  
DeLay, Tom  
Doolittle, John  
John Duncan  
Emerson, Jo Ann  
English, Phil  
Everett, Terry  
Feeney, Tom  
Flake, Jeff  
Forbes, Randy  
Foxy, Virginia  
Franks, Trent  
Garrett, Scott

Gibbons, Jim  
Gingery, Phil  
Goode, Virgil  
Hall, Ralph  
Harris, Katherine  
Hayworth, J.D.  
Hefley, Joel  
Hensarling, Jeb  
Herger, Wally  
Hoekstra, Peter  
Hunter, Duncan  
Issa, Darrell  
Johnson, Sam  
Jones, Walter  
King, Steve  
Kingston, Jack  
Kuhl, Randy  
LaHood, Ray  
Lewis, Ron  
Linder, John  
Lucas, Frank  
Marchant, Kenny  
McCaul, Michael  
McCrery, Jim  
McHenry, Patrick  
McIntyre, Mike  
Miller, Jeff  
Musgrave, Marilyn  
Myrick, Sue  
Neugebauer, Randy  
Norwood, Charlie  
Otter, C.L. "Butch"  
Pearce, Stevan  
Pence, Mike  
Peterson, John  
Pitts, Joseph  
Platts, Todd  
Price, Tom  
Radanovich, George  
Rahall, Nick  
Renzi, Rick  
Rogers, Harold  
Rogers, Mike (AL-03)  
Rogers, Mike (MI-08)

Ryun, Jim  
Sessions, Pete  
Shimkus, John  
Shuster, Bill  
Smith, Christopher  
Souder, Mark  
Stearns, Cliff  
Sullivan, John  
Tancredo, Thomas  
Taylor, Charles  
Taylor, Gene  
Terry, Lee  
Tiahrt, Todd  
Wamp, Zach  
Weldon, Dave  
Westmoreland, Lynn  
Whitefield, Ed  
Wicker, Roger  
Wilson, Joe

## REMARKS BY CONGRESSMAN ERNEST ISTOOK

**June 30, 2005**

Good morning; thank you for coming. I'm Congressman Ernest Istook from Oklahoma. On behalf of over 100 Members of Congress, I'm here to announce that today we are filing the Religious Freedom Amendment, a constitutional amendment that will reverse this week's Supreme Court ruling against the Ten Commandments, and also correct a series of similar rulings that we believe are wrong.

Many justices have correctly interpreted the First Amendment to our Constitution. We stand with those justices. Unfortunately, they have been slightly outnumbered by justices who we believe do not understand or apply the First Amendment correctly. That is why so many cases have swung the wrong way by 5-4 margins. We would be raising our families in a very different environment if there had been just a one-vote difference in so many court cases. I emphasize this because critics of our efforts try to claim that what we propose is radical. But in fact it represents the viewpoints of many Supreme Court justices, and the mainstream of the American public.

We wish we didn't have to be here, because we respect our Constitution and its First Amendment. Unfortunately, that First Amendment

is being misused by intolerant people who claim that it should suppress religious expression rather than to protect it. That effort begins with their efforts to get you as reporters to claim that the issue is “separation of church and state,” as though those words appear in the Constitution. They don’t. In fact, Chief Justice Rehnquist, in an official dissenting opinion, has called upon every judge in America to quit using that term, because, he says, it causes a “mischievous diversion” from the actual words and the actual meaning of our First Amendment. The actual words of the First Amendment are, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof”. The second part, protecting the free exercise of religion, is almost forgotten in the rulings we keep seeing.

Unfortunately, when media or judges think that the actual test is “separation of church and state,” then they conclude that the presence of government requires the absence of religion. And because government is so big today, that philosophy pushes religious expression off the stage.

That is why we are filing the Religious Freedom Amendment today. It’s not enough to say we disapprove with decades of bad Supreme Court rulings; it’s not enough to praise the eloquence of the strong dissents written

by justices who correctly interpret the Constitution. It is necessary for Congress to do something that will reverse those bad rulings. Our proposed Constitutional Amendment will do so, in 58 simple words that echo the balance of the First Amendment—protecting religious freedom while preventing any official state religion. These are the words:

*"To secure the people's right to acknowledge God according to the dictates of conscience:*

*--The people retain the right to pray and to recognize their religious beliefs, heritage, and traditions on public property, including schools.*

*--The United States and the States shall not establish any official religion nor require any person to join in prayer or religious activity."*

What will this amendment accomplish?

First and foremost, it will preserve the original balance of the First Amendment, protecting religious expression by Americans while preventing the establishment of any official religion. That is why the Religious Freedom Amendment reiterates the restrictions on government as well as stating the people's freedoms to observe their religion on public property. This is the same philosophy we follow with free speech--a freedom often used by protestors on public property.

This Amendment will protect displays of the Ten Commandments, in Kentucky as well as in Texas. It will protect the words “under God” in the Pledge of Allegiance. It will protect the ability for schoolchildren to pray at school, individually or together. It will protect our national motto of “in God we trust”. It will protect the references to God that are already found in the state Constitutions of every state, and on many public buildings. It will protect against the new lawsuits popping up that seek to censor school singings of songs like “God Bless America,” “America the Beautiful,” and even the closing verse of the national anthem, “The Star-Spangled Banner,” because they all have lyrics that refer to God.

And this will protect public officials who today face an onslaught of expensive litigation unless they remove the Ten Commandments from public property.

When judges overstep their boundaries, as they have here, we have only two lawful options: Either impeach the judges or amend the Constitution to reverse their rulings. Only a constitutional amendment will undo these bad precedents and guarantee that all courts must change course in the future.

The courts are using the First Amendment to attack religion, when they should be using it to protect religion.

The proper standard is the one applied by the U.S. Supreme Court in 1948 involving the Pledge of Allegiance. They ruled that no child can be compelled to say it, but their opposition to it does not give them the right to silence their classmates who do wish to say it. That is the standard that should be applied to religious expression on public property, and the standard that the Religious Freedom Amendment follows. Abstain if you wish, but don't try to censor everyone else. It's a lesson in tolerance that we all need to learn.

Again, thank you for coming, and may God bless America. Now I would like our other guests to introduce themselves and to speak.



## Religious Freedom Amendment

- The Religious Freedom Amendment avoids the establishment of an official religion while protecting religious expressions, including the freedom to say the full Pledge of Allegiance.
- The Ten Commandments could again be posted in public schools and other public buildings. The Supreme Court banned the Ten Commandments from school buildings in 1980, but the Religious Freedom Amendment directs that the people's religious beliefs, heritage and traditions may again be recognized on public property, including schools.<sup>1</sup>
- Student-initiated and voluntary prayers could be voiced in public schools, whether in classrooms, school assemblies, graduations, sporting events, or other occasions. Court decisions restrict almost all school prayer; the minor exceptions are usually limited to clubs that gather before or after the school day, and even then only with special controls.<sup>2</sup>
- Public opinion polls throughout the last 30 years show that 3/4ths of the American public overwhelmingly supports a constitutional amendment to allow voluntary prayer in public schools.
- The Religious Freedom Amendment would reverse trends of suppressing religious expression, including student-initiated prayers in public schools. It retains the First Amendment's intent that government should not control nor compel religion in America, but should accommodate it favorably.
- All 50 states have expressed reference to God within their state Constitutions. The Religious Freedom Amendment does the same for the federal Constitution.

---

<sup>1</sup> *Stone v. Graham* (1980)

<sup>2</sup> *Lee v. Weisman* (1992)

### **The Religious Freedom Amendment**

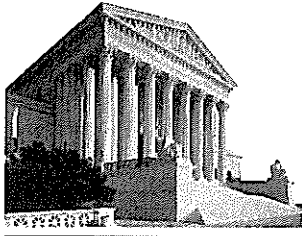
“To secure the people’s right to acknowledge God according to the dictates of conscience:

The people retain the right to pray and to recognize their religious beliefs, heritage, and tradition on public property, including schools

The United States and the States shall not establish any official religion nor require any person to join in prayer or religious activity.”

#### ***What the Religious Freedom Amendment WOULD and WOULD NOT do:***

- It **WOULD** correct years of judicial misinterpretation of the establishment clause.
- It **WOULD NOT** revoke the establishment clause.
  
- It **WOULD** reverse many of the restrictions the courts have placed upon the free exercise of religion, on government property in general, and public schools in particular.
- It **WOULD NOT** permit government-sponsored religion or proselytizing.
  
- It **WOULD** allow greater freedom for students who wish to pray.
- It **WOULD NOT** “require” prayer in public schools or create a “state-sponsored” religion.
  
- It **WOULD** require government to treat all religions fairly.
- It **WOULD NOT** permit preference for one religion over another.
  
- It **WOULD** allow students to recite the entire Pledge of Allegiance.
- It **WOULD NOT** compel students to recite the Pledge of Allegiance.
  
- It **WOULD** advance belief in religious freedom.
- It **WOULD NOT** advance any particular religious belief.
  
- It **WOULD** give greater protection to individuals against government intrusion.
- It **WOULD NOT** create any new right for government.
  
- It **WOULD** allow the display of the Ten Commandments and other historical religious documents on public property.
- It **WOULD NOT** require schools or government agencies to post such documents.
  
- It **WOULD** guarantee that no person be discriminated against on account of religion.
- It **WOULD NOT** require that any person be given special status on account of religion.
  
- It **WOULD** require equal access to all people regardless of religion.
- It **WOULD NOT** require unreasonable access to government facilities.
  
- It **WOULD** protect the liberty of conscience of all people.
- It **WOULD NOT** limit the protection only to people of a majority faith, or of a minority faith, or of no faith.



# Symbols of Law

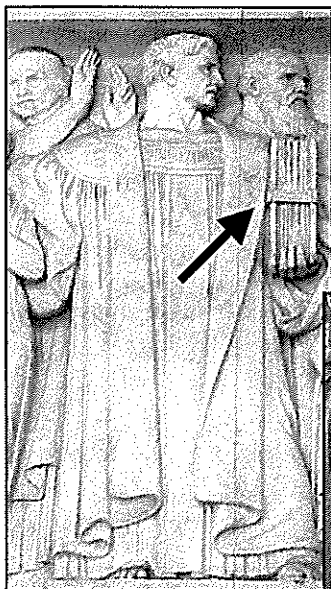
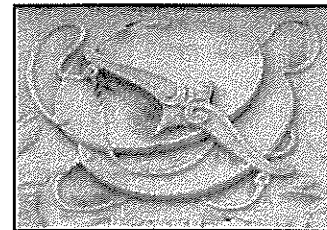
## INFORMATION SHEET

The architect and artists who designed the Supreme Court Building and its sculptural elements were students of the Beaux-Arts tradition, a movement developed in France in the 19<sup>th</sup> century that stressed the use of historic design elements. One principle of the Beaux-Arts philosophy is that the function of a building should be recognizable in its architecture and decorative detail. Several traditional legal symbols are therefore found in the architecture of the building. The four examples that follow are the most prevalent.

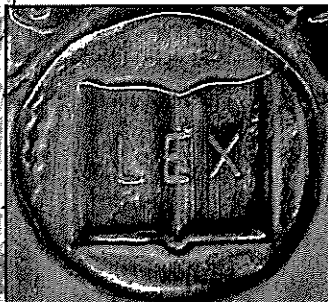


**The Scales of Justice:** Perhaps the most ancient symbol associated with the law is also one of the most familiar, the Scales of Justice. Symbolizing the impartial deliberation, or “weighing,” of two sides in a legal dispute, the scales are found throughout the building. Locations: In the Courtroom, scales are held by *Equity*, in the South frieze, and *Divine Inspiration*, in the West frieze. The *Youth’s* shield in the East frieze is marked with them. In the West Pediment, *Liberty* has the scales in her lap. On the front plaza, the small blindfolded statue of

*Justice* that *Contemplation of Justice* holds, clutches them to her body. Beside the plaza steps, the figures of *Justice* on the two lampposts hold the scales and a small figure on the flagpole base holds them as well. The scales are incorporated in the design of the bronze elevator doorframes (above); as a part of a repeating relief on the building’s exterior (right); as one of the metopes in the Great Hall; and as a decorative motif on the ceiling of the Special Library.



**The Book of Judgment or Law:** Books appear as a symbol in many contexts in the detail of the Supreme Court Building, representing learning, written knowledge and judgments. In a few instances, the Latin word “lex” (law) is carved into the book, making the symbol for a “law book.” Locations: Books are held by several “lawgivers,” including *Confucius* (East Pediment) and *Muhammad, Hugo Grotius* and *John Marshall* (South Courtroom frieze). A figure usually interpreted as a judge or lawyer holds a book in the East Courtroom

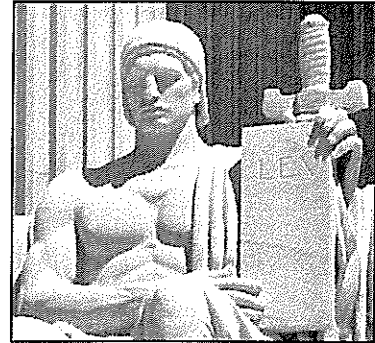


frieze (left) near the *Majesty of Law* who rests his arm on one. The “lex” book relief (left) is found on the bronze elevator doorframes. *Research Present* (West Pediment) studies a book while the statue of *Contemplation of Justice* (front plaza) has a book under her arm. A small, open book is at the centerpoint of the door head above the Bronze Doors entrance.

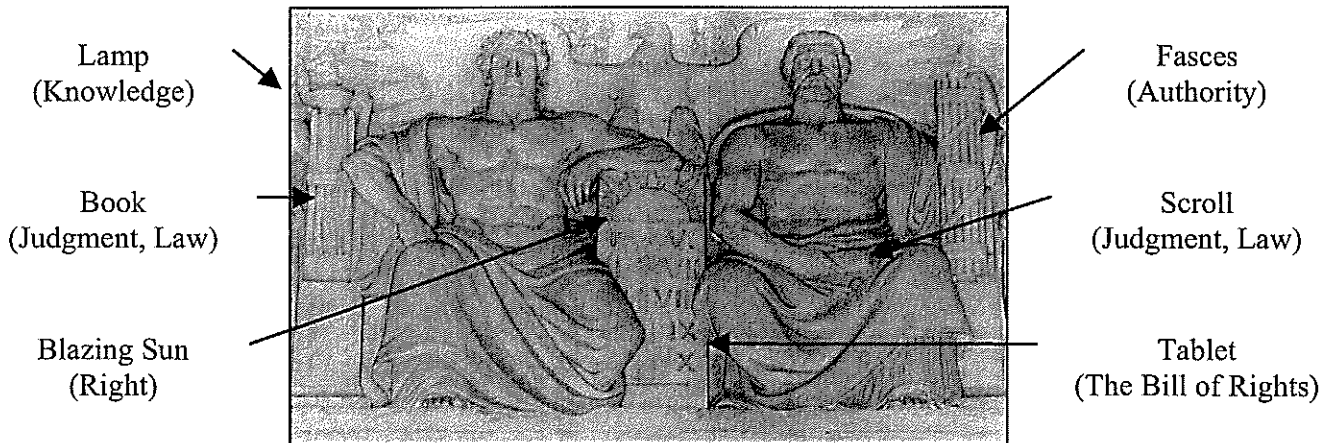
**Tablets of the Law:** Throughout the history of western art, tablets have been used to signify “the Law.” This tradition is closely associated with Moses, the Hebrew lawgiver, who according to the Book of Exodus descended from Mount Sinai



with two stone tablets inscribed with the Ten Commandments. Over time, the use of two tablets has become a symbol for the Commandments, and more generally, ancient laws. Tablets signify the permanence of the law when “written in stone.”



**Locations:** In three spots, as part of larger sculptural groups, Moses is depicted with tablets: in the North Courtroom frieze, in the East Pediment and in one of the Great Hall metopes. Other tablets with the Roman numerals I–X appear on the support frame of the Courtroom’s bronze gates (left); on the lower, interior panels of the Courtroom doors; and held by the figure representing “Law” in the Library woodwork. A single tablet inscribed with “LEX” is held by James Earle Fraser’s *Authority of Law*, located to the right of the front steps (above right). Also, a single tablet is centrally located in the East Courtroom frieze, entitled *The Defense of Human Rights and the Safeguard of the Liberties and Rights of the People*. This single “pylon” with ten Roman numerals represents the Bill of Rights, the first ten amendments to the Constitution (below).



**Scrolls of Law:** Another symbol that recalls the ancient nature of written law is the scroll. Several figures are depicted in the building’s architecture with scrolls in hand. **Locations:** In the East Pediment, *Solon* holds a scroll and in the West Pediment, *Research Past* reads an open scroll alongside an urn filled with “Roman scrolls.” In the panel of the Bronze Doors titled *Westminster Statute*, one of the figures reads from a scroll. One of the metopes in the Great Hall depicts an owl, symbol of wisdom, in front of an open scroll. In the Courtroom friezes, scrolls are depicted with the sculptures of *Lycurgus*, *King John* and *Justinian* (left).



June 22, 2005

The Honorable Ernest Istook  
U.S. House of Representatives  
2404 Rayburn House Office Building  
Washington, DC 20515

Dear Representative Istook:

On behalf of the Family Research Council, I write to offer our wholehearted support for your legislation calling for a Religious Freedom Amendment to the U.S. Constitution. FRC urges all Members of Congress to support its passage.

We appreciate Congress's long history of supporting religious liberty issues. The Religious Freedom Restoration Act (RFRA) passed Congress in 1993 with a broad coalition of support, including Senator Ted Kennedy. Similarly, your school prayer constitutional amendment received 224 votes in 1998.

In this new world we live in students are seeking ways to express their faith, and it is important that they feel free to worship. Your constitutional amendment is a needed reminder to all of the importance of religious liberty in this country. No one should be prevented from expressing his or her faith and beliefs.

Many people have been misinformed about the role of religion in public spaces. Your amendment would protect voluntary prayer in schools, public displays of the 10 Commandments, the Pledge of Allegiance and the National Motto. Your amendment clarifies the law by stating, "people retain the right to pray and to recognize their religious beliefs, heritage, and traditions on public property, including schools . . . (and) The United States and the States shall not establish any official religion nor require any person to join in prayer or religious activity."

For these, and many other reasons, FRC strongly endorses your legislation to calling for a Religious Freedom Amendment to the U.S. Constitution.

Sincerely,

Connie Mackey  
Vice President of Government Affairs  
Family Research Council

# Religious Freedom Coalition

717 Second Street NE ☩ Washington, DC 20002  
(202) 543-0300 Fax (202) 543-8447

June 28, 2005

The Honorable Ernest Istook  
United States House of Representatives  
Washington, DC 20515

Dear Congressman Istook:

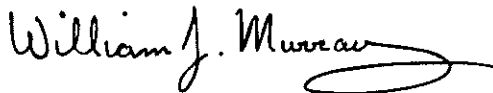
The Religious Freedom Coalition wholeheartedly endorses and supports the **Religious Freedom Amendment** and we commend you for introducing this much needed legislation in the House.

It is not the will of the great majority of American citizens nor was it ever the intent of the Founding Fathers that religious speech should be curtailed and censored as it is in our nation today--by courts and bureaucrats. The 9th Circuit Court ruled that even the Pledge of Allegiance is unconstitutional because it contains the words "under God." Although the Supreme Court overturned this decision on a technicality, no real conclusion was reached. As with other religious liberties issues, it remains in limbo, always at the mercy of a few radical judges.

In other infamous cases, judges in their courtrooms and teachers in their classrooms have been forced to take down the Ten Commandments from their walls and put them out of view, as if the foundational legal and moral system of America and of Western civilization is something that must be hidden from the public, and especially from the younger generation. This is in spite of the fact that a large mural of Moses the Lawgiver looks down upon the proceedings of the Supreme Court of the United States. In contradiction to the spirit and letter of the First Amendment, the meddling hand of government has reached into countless local public school classrooms, to tell a teacher that a personal copy of the Bible cannot be left in view on her desk, or to tell a fifth grader not to do an art project or a book report with a religious theme. Valedictorians have their speeches censored and high school athletes have been forbidden to pray before games. The examples are too numerous to mention.

Our religious heritage which was present at the founding of America and which in recent years has been eroded by judges who wish to rewrite the Constitution, needs to be protected. Generations to come need to understand that the liberties we enjoy, the tolerance and morality of this great nation and its system of laws are based on belief in a righteous and compassionate God. Freedom of religious expression needs to be restored and protected by the **Religious Freedom Amendment**.

Yours sincerely,



William J. Murray, Chairman