



Presidential Religious Liberty Commission
2025 and 2026 Consolidated Transcripts

**The following are consolidated transcripts from all Religious Liberty Commission hearings,
edited for accuracy.**



Presidential Religious Liberty Commission
2025 and 2026 Hearing Transcripts

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Presidential Religious Liberty Commission

First Hearing Transcript

June 16, 2025

Museum of the Bible

Washington, D.C.

First Hearing Transcript

Introductions

Morning Hearings

Mary Margaret Bush (Director and Designated Federal Officer): Good morning. Welcome to the inaugural meeting of the White House Religious Liberty Commission. I'm Mary Margaret Bush, the commission's director, and it's my honor to officially announce the opening of our proceedings today. We're doing important work this morning and this afternoon. We encourage you to share the story on social media. But in order to maintain an atmosphere of civil discourse, we do ask that you refrain from flash photography. We also ask that you refrain from both applause and any other type of interjections during the proceedings. Now, without further ado, I'll introduce our chairman, the Lieutenant Governor of Texas, **Dan Patrick**.

Texas Lieutenant Governor Dan Patrick (Chair): Hey, everyone. Welcome. Good to have you here to this historic first meeting of the Presidential Commission on Religious Liberty. The meeting comes to order, and I would ask Bishop **Barron** to lead us in prayer to start—Bishop?

Bishop Robert Barron: Heavenly Father, King of the universe, Lord Most High, we give You thanks and praise for all Your gifts to us on this day, as our Commission on Religious Liberty commences its work. We thank You, Lord, for our country, which is based upon the acknowledgment that our freedoms and rights come from You. We ask You to guide our efforts, to grant us the wisdom, the prudence, the courage, and the charity that we need to accomplish our goal, which is the enhancement of our first freedom: the liberty to worship You in accord with the dictates of conscience. We ask You to forgive our sins and to remove those prejudices and attachments that would prevent us from giving honor and glory to You in all things. We make all these prayers in Jesus' holy name. Amen.

Texas Lieutenant Governor Dan Patrick (Chair): To those of you watching online, welcome. And to those in the live audience, we appreciate you traveling here. A little background on “how did we get here?” On November 19th of last year, after the election, President Trump and I had a conversation. And in the conversation, we talked about establishing a presidential commission on religious liberty, that the time was right in this country to do so. On that first day, within a very few minutes, we said we wanted a committee of about 12 or 13. We have 13. We have a few who are traveling today. **Cardinal Dolan** sends his regrets. His train was canceled, so he's hoping to catch the second one out of New York. And **Franklin Graham, Reverend Graham, and Eric Metaxas** are in Europe. Their schedules were already committed in advance, but we have a committee, an outstanding committee, as you will meet and hear today. Then we said, “who do we want on that committee?” We want faith leaders. We want scholars. We want historians. We want people who have been to the Supreme Court and been involved in a number of cases on religious liberty. Once the president was sworn in and his staff was in place and the cabinet members were confirmed, we started in earnest working on this commission in March. It took us several weeks to write the executive order, and on May 1st, the National Day of Prayer, we were in the Rose Garden, many of us. And the commission was officially announced with the executive order and the members of the Commission. We also have advisory boards that are made up of scholars, historians, clergy that will advise us along the way. And some of those are here with us today. I want to thank Susie Wiles, the Chief of Staff to the President, who set up the Faith Office of which Paula White, who is with us, is the Senior Advisor to the President. And I want to thank Vince Haley. He's in charge of domestic policy, who has been instrumental in establishing this with Paula and the Faith Office. I want to thank Brittany Baldwin and Mary Margaret Bush, who created this set for us today. I want to thank the Museum of the Bible for allowing us to hold this hearing here. And, we're going to have someone from the museum speak a little later in the afternoon about a

fascinating story of the Bible in America. And most importantly, I want to thank the President for entrusting all of us, inviting all of us to serve, and for me to chair this great commission.

Our plan is to have 7 to 9 hearings. The next hearing will be in September, and you'll get notice on that in October, November, then in February, March, and April.

And our charter clearly says we have two roles: that is to advise and report to the President. The Presidential Commission does not report to Congress, but the findings from our committees will be reported to the President to see what action would happen after that. So, with that, I'm honored to introduce our vice chair, Dr. **Ben Carson**, my longtime friend, and we're going to go around and have every member give opening remarks. And I'll introduce each of you after Dr. **Carson**.
Dr. Carson.

Dr. Ben Carson (Vice Chair): Human beings are more than flesh and blood. We have a spiritual component that is recognized by all religions. If we had only evolved from a slime pit filled with promiscuous biochemicals, there would be no mechanism or reason for a spiritual component. And we would be like all other animals. That distinction is a privilege and has led to many different belief systems: virtually all of which influence behavioral norms. Those behavioral norms help establish a moral code, which in turn promotes civilization. Imagine trying to live in a society with no moral code. This commission promotes freedom of beliefs and that spiritual aspect of our existence that advances civilization. We will strive to facilitate the maintenance of one nation under God, indivisible, with liberty and justice for all.

Texas Lieutenant Governor Dan Patrick (Chair): Thank you, Dr. **Carson**. Next is Bishop **Barron**. He's an author, speaker, theologian. Bishop **Robert Barron**. Reaches millions of people around the world on his Word on Fire ministry since 2023. Bishop **Barron** has served as the Bishop of the Diocese of Winona-Rochester in Minnesota. Bishop.

Bishop Robert Barron: Thanks very much. Good morning, everybody. It's a privilege to serve on this commission, as I do. So, I'm standing in the tradition of Father Hesburgh of Notre Dame, who I understand was on 16 separate presidential commissions back in the 20th century. So, I think it's an important role that a church person can play in this lively public conversation, and especially around this issue of religious liberty, which has been very important for the U.S. Bishops for the past many decades. I've served on our Committee on Religious Liberty for the past about five years. So, we've taken it very seriously. My own conviction is that we've got a very special battle today. There's a texture to the way religion is being attacked in our society—it's coming from a philosophy that Joseph Ratzinger, Pope Benedict XVI, called the "dictatorship of relativism." I'd call it the culture of self-invention: the complete prioritization given to individual autonomy, that

we decide value, we decide meaning, we decide purpose. And I think that philosophy—which is becoming, as I say, increasingly influential in our society—rightly sees the classical religions as the chief opponent. Because we stand for objective moral values. We stand for God as the ground of those values. We stand for a sense of a stable human nature. And, I think the rival philosophy rightly sees that as the opposition. I’ve been watching this develop over many years—I was bishop out in California for six years—an attempt to get religion out of public life. To get religion out of health care, out of education. So, I think that’s the battle we’re in. And it is a battle. Put it in very American terms: it’s a fight for religious liberty—our first freedom. And so, both as an American and as a Catholic bishop, I’m delighted to be part of that struggle, that conversation. So, that’s why I’m happy to be on this commission.

Texas Lieutenant Governor Dan Patrick (Chair): Thank you, Bishop. **Carrie Boller**, former Miss California USA and Miss USA first runner-up in 2009, **Boller** is the author of “Still Standing: The Untold Story of My Fight Against Gossip, Hate, and Political Attacks.”

Carrie Prejean Boller: Can you hear me? Yes. Thank you, members of the Commission. I come before you not just to speak about a constitutional right, but about a sacred trust—religious liberty—rooted in the very soul of our nation. From the beginning, Christian faith shaped our understanding of freedom, law, and human dignity. The Declaration of Independence affirms that our rights come from our Creator—not from government, but from God Himself. George Washington, in his farewell address, spoke plainly: “All the dispositions and habits which lead to political prosperity—religion and morality—are indispensable supports.” He urged us not to suppose that morality could be maintained without religion. John Adams warned that our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other. And John Jay, our first Chief Justice, reminded us: “Providence has given our people the choice of their rulers, and it is the duty to prefer Christians for their rulers.” These weren’t abstract ideals. They were lived convictions. For nearly 200 years, schoolchildren across this country learned to read from the New England Primer, a Christian textbook which taught them not just the alphabet, but the Word of God, moral lessons, and prayers. This was not indoctrination—it was formation. It was understood that a free people must be a virtuous people, and virtue begins with Truth. Since prayer and the Bible were removed from our schools, morality has dropped across America. Today, as our culture questions the very foundation we were built on, we must ask: Do we want to leave our children and grandchildren a nation our Founders did not create? Because protecting religious freedom isn’t just about securing a right—it is about guarding the spiritual legacy that has held this country together since its birth. We have a moral and religious duty to ensure religious freedom in America. And with that duty comes hope: for America, for our future, and for the enduring strength of religious liberty. Thank you.

Texas Lieutenant Governor Dan Patrick (Chair): Thank you. **Carrie.** Dr. **Ryan Anderson** is the President of the Ethics and Public Policy Center. He is also the author or co-author of five books, including several related to religious liberty. Dr. **Anderson.**

Dr. Ryan T. Anderson: Thank you. And, it's a real honor and privilege to get to serve on this commission, and I'm grateful to President Trump for the appointment. I just wanted to highlight four things that I hope we, as a commission, will be able to explore during the coming year. First are the philosophical and theological roots of religious liberty. I think it's important to understand that religious liberty matters because religion matters—because we are creatures, and we owe obligations to the Creator. This is how James Madison put it in his Memorial and Remonstrance—that there's a duty that we, as creatures, owe to the Creator. And that's what then creates the rights amongst men, which governments are then instituted to protect. Second, I think it will be important for us to defend a robust scope of religious liberty. Too many voices recently have reduced it merely to the freedom of worship. Or, you see it in mainstream media referred to as so-called religious liberty, “religious liberty” in scare quotes. Other voices want to say religious liberty is only for people of my particular confession—whatever that confession happens to be. And then I just think of the startling rise—the resurgence—of antisemitism that we have seen, particularly on college campuses, particularly on elite college campuses. I think George Washington's letter to the Hebrew Congregation of Newport, Rhode Island, is so important. It's no longer that toleration is spoken of—right? He's digging at John Locke right there. The Jewish people get to exercise their inherent, natural rights. The U.S. government gives to bigotry no sanction, to persecution no assistance. So: a robust scope for religious liberty. Third, that we explore the new threats to religious liberty. I think what we're seeing right now—the primary threats to religious liberty—are unjust laws in the first place. And so, exemptions from unjust laws won't be a sufficient remedy. We actually need to think through what just laws would look like. And then lastly—and **Carrie** just touched on this—the importance of religious liberty in the public square. This isn't merely the right to worship in the privacy of your chapel or your home, but to bring your religious values into the public square for discussions of public justice and the common good. I think the attempts to create what my old boss referred to as the naked public square—by some secularist voices—has been a disaster. It, in essence, is denying robust religious liberty to people of faith to exercise their religious liberty in the public square. So, I hope we can touch on all four of those things in the coming year. And again, it's a real honor to be able to serve the country in this way.

Texas Lieutenant Governor Dan Patrick (Chair): Thank you, Doctor. **Kelly Shackelford**, my longtime friend back in Texas, is President and Chief Executive Officer of First Liberty Institute. He's a constitutional scholar who has argued before the Supreme Court a number of times on religious liberty issues. **Kelly.**

Kelly Shackelford: There we go. Okay. Thank you, Mr. Chair. By God's grace, we live in the greatest country on the face of the earth. And the reason for that is how we were created—by people fleeing other countries, coming to this country for freedom. And not just freedom—religious freedom. You know, Quakers, Baptists, Anabaptists, Congregationalists, and so on—I mean, they wanted a country where they could live with the fullest free exercise of religion possible, where the government didn't interfere between them and their relationship with God. And that makes this country really unique. It's why we actually believe, as a country, that our freedoms—our rights—come from God, and no government can take those away. You don't see that around the world. Sometimes people ask, they say, "Well, I'm not religious—so should I care about this?" And the answer is absolutely. Our Founders called this our first freedom because they understood: if you lose this freedom, you will lose all of your freedoms. The best way I can describe why that's true is this: the one thing a totalitarian regime will never allow is citizens who hold an allegiance to one higher than the government. So, whenever that type of power of coalescing comes together, the first flashpoint is always going to be religious freedom. And if you lose there, you will lose everything else. So, what we're really dealing with here is the precipice of all our freedoms. And, so, what an honor that we get to do this on behalf of the American people. It's already been mentioned by the Chair; our specific responsibility is to deliver advice and specific recommendations to the President on how to secure and advance religious freedom for all Americans, and I just think it's an honor to work together with all of you for the American people. Thank you.

Texas Lieutenant Governor Dan Patrick (Chair): Thank you, **Kelly**. Our next guest needs little introduction: Dr. **Phil**—best-selling author and, of course, host of a decades-long television show, often number one in the ratings everywhere it airs. His most recent book, "We've Got Issues: How You Can Stand Strong for America's Soul and Sanity," encourages Americans to reclaim the principles of hard work, independence, and faith. Dr. **Phil**.

Dr. Phil McGraw: Thank you, Mr. Chairman. God save these United States and this honorable Court. In God we trust—on all of our currency. These are words that our Founding Fathers used and have used throughout the infancy of this country. The American experiment was built on many bold ideas and none more radical than this: we have inalienable rights that come from God. Our Founders foresaw that a power-hungry federal government might try to take those God-given rights from us, so they wrote protections against that into our Founding documents. Chief among those were protections of religious liberty. Just as **Kelly** said, that's the underpinning to everything else. Our Founders didn't view religion as a threat to liberty. They saw it as liberty's guardian. They didn't create a secular state, they created a free one, where faith could flourish and shape public life. They were right to be concerned, because today, religious liberty is under assault. Now, I've been a mental health professional for 50 years, and it is clear to me that the family unit is the

backbone of any society, none more than American society, and that liberty to freely practice a religion of choice is critical, because it is the glue that can hold that family together. I further believe that the family is under attack now more than ever. We are in a cultural war, and not one among us can afford to be a noncombatant as we fight for the soul and sanity of these United States. We all have to pay attention to this because if this one goes—if the ideologues are able to pull the rug out from under religious liberty—everything else comes tumbling down. I'm really proud that we are here and have the opportunity to talk about this and protect this liberty. And this isn't nondenominational—it's multi-denominational. It is for everybody, every belief. And I just want to thank Chairman **Patrick**, Vice Chairman **Carson**—thank you. And, of course, above all, President Trump, for creating this commission. I hope we all rise to the occasion. Thank you.

Texas Lieutenant Governor Dan Patrick (Chair): Thank you, Dr. **Phil**. Pastor **Paula White** is the founder and president of Paula White Ministries and the National Faith Advisory Board. She is the teaching pastor at StoryLife Church in Orlando, Florida. Pastor **White** was an advisor to President Donald Trump in the Faith and Opportunity Initiative during his first term, and now she serves as the Senior Advisor to the White House Office of Faith, which is the first faith office ever established by any President in the history of the country, just steps away from the Oval Office. **Paula**.

Pastor Paula White: Thank you so much, Mr. Chairman. It's so good to be with everyone this morning and I am so grateful today to be a member of this Religious Liberty Commission—with such brilliant minds, servant leadership, and with righteous hearts. It's truly an honor and to serve as Senior Advisor to President Trump over the White House—and I would say, the newly created and historic, as the Chairman said—White House Faith Office, is truly a joy and a pleasure. Thanks to the leadership of President Trump, there is now a White House Faith Office solely dedicated to people of all faiths, with religious liberty as our bedrock. It is our top priority—it is what we work on the most. Jenny Korn is here in the audience, and she is our Faith Director, and also part of the advisory board of this Religious Commission. But not only Jenny—we now have six in the Executive Office of the President, and we have faith directors in every agency and department. As Chairman said, the President elevated this to the highest level. He wanted to make sure it wasn't just window dressing to be in the West Wing—but that it was priority to him. And that he wanted to make it such an important part to people in America. Religious liberty is the bedrock of the Founding of our country. It allows freedom to practice our faith—and every one of us has that right, as we've heard from so many members here—to approach God and worship Him freely. That's what's made our country flourish from the very beginning. President Trump has tasked the White House Faith Office with ensuring that religious liberty is protected for future generations. President Trump has tasked the White House Faith Office with ensuring that religious liberty is protected for future generations. But we see that in recent years—some federal, some state—many people have. **Kelly**, my friend here, has fought so many times in the Supreme Court and fought for people who were violated for this. Local policies have threatened America's beautiful tradition of

religious liberty, and that should not be so. Houses of worship have been attacked, have been shut down. Employees have been fired over their faith. Religious liberties, or religious entities, have been debanked. Parental rights have been violated. Who would have ever thought that in the very beginning, President Trump would have to pardon 23 pro-lifers for standing outside of an abortion clinic and praying silently? Or that the FBI would spy on our traditional Catholic Church? Or that a coach who would kneel on the side of a football field would have to fight all the way up to the Supreme Court to silently pray? I'm 59 years old, and that's not the America that I grew up in. We have a lot of work to do, and I believe that this task force will do it—or this commission will do it. As President Trump has said in his speeches and presidential documents, he is committed to vigorously enforce all federal laws protecting religious liberty. He'll defend that fundamental freedom with absolute devotion. And this commission will play a crucial role in helping the president fulfill these commitments. While the president and the White House Faith Office are working quickly to eradicate immediate threats to religious liberty, the commission will focus on long-term strategies to secure religious freedom for future generations. We will gather data, conduct legal analysis, hold public hearings to capture the stories of everyday Americans related to religious liberty. And this work will ensure that the administration has the best research, most comprehensive understanding of the current state of America's religious liberty in our nation's history. The hearings held, research conducted, and data gathered by this commission will be invaluable to President Trump. And it's so vitally important to him and to the White House Faith Office to develop and execute a long-term strategy to protect religious freedoms for all Americans of all faiths, for all times. And in conclusion, we must protect and defend our freedom to practice religion with every single fiber of our being, to keep people and the country strong, without fear of government discrimination. All people of faith have the right to have their voice in government. Forty years of ministry now—I've been all over the world to almost 140 countries—and my greatest fight has been for religious liberty. It's an honor, Chairman.

Texas Lieutenant Governor Dan Patrick (Chair): Thank you, Pastor. Rabbi **Meir Soloveichik**. Rabbi.

Rabbi Meir Soloveichik: Thank you, Chairman **Patrick**, for your leadership. Thank you to Vice Chair **Carson**, and to my distinguished colleagues on this commission. I want to begin by expressing my gratitude to the President of the United States for charging us with this important task. In 1788, a parade was held in Philadelphia to celebrate Pennsylvania's ratification of the Constitution. It was attended by Benjamin Rush—Founding Father, famous physician, devout Christian, signer of the Declaration of Independence. Rush recorded an aspect of the procession that impressed him above all, which was the participation of the city's clergy which included three individuals walking together—what Rush described as, “the Rabbi of the Jews, locked in the arms of two ministers of the Gospel.” Rush reflected that this was, “a most delightful sight. There could

not have been a more happy emblem contrived of that section of the new Constitution which opens its powers and offices alike not only to every sect of Christians, but [to] worthy men of every religion,” so Rush wrote. This event truly captured, I think, the uniquely American understanding of religious freedom, which is that it does not seek a secular civic space. It welcomes faith into society in all of its multifaceted forms—never asking of Americans that, if we seek to be part of the polity, we check our observances at the door. For to do so would be to amputate the most essential part of ourselves. We bring our faith with us into society, for it is faith that fuels and inspires and guides our engagement with the civic realm. His, of course—as my friend Dr. **Anderson** mentioned—is the essential difference between so-called freedom of worship, which implies that religion is reserved for the sanctuary, and the genuinely American form of religious liberty that we know as free exercise. Yet over the years, this important distinction—and the Founders’ approach to faith and freedom—has been lost, or ignored, or elided, or deliberately denied within the academy, in many state legislatures, and—for some period of time—the same could be said, consequentially, for the courts. Recently, the Supreme Court has paved a path to a more accurate and original understanding of the American conception of liberty, as well as the role of faith in the fabric of our society. But there remains so much work still to be done. Benjamin Rush tells us that at the parade, “the clergy formed a very agreeable part of the procession. They manifested,” he wrote, “by their attendance, their sense of the connection between religion and good government.” It is rediscovering this connection that is the calling of our commission—and I feel profoundly privileged to be a part of it. Thank you.

Texas Lieutenant Governor Dan Patrick (Chair): Allyson Ho is partner of Gibson, Dunn, & Crutcher. **Allyson Ho** has established herself as one of the United States’ premier appellate lawyers. She has presented over 100 oral arguments in federal and state courts nationwide, including five cases before the U.S. Supreme Court. **Allyson.**

Allyson Ho: Thank you, Mr. Chairman. I’m profoundly grateful to President Trump for establishing this important commission and deeply humbled to serve on it. The First Amendment is often called the first freedom because it’s the foundation of individual liberty in our great nation. Courage is often called the first virtue because it’s the one that guarantees all the rest. As an attorney, I’ve been blessed to advocate for everyday Americans who exemplify the first virtue—courage—by fighting for the first freedom, religious liberty, often at great cost to themselves, their families, and their livelihoods. But too often, the courage of these individuals is woefully lacking in the judges who decide their cases. Some judges hide behind procedural rules and judge-made doctrines to avoid deciding these cases at all. In one case, about a veteran’s memorial in the shape of a cross, a judge suggested that the defenders of the memorial should appease those it offended by, quote, “chopping the arms off the memorial cross.” That’s not the Babylon Bee—that’s an Article III judge. I pray this commission will serve with the courage of the everyday Americans

who fight for our first freedom, of our president who has made the first freedom a cornerstone of his administration, and of our Founders who established a priceless legacy of religious freedom. Thank you, Mr. Chairman.

Texas Lieutenant Governor Dan Patrick (Chair): Thank you, **Allyson**. As Chair of this committee, when we were in the Rose Garden with the President, I couldn't help but think of where I grew up—48 miles north of the Rose Garden in inner-city Baltimore, in a 12-foot-wide home with marble steps. And how did I get to the Rose Garden? As a kid, I never thought I'd even meet a President or ever visit the White House. And how was I selected for this? Only in America—and only through God. We have one of the most robust religious communities of faith anywhere in the world. Our religious faith in this country lifts up people. It funds hospitals and food pantries. It helps the homeless, those addicted to alcohol and drugs. A community of faith is a great thing, not a good thing. And our Founders knew that. We should take stock of: Why did that happen in this country? Why in this country and no other place in the world? We are the leaders in our charitable giving to countries all around the world. We are the first ones there. It wasn't an accident. It was by design. Our Founders based a government built on the Bible that protects the individual and their freedoms and their liberty to worship God as they choose, or not at all if they choose. But individual rights. And they wrote the First Amendment to protect our unalienable rights and of free expression. But they were wise enough not to have a government that dictated or established a religion. That was their wisdom—but rather, let it be to each individual, on their own conscience and their own beliefs, of how they should worship and how they should pray. Then they guaranteed this magnificent inheritance of religious liberty to us all. And this commission, in part with the President's guiding, is so that we all in America can reclaim that inheritance our Founders gave us. The Declaration of Independence is consistent with the Bible, and the Bible is consistent with the Declaration of Independence. But many Americans are rightly confused. They don't know, because of decades of court cases—that often were in direct opposition to what our Founders believed and said—have taken away their religious liberty. Where can I pray? When can I pray? Who can I pray to? Because this commission is about all faiths. Can I wear a religious symbol to work, and will the boss tell me to take it off? And is that his right or my right? Will the HOA tell me I can't display a symbol based on my faith on my own property? The commission will answer those questions—and many more questions—over the next year. We want to let America know: you have a great inheritance of religious liberty. And this commission over this time will free you to be free to pray where and when you want. The Book of Jude is one of the smallest books in the Bible. It's only 600 words. It's next to Revelation at the end. And it's different from the other books, because the other Gospels were, for the most part, for nonbelievers. But Jude spoke to the believers, and there's a line in there that I love. He says: "We must contend earnestly." In modern-day parlance, that would be: We must fight for our right. This commission—on behalf of the President, the people of this country, and God Almighty—will contend earnestly for religious liberty. A little bit later, we will have a guest, our Attorney General. It will be the Attorney General,

Pam Bondi. We serve under the Department of Justice, so we are honored that she will join us. As you can imagine, she has a very busy schedule, and she will join us sometime a little bit later this morning or early afternoon. With that, I want to call our first two witnesses: **Mark Rienzi** and Professor **Gerard Bradley**. Would you step up to the witness table? **Mark Rienzi** is CEO and President of Becket, a nonprofit public interest law firm dedicated to defending the religious freedom of people of all faiths. Mr. **Rienzi** has successfully argued a number of First Amendment cases before the Supreme Court. He is a professor at Catholic University of America, Columbus School of Law. Professor **Gerard Bradley** is a renowned legal scholar and Professor Emeritus at the University of Notre Dame Law School. As Director of the Natural Law Institute and co-editor of the American Journal of Jurisprudence, Professor **Bradley** has published over 100 scholarly articles on constitutional law, legal ethics, and legal philosophy. The way the hearing will proceed is each witness has ten minutes, and they have a clock in front of them, and they'll get a two-minute warning. If they need two more minutes, they'll both speak, and then after that we will open up for questions from our committee members. So, **Mark**. . .

Mark Rienzi, President, Becket

Mark Rienzi: Thank you, Mr. Chairman. Thank you, Members of the Committee. It is an honor to speak with you this morning about religious liberty. Our American commitment to religious liberty is essential for four reasons. First, religion is part of our human nature. History teaches that humans seek God. We look for something greater than ourselves. We naturally ask questions that government can't answer—and shouldn't try to answer. Second, religious liberty is woven into our Founding. Many who came to these shores were religious refugees—people fleeing persecution, trying to live out their faith. Their pursuit of religious freedom helped create America. Third, religious freedom is a powerful force for peace and pluralism. A nation that respects conscience—even when we disagree—is better equipped to handle difference without division. Religious liberty thus makes us stronger and more unified. Fourth, religious liberty is both the basis and the bellwether for all other human rights. It is often the first right to be attacked—and when it falls, others inevitably follow. But the opposite is also true and right—that is, where religious liberty is protected, other rights flourish. Religious liberty is thus foundational. It protects the broader architecture of liberty and human dignity for everyone—religious or not. And that is precisely why this Commission's work matters so much. You all have the rare opportunity to stand for a right that transcends political divides, that benefits everyone, and that reflects the very best of the American experiment. At the Founding—just like today—this was a nation of people with deeply held and deeply divergent opinions. In Europe, people were killing each other over these disagreements, using the power of government to crush disfavored ideas and disfavored people. But the genius of the American approach is that we took those disagreements, and we harnessed them to create a system of freedom and pluralism by which we all benefit. Religious liberty is the centerpiece of that system. Most people throughout history have lived under regimes that stifled differing opinions on big questions like religion. But that is not the American way. Our Founders recognized that we have rights—not as a gift from government—but from the God who created us in His own image. And at the top of that list, with only rare limitations, is the freedom to live out one's faith. That commitment to human rights and religious liberty makes the United States a beacon of hope and freedom for the entire world. Of course, our pursuit of those ideals has been imperfect. At various times, we have discriminated against virtually every group of religious people. It is crucial that we learn from those mistakes. Two contrasting Supreme Court cases help illustrate how important it is to get religious liberty right—and how dangerous it is to get it wrong. The first is one they don't teach much in law schools these days anymore, but they should: *Minersville School District v. Gobitis*. The case illustrates what I would call the government-control approach to religious liberty. The *Gobitis* case actually has its roots in Nazi Germany. As Hitler's Nazi party was gaining power, they clashed with a small religious group that had come from America called the Jehovah's Witnesses in Germany. The Witnesses refused to do the "Heil Hitler" salute to the Nazi flag. They thought it was the equivalent of worshiping a false idol. Not surprisingly, the Nazi government was not pleased. They threw many Witnesses into concentration camps. They took

their children away, sent them off to German schools to make them good nationalist Germans. The Nazis had government control—they knew how to use it—and they did not brook dissent. Back here in America, the Jehovah's Witnesses heard about all this. And though they didn't think our government was anything like the Nazis, they eventually decided that they shouldn't salute the flag either. And when two young schoolchildren, Lillian and Billy Gobitis, told their teacher that they couldn't salute the flag because of their religion, the Supreme Court got its first flag-salute case. Sadly, and wrongly, the Court said that the government gets to control—even in matters of conscience. The Court said that religious liberty was important, but then it said that legislatures—and even school boards—get to choose and have the power to decide when to coerce violations of faith. The Court's ruling set off a wave of violence against Jehovah's Witnesses. They were physically beaten. They were dragged out of their houses, dragged into the streets, and forced to salute the flag. Their houses of worship were burned to the ground. They were shot at. One sheriff explained why he wouldn't intervene to help them: "They're traitors. The Supreme Court says so." Thankfully, just three years later, the Supreme Court reversed itself in *West Virginia v. Barnette*. While *Gobitis* had embraced government control over everything—including your relationship with God—*Barnette* rejects that stingy view of liberty. Here's the famous quote: "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion—or force citizens to confess by word or act their faith therein." In short, the Court said that some things are beyond the reach of politics and government. The Bill of Rights must be respected and protected at every level of government and for every person. As you all frame the work you will do on this Commission, I urge you to embrace the principled *Barnette* approach to liberty. That is not always easy. Governments often think some other value ought to rank higher than respecting religious freedom—especially for someone with unpopular religious beliefs. Please do not accept the sacrifice of religious liberty for political convenience. Don't accept the government-control approach of *Gobitis*. That is a cheap counterfeit of liberty. And you all were not called to this Commission to serve a cheap counterfeit of liberty. America's overall story of religious liberty is quite positive. But since you asked for recommendations, let me give you three recent examples of places where our society has fallen short. After the October 7th terrorist attacks in Israel, many American college campuses succumbed to horrific antisemitism. Jewish students were harassed. Swastikas became common. At UCLA, there was a "Jew Exclusion Zone" in the heart of the campus. Shockingly, UCLA used its police force to turn Jewish students away rather than helping them through. In another case, courts recently turned their backs on the Western Apache people—refusing to protect a sacred site where they have practiced their faith for generations. Now that holy ground is in danger of being destroyed so that a foreign-owned company can extract copper from it. And you are likely familiar with the plight of the Little Sisters of the Poor—Catholic sisters who provide loving homes for the elderly. State and federal governments have been trying for more than a decade to force the sisters to help distribute contraceptives and abortion-inducing drugs. Even after three wins at the Supreme Court, the Little Sisters are still fighting hostile state governments in court today. The greatest and freest nation on the face of the Earth can do better

than fostering antisemitism, destroying sacred sites, or pretending we need to force nuns to give out birth control. Governments and bureaucrats will always come up with some reason they don't need to respect religion. This Commission should make clear that conscience is sacred, and you should call our great and diverse nation to work with our religious differences rather than stamping them out. Remember the example of George Washington: even when our nation's very existence stood in the balance, he respected the religious conscience of Quakers who could not bear arms. This Commission should call us all to live up to that legacy. Let me make one closing point about why protecting religious liberty is so important. The entire edifice of rights in America is based on the understanding that God created humans free and equal, and that our God-endowed inalienable rights come from that intrinsic human dignity which every person shares. We see this argument in foundational American documents like the Declaration of Independence. It was also the basis for the Quakers' early petitions against slavery—petitions they were only around to make because of our early commitment to religious liberty. The late Rabbi, Lord Jonathan Sacks of the UK, put it this way when receiving the Canterbury Medal for Religious Freedom: "In America, the Tree of Liberty has religious roots. Don't think you can sever those roots and have the Tree of Liberty survive." Religion and religious liberty give us a foundational commitment of equal respect and human dignity for everyone—including the people with whom we disagree. If religion and religious liberty are wiped away, there is no reason to expect that people will operate from that same foundation of equal respect for the human dignity of all—especially when we disagree. We don't want to live in that nasty world. And we don't want to leave it to our children and grandchildren either. The great American commitment to liberty means there are places in our lives where the government is not allowed to go. There are rights that the government is not allowed to take away. No other country in human history has protected human rights the way America has—and no other right is more essential to the perpetuation of that system than religious freedom. For all. That is the legacy of liberty to which all Americans are heirs. That is the legacy of liberty that all human beings deserve. May God bless the work of this Commission to advance and strengthen that legacy for future generations. Thank you.

Texas Lieutenant Governor Dan Patrick (Chair): Thank you, **Mark**. We will hold questions until our second witness, **Gerard Bradley**. **Gerard**.

Dr. Gerard Bradley, Professor, University of Notre Dame

Dr. Gerard Bradley: Thank you, Governor **Patrick**, and members of the commission. America's Founders were pioneers of religious liberty. Unlike practically all societies before theirs, they rejected top-down control of the people's religion through princely imposition, or by the union of altar and throne, or by enforcement of some eclectic civil religion, or by all three, as in England circa 1776. The idea here, in these societies, was political prosperity through religious unity. Now, unlike most free societies after theirs, our Founders did not secure religious liberty by erecting what **Ryan Anderson's** old boss, Richard Neuhaus, dubbed the "naked public square"—a secularized space from which religion is banished. The idea here is political prosperity without religion. This idea was the Supreme Court's mid-20th-century point of departure, starting in earnest with the school prayer case in 1962. The Founders rejected these false alternatives. For them, it was not either public religion without freedom or freedom without public religion. The Founders went all in on both, and they steadily maintained—in the words of the First Congress, which wrote the religion clauses into the Bill of Rights—that religion was necessary to both the happiness of mankind and to good government. America's Founders launched an epochal, novel experiment in human rights and civil liberty. An experiment which, by world-historical standards, has been a singular success. Now, what emboldened our Founders to blaze the path of religious freedom? They were political savants, to be sure, but they knew their history too. They knew that the politically savvy move was to control religion from the top down. So, again, where did their extraordinary political courage come from? Well, their trust in Divine Providence is surely one reason. But Providence is fully compatible with human persons' free cooperation in God's plan. Indeed, Providence presupposes that freedom. God helps those who help themselves. The Founders chose freely and without precedent the epochal, uncharted path of freedom, with eyes wide open. But why did they do that? Because they were convinced that government's obligation to preserve and protect religious liberty is true. . . is a true principle of justice and political morality. Freedom of religion for all is the only valid conclusion they could draw from a series of truths they held most firmly—though I think not, as a matter of fact, self-evidently. Call the nest of these truths, these propositions, the moral foundations of religious liberty. Now, where shall we look for a compact expression of them—those moral foundations? Well, we could look to the Founding generation's preeminent guide to constitutional meaning, to the guiding force behind our First Amendment, and to the author of what Supreme Court justices, liberal and conservative, have all treated as the Magna Carta of American religious liberty. I speak not of three men here, but of one: James Madison. And I speak of his 1785 pamphlet *Against the Virginia Tax for the Support of Ministers*—the pamphlet called the *Memorial and Remonstrance*. And indeed, I'll just talk about the very first paragraph of it. Madison wrote that religious liberty is not about the sovereignty of the human person, what we might call subjective right, much less was religious liberty about that idiosyncratic creativity expressed by the Supreme Court in 1992 in its infamous—or famous—mystery passage. For Madison and the Founders, there was a sovereign in the picture—an

omniscient and good one. Madison wrote: “Before any man can be considered a member of civil society, he must be considered as a subject of the Governor of the Universe.” Now, this subject was not, for Madison or the other Founders, a law unto himself. Religious liberty, as an inalienable right. . . or was an inalienable right because, Madison wrote: “What is here a right towards men is a duty towards the Creator.” This obligation is not like other important moral duties, which one fulfills by inaction—“Thou shalt not.” This duty to the Creator is a much heavier lift, and it’s inalienable for a second reason, Madison wrote, because: “The opinions of men, depending only on the evidence contemplated by their own minds, cannot follow the dictates of other men.” This freedom of conscience. . . conscientious belief is not a license for indifferentism. It is an overriding moral call to knuckle down and get serious, to do some very hard thinking about divine realities. Central to religion is one conscientiously judging what is the case about ultimate matters—and then acting according to what one judges to be the case. Now, this obviously can only happen if people are free of coercion and manipulation. Madison wrote: “It is the duty of every man to render to the Creator such homage and such only as he believes to be acceptable to Him.” This is a duty that can only be fulfilled by free thought, judgment, decision, and subsequent action of each person. No one can perform it for you. If you don’t do it, it don’t get done. Now note well: these moral foundations were not held by the Founders as truths of religion. That was about what the denominations and the sects taught: revealed doctrines, the deliverances of prophets and sacred texts, ceremonies and charisms and church precepts. The moral foundations to religious liberty, as we find them in Madison and across the Founding, comprises truths about religion, about divine realities, human intelligence and free choice, and the political common good. These, the Founders thought to be truths to be accessible to unaided human reason. They are really more truths of political theory. . .or actually, of philosophy, not religion. So, for that reason, there can be no sound argument—none that I can think of—that recovering these moral foundations of religious liberty, these truths about divine realities, human life, and the political common good, amount themselves to some sort of religious establishment. And we certainly should not suppose that Madison, for example, was foolish enough to argue for religious liberty in the Memorial and Remonstrance on grounds that would sound to people like a religious establishment. Now, the Founders resolved to let the spirit of human inquiry and judgment blow where it wills. In the end, because they were obliged to do that. Obligated not by superior force or even (so far considered) by any revealed or revelatory act of God within human history. The Founders were obliged by reason and conviction. They were compelled by truth. Now, the Founders recognized two entailments, I’ll call them, of what they wrought, their settlement, their experiment in religious liberty. One thing they recognized is this: unleashing the potentially disruptive forces of felt spiritual imperatives is risky. It is. So, risky that no polity before theirs ever did it. Second, the Founders recognized that in a free society like ours, the restraint, the virtue, really, necessary to good order has to come from the character of the people, not from government dictates. At the intersection of these two lines of thought, these two entailments, stood religion. The Founding generation all but universally held that the political common weal. . . the common good. . . depended upon the piety of the people. This is the message not only of Washington’s justly famous Farewell, the message of John Adams,

it's the message also of Thomas Jefferson and pretty much everybody else at the Founding. This pervasive judgment that religion supplies the ground for virtue, and virtue is necessary for freedom. . . this pervasive judgment, I would say, is not quite a moral foundation of religious liberty. I'd rather think of it as a morally adjacent truth of political wisdom. But there it is, nonetheless. Now someone might now rehear an anti-establishment objection and serve it up right here against what I've been saying. Someone might say: these affirmations about divine realities, etc., if they are a basis for government action, lack a secular purpose, which is required for every government action. Now, this was indeed a demand for an unfortunate season of the Supreme Court's late. . . and I dare say, unlamented. . . Establishment Clause test: the infamous three-part *Lemon* Test, which was a gigantic mistake. Which Justice Scalia, thirty years ago, likened it—in his usual colorful language, Scalia speaking: “The *Lemon* Test is like a ghoul in a late-night horror movie that repeatedly sits up in its grave and shuffles abroad after being repeatedly killed and buried.” Well, to continue with the colorful prose: finally, the *Lemon* Test has a stake buried through its heart, and it's really, really dead now. Now the secular purpose objection—the secular purpose part of the *Lemon* Test, for that matter—I think is in any event question-begging wordplay. The wordplay goes like this: you see, religious and secular are opposites. So, if government should act for the sake of religion, they must not be acting for a secular purpose—even if acting for religion opens onto or produces what we might call “secular prosperity” in a wide sense. Well, we don't need to think that way. And the Founders most certainly did not think that way. Let's instead work with the Founders' words and concepts and think about government promoting religion for the sake of the common good. Now, the Founders were keenly—even fearfully—aware of the divide between this passing veil of tears and what they ubiquitously referred to as (in the Founders' terms) “a future state of rewards and punishments.” But the Founders never used the term “secular” when they talked about religion and the polity. The closest they came to doing so was probably references to what they called worldly activities, which were mostly forbidden on the Sabbath. For the Founders, proper government care for the temporal common good included encouragement and help and recognition of religion—albeit always respectful of persons' freedom and churches' autonomy. In the Founders' world, deploying the word secular would have added nothing to the discussion and probably confused everybody party to it. Now, in conclusion, I haven't really spoken specifically about constitutional interpretation of the religion clauses, and I should like to close by noting two takeaways from my remarks that are pertinent to constitutional interpretation. One is this: it's folly to think we can jettison what I've called the moral foundations of religious liberty and its moral adjacent—the people's virtue. I think it's folly to think we can jettison that and banish it from our thinking and remain faithful to anything like the original understanding of the religion clauses. The other takeaway is that—no matter what is true with other constitutional provisions—here, at the keystone of our constitutional civil liberties, here with religious liberty, there is no need for the contemporary interpreter, on or off a court. . . the interpreter of the constitutional language, to choose between history and justice—to choose between historical recovery of the plain meaning of the text and what surely appears to be the moral truth of the

matter. For in the case of the religion clauses, the Founders wove truth into the text in a tapestry for the ages.

Texas Lieutenant Governor Dan Patrick (Chair): Thank you. **Kelly?**

Kelly Shackelford: I guess I have a question for each. First, **Mark**—first, thank you for literally a life of service for religious freedom and what you’ve done. I really do. I’m thankful for both of you. **Mark**, I want to start with you. I know Miss **Ho** mentioned in her opening remarks this issue—and since you litigated in this area—of judges trying to avoid and creating things so that they don’t rule for people in these cases. I’d just like you to give your experience on that, whether you think that’s true. And then, if there’s any recommendation or anything you have that we could recommend to the President. I don’t know if there is, I mean, but I think there could be. And then, Professor **Bradley**, I know this afternoon we’re going to get to more cases and all this, but you’ve had such a wide background on this. I would love to get your idea—you mentioned the *Lemon* case being overturned, and our Kennedy case that we did a few years ago—but what do you think is the next big thing that should go, if we’re going to have more religious freedom? And then, if you have any ideas on how to move us in that way, I’d love that as well.

Mark Rienzi: Thanks, **Kelly**. Happy to discuss it. You know, there’s something that I think is true of judges, but I think it’s also true of people who work in all levels of state and federal government, which is sometimes you get up, or sometimes you encounter a situation, and you’re just not all that eager to do the job. And I think one thing this commission can and should do is call on all of our public servants—and I really do think it’s across the board—to remind them that they have an obligation. Right? I mean, if you wear the robes, or if you took the oath of office to be a state legislator or a federal legislator, or you work in the agency someplace—you have a duty to advance and uphold religious freedom for everyone. And that means you have a job to decide the hard cases and to work through the difficult situations. Nobody ever said this was all easy or simple. Nobody ever said every case was easy or simple. But nothing gets better when you kick those cans down the road and say, “Well, you know, we’ll just—we’ll let a few more families get messed up, or a few more churches get closed.” That’s not a win for anybody. So, to the extent this commission can highlight those things and encourage people to really do the job and letting things linger for a long time, you know, choosing to not decide to let parents have their rights to raise their children the way they want, for example—that’s just harming people. And our whole system of government should do better.

Dr. Gerard Bradley: Kelly, to put it bluntly, I think it's time to kick in the rotten door that's barring religion from the public square. And what I mean—maybe a little bit more helpfully than that, or less cryptically than that—over the last 20 years, the Supreme Court, at the behest or at the urging of people like **Mark Rienzi**, the Becket Fund, ADF, First Liberty, has issued a series of rulings that, bit by bit, have reintroduced religion into the public square. And finally, the Court has overruled the *Lemon* test. And the first part of it is: government has to have a secular legislative purpose. But the Supreme Court has done everything to prepare the way for it—to say something now, which it has yet to say and should say—which is that promoting religion for the sake of religion and its ulterior benefits to the polity is fine. To date, even with the many good decisions we've had in the 21st century, the Supreme Court would still be—is—beholden to a view that I would describe as a kind of hangover of secularism. That it's always looking for a secular side benefit or collateral effect of action that government takes, which has, in some way, an effect of promoting religion. We're always looking to call legislative prayer, for example, a way to solemnize the occasion, for example, rather than say, "We're praying here." So, everything is set for the Court to do that, and I think it should do that at the earliest opportunity.

Texas Lieutenant Governor Dan Patrick (Chair): Dr. Anderson?

Dr. Ryan T. Anderson: Great. Thank you. I thought both opening remarks were outstanding, and so thank you both to **Mark** and **Gerry**. And I have a question for each of you. **Mark**, at one point you mentioned just in passing that, you know, government can't violate religious liberty except for certain rare exceptions. And sometimes I think thinking about those exceptions can actually be really helpful for highlighting what the foundation is. The way that I've thought about this in my own kind of research and writing is that all of our natural liberties have natural limits. And so, government isn't violating my natural right to free speech when it says you can't publish obscenity, because the right to free speech never included obscenity to begin with. It doesn't violate my liberty when it says you can't rape, pillage, and plunder, because I never had a liberty right to rape. So, what are those natural limits to religious liberty? Just so we can think through, like what is within the scope and what's outside of the bounds. And then, **Gerry**, I love your—you know, some people want to have public religion but no liberty, other people want to have liberty but no public religion—the Founders wanted both. Can you help us think about how we've done that historically? How have we, as a nation, both promoted religion publicly and respected and protected religious liberty?

Mark Rienzi: Thank you, **Ryan**. Here's the way I would suggest thinking about the limits on religious liberty—like when can the government force somebody to violate his or her religion? The short answer is: it should be very, very rare. It should be where there's something the

government needs to achieve, and the only way to do it is to force someone to violate his or her religion. So, if my religion is to sacrifice children to Moloch, or to drive the wrong way on the Beltway when I get out of here this afternoon, I don't win that case. Right? The government has a compelling reason to stop me, and it really has to stop me. Otherwise, I'm going to kill other people. Otherwise, I'm going to do something terribly dangerous. That's almost never the case in most religious liberty cases, because thankfully, most people don't claim a religious right to kill their children or drive the wrong way on the Beltway. Here's one benefit to massive, overwhelming government that is involved in every aspect of every one of our lives. Right? We probably all have different opinions on that. My opinion is kind of negative toward that, but here's a positive about it. Right? The massive government that has 9,000 tentacles and has 50 zillion agencies you've never heard of—guess what? It can get its work done without forcing nuns to give out contraception. It can get its work done in almost every single case without forcing American citizens to violate their religion. And so, in an era of big, powerful government, the answer is: those limits are really rare, because almost all the time the government can get its job done without coercing violations of faith.

Dr. Gerard Bradley: So, the best way I can answer your question, **Ryan**, is to take two traditions which are vibrant traditions from the Founding on until sometime within the memory of some people still living, like me. Now, these are two traditions that have been battered and limited and diminished by Supreme Court decisions, other court decisions, government action of general kind, and also the cultural drift away from religious observance. But I think both of these traditions are still alive and should be revived. Now, one is just the tradition of public recognition of truths about divine realities, starting with prayer in legislative assemblies, chaplains in the military, but also in public speeches and public expression. I mean, it's not that long ago where the terminology of Providence, and for the most part in fact, biblical faith, were a part of political discourse. And I don't mean just the high points like Lincoln's second inaugural, which is justly famous for its sort of awful rendition of Providence and divine judgment. But there is a tradition of recognition of these truths of philosophy—very often called natural religion—which were part of the civic furniture for hundreds of years and now remain almost as bleached or whited sepulcher. So, as I said not puckishly to **Kelly**—more seriously—the Supreme Court, has upheld legislative prayer on the ground that it's not really prayer. It's a kind of sacred-sounding verbal salad which has the effect intended to settle down people, to signal the meeting is beginning, and solemnize the occasion. So, we can revivify this tradition but not be embarrassed by it. And the other is to continue—revivify, but continue—the tradition of what you call government-religious partnerships, which are present at the beginning and at a time—and for most of our history—the federal government. . . I know it's hard to believe for people present, the federal government's budget wasn't in the trillions back in the Washington administration. The federal government had very little infrastructure or capacity to do anything that we would call social service work by itself. So, there was a tradition from the Founding until the day before yesterday of creative partnership

between government and religion—religious groups, religious bodies—to supply social services, education, etc. Now, that should be done—and all of this should be done—with respect for people’s freedom. So, none of this suggests in the slightest, or I don’t think it should suggest in the slightest, that Jehovah’s Witnesses schoolchildren should actually be compelled to salute the flag, after all, because they’re truths of natural religion. No. But all of this should be respectful of people’s freedom, and also of a kind of nondiscrimination among the religious groups. But both of those traditions still have enough life in them, enough of a pulse, that they could be revived, and should be, and would be with less effort if the Supreme Court finally pivoted and said, “You know what? We’re kicking in the rotten door. It’s fine if government works with religion, even for the sake of religion.”

Texas Lieutenant Governor Dan Patrick (Chair): Dr. Carson and then Rabbi and then Allyson.

Dr. Ben Carson (Vice Chair): Well, thank you both for the very enlightening answers. I have a question for each of you, but either can feel free to weigh in on the other’s question too. For Mr. **Rienzi**, you say we can learn a lot from what’s happened in the past. The Puritans were basically good people, and they wanted everybody to be good people. So, they kind of decided who would be the good people and what the criteria were for that. And they punished people who didn’t necessarily comply with that. What happened to them to make them so intolerant, and what can we learn from that? And then, for Dr. **Gerard Bradley**: Is it possible for the government to promote religion without infringing upon the rights of others?

Mark Rienzi: Thank you, Dr. **Carson**. Yeah, the Puritans are humans, right? They’re humans like the rest of us are humans. And they succumbed to what I think is a very common temptation that, in many ways, the experiment, the American experiment, fights against. Right? So, the Puritans come over here seeking religious freedom, but then when they get here, they don’t necessarily provide it to people who have different beliefs from them. And they’re bad to the Quakers, among others, when they get here. A similar thing happened in Maryland, which is established initially with religious tolerance and then kind of flips back and forth. So, I think our early history shows that there’s a long-standing aspect of human nature that says when you’re thinking about religious truth and you say, “I have figured it out and I know the truth,” then you say, “It’s my job to stop the other guy from doing other.” And I think that’s a bad path. And I think one of the great achievements of our country is that we eventually kind of, you know, restrained that aspect of human nature and said, actually, everyone should be able to freely seek God and freely, as **Gerry** was citing James Madison, freely respond to the duty to the creator, and that the power of government shouldn’t be crushing someone who has the wrong views. And I will say that that strain of human nature, right, which was initially wielded by the Puritans against the Quakers and

others, and I think it originally comes from fervent religious belief. Right? Conviction that you're right and therefore I must crush the guy who's wrong—that has lasted. But these days, frankly, I don't think it so much comes from religious people trying to use government to stamp out people with unpopular views. I think it's now more often anti- or a-religious folks who want to wield the government to stamp out views that are wrong. And I think the truth is, whether it's the religious people or the opponents of religion, it's wrong. And it's wonderful that the United States has moved away from that. And we should continue trying.

Dr. Gerard Bradley: Well, it's not only a terrific question, it's the question: how does a government which takes my advice and decides to reclothe the public square with religion avoid violating the rights of people? Maybe, especially—nonbelievers, but let's just say the rights of people. And that is the kind of thing where I think if I were watching a TV commercial, this is where it would say, you know, "This is an expert driver—don't try this at home." That is to say, before you try to promote religion, you better give up a lot of thought to how you're going to do it without compromising people's rights. Now, I think it can be done, but it is something that has to be considered carefully, for the very good reason that Madison cited. I mean, I don't think God wants insincere religious worship. I don't myself think God wants people to worship because that's what's done around here. I think worship that's pleasing to God—this is my own conviction, I don't know what Madison for sure thought—but my own conviction is, that's what God wants. He wants people to freely come to God with conviction, owning their religion, believing in what they're doing. So, you might say, I think believers need to constitute themselves and own their religion, and that can't be done save freely. So, for the sake of religion, it is religious freedom. But one way that we can promote—I think we can see our way to promote—religion respectful of freedom, but in a way that doesn't compromise anybody's rights, is to maybe repackage something that Madison said. He certainly held it, and what I was trying to say, which is this: we should come to recognize religion as a common good, even if not everybody's religious. And even if some people, maybe they're not religious, I don't think religion is a common good. Quite a lot like education—I mean, we do think of education as a common good, and government does a great deal to supply it, promote it, and pay for it. I'm not saying that's exactly what we should do with religion, but even people who don't believe in education or think that universities are half frauds and half dangerous—any number of people may have reasons to think that education, as it's practiced today, is not a common good but really just what some people have managed to get the government to pay for them. But I think that's false. No matter what you think of today's educational system, having an educated citizenry is good for all of us. It's good for democracy. And as the Founders most certainly did think—and I think—having a religious and virtuous citizenry is good for everybody. Frankly, even people who lack virtue and don't believe in religion.

Texas Lieutenant Governor Dan Patrick (Chair): Yes, Dr. Phil?

Dr. Phil McGraw: In the interest of just kind of having a conversation, before we move on to the next question, can I ask a follow-up here?

Texas Lieutenant Governor Dan Patrick (Chair): Yes, yes.

Dr. Phil McGraw: Because we're talking about the government promoting religion, and that kind of gets a little scary sometimes—"promoting"—because nobody's a blank slate. And, excuse me, and everybody comes to a situation with a bias. Nobody is bias-free. Everybody has some preconceived notion of an issue when they come to it. And when you see people behaving some way, in pattern, then those in power are either eliciting, maintaining, or allowing that in some way. They're not neutral. They're either eliciting it, or they're doing something to maintain what's already happening, or they're at least passively allowing it to go on. There's some role. You cannot not choose. Not choosing is a choice, right? That's the fifth choice. You can come to the crossroads out in the middle of the country. You can go left, right, back, or forward, or you can just stand in the middle of the intersection and get run over. That's the fifth choice. You cannot not choose. So, and when you say, "to promote," are we talking about promoting religion, or are we talking about promoting liberty to choose religion, if that's what you choose? Because if we're promoting religion, that's different than promoting choice. And I'm curious, what is it we're promoting, if you're saying "promote"?

Dr. Gerard Bradley: Well. I think I might disagree with you. I think I understand what you're asking, and it deserves a better and richer answer than I can give it, at least in these time constraints. But I don't think I agree with you that there's tension or difficulty with envisioning promoting religion at the same time you're promoting its free observance and appropriation by people. And an example that may be illuminating—it's not an analog, but it's something similar—would be family and marriage. I mean, the government, a political community, ought to promote marriage and family as good things and help people who choose to be married and to have a family successfully do so. So, there are aids to education of children and all sorts of possibilities for benefiting married couples. But nobody has to get married in our country. You're free to reject marriage. You're free to think marriage is just another scam by the man. You're free to do that. But nonetheless, I think we do promote marriage and family. We should promote marriage and family. But I think it's fair to say you're free to decide that for yourself, not only in terms of getting married, but also whether you agree with the government's promotion of marriage as a good thing. You may think it's not.

Dr. Phil McGraw: But are you saying that's true for religion as well, that we should promote religion but yet people are free not to do it if they want to.

Dr. Gerard Bradley: Pretty much. Promote it as a good thing. It's a good thing, but it's not. It's only a good thing if people choose to buy into it. Education to some extent.

Dr. Phil McGraw: I, for one, think. . . my bias is that religion is a good thing. And for the first time in our country's history, participation in organized religion has dropped below 50%. For the first time in our country's history. There's a lot of reasons for that, and probably the most operative is that our birth rate has dropped so low. And the reason—one of the primary reasons—people join the church is to have their children baptized or, you know, whatever. So, that may be the most operative reason. But nonetheless, it's dropped below 50% for the first time in our country's history, which I think is a very sad reality, because that's a great glue, as I said earlier, that holds the family together, and they worship together. And there's also the sense of community that comes with that quiet time together and coming together as a community. So, I personally. . . my bias is that it's a good thing, but I don't know that everybody would share that. That would be my bias if I was bringing it to the situation.

Dr. Gerard Bradley: I agree.

Dr. Phil McGraw: Thank you.

Texas Lieutenant Governor Dan Patrick (Chair): Thank you, Doctor **Phil**. Rabbi.

Rabbi Meir Soloveichik: Thank you, Chairman. I'd like—excuse me—I'd like to explore, building on the eloquent testimony of both witnesses, the connection between free exercise rights and other aspects of the Bill of Rights. So, Mr. **Rienzi**, you movingly refer to the story of the *Gobitis* case, and then the *Barnette* rectification of *Gobitis*. So, let's use that for a moment to explore the connection between free exercise and free speech. In one of the lamentable religious liberty decisions by the Court that still has yet to go, *Employment Division v. Smith*, the majority in that case argued, among other things, that the *Barnette* case—the pledging allegiance case, or saluting the flag case—is a case, is a special case, because it is what the Court called one of “hybrid rights.” It involves not only religious liberty but also freedom of speech. To which Michael McConnell, I think rightly, responded that in truth, acts of religious exercise are very often, if not

almost always, also forms of expression. If I am wearing a yarmulke, or one is wearing a cross, obviously one is not just engaging in a form of religious observance, but of expression of faith. Pastor **White** referred movingly to the case of one being prosecuted for silently praying, which is of course both a case of religious liberty as well as speech. So, I'm interested in the intersection of religious liberty and religious speech. And then regarding Professor **Bradley's** testimony, which I'm entirely in sympathy with, in terms of rediscovering a better understanding of the role of faith in society and government's role in helping to bring about that, I'd love some thoughts on: What would a better understanding of the Constitution's reference to a prohibition on religious establishment actually be? Members of the Commission have themselves referred to as Tocqueville did, the importance of the separation between what my colleagues called "altar and throne" in America. On the other hand, we've clearly gone wrong somewhere. I think George Washington, who wrote that wonderful letter to the Jews of Newport, would be kind of surprised to learn that the Supreme Court had decided that, say, a rabbi giving a nondenominational prayer in a high school graduation, or a state legislature creating a school district to help special-needs Hasidic children, was considered by the courts a dangerous encroachment on constitutional boundaries. And yet, we've had those decisions. So, what would a better understanding of the reference to religious establishment be? And how would that relate to a better facilitation of faith in the public square? Mr. **Rienzi**, maybe we'll begin with you.

Mark Rienzi: Yeah. So, Justice Scalia, who wrote the Smith decision, which was a mistake, in a different decision said, "A Free Speech Clause without religious speech is like Hamlet without the prince." And he was right then. He was wrong in Smith, but he was right about speech. Free speech, parental rights, all sorts of other rights are very, very closely tied to religious liberty. And when you cut back on religious liberty, you endanger the others. Religious liberty also can't just be an equality right. It can't just be, "We got to treat everybody the same." That would work if we all had one religion, if we all had the same religion, then treating us all exactly the same would protect each of our free exercise. Like, that would be fine in a place where we were twins. But we're not, right? This is a religiously diverse place. And so, to protect religious liberty for a religiously diverse people, you're going to need to protect something different for the Muslim and for the Jew and for the Native American and for the Catholic and for the Protestant and everybody else. And so, when we artificially shrink our rights down, and when we cut them down to something like just an equality principle, and we don't give full protection to the free exercise of different religious faiths, we're really shortchanging the religious liberty, right? But also things like speech and parental rights that are really the bedrock of our civilization. Thank you.

Texas Lieutenant Governor Dan Patrick (Chair): Members, we're pushing the clock just a little bit here on our first set of witnesses, and we want to stay on time. So, **Allyson** and the Bishop will close it. And is everybody else okay with that? **Allyson**.

Allyson Ho: Thank you, Mr. Chairman. You know, ideas have consequences, and what happens in the ivory hallways of the academy and courtrooms doesn't stay there. It has real impacts on real people. And I was struck that both of you, when you were referring to religion—Mr. **Rienzi**, you spoke of it as a freedom to live out our faith; Professor **Bradley**, you talked about acting on what one believes—and it seems to me there's a misconception that religion in the clauses is really limited to worship. And I think that really expands the power of government and how it can intrude on the sphere. At the same time, it shrinks individual liberty and freedom. I'd love to hear both of your thoughts on that problem and what we can do to sort of restore a more proper and capacious understanding of religion.

Mark Rienzi: I'll just say simply that, one, that's a great point and one that it would be great for this commission to work on emphasizing and making it public quite a bit. And the easiest answer is that the word is exercise, right? It's the free exercise of religion, which means not just you get to believe whatever you want in your head, but you get to act like it's true—within very, very broad limits. Right? For the most part, you get to do that. And so, if we're going to protect the free exercise of different religious beliefs, we're going to have to give room for people to act on them. And I agree with you—sometimes our courts historically have had a much smaller scope for that. Right? You can believe what you want, you can tell your kids when they get home that they were sinning, but when I get them back in the schoolhouse, I get to make them do what I want. That's, again, that's not liberty.

Dr. Gerard Bradley: I think it's probably true, Commissioner **Ho**, that at the Founding, and for a long time thereafter, worship—public worship—was the quintessential religious activity or central religious activity. There was a way in which it had a certain priority of visibility and perhaps importance. So, there is some reason to treat it as primary, but not any reason I can think of that's a good reason to treat it as somehow exclusively what religion is about. Religion really, I think, is about self-constitution vis-à-vis a transcendent source of meaning and value, and whatever one holds that to be. So, it really involves organizing your entire life around a connection and an attempt to be in harmony with God, or the transcendent principle, or whatever you call it. Now, obviously, there are a dramatic number of limits on anybody's freedom to do what they want, but I do think that there is material in our tradition that should be emphasized, and it goes all the way back to the Founding. . . . religion being a kind of encompassing part, not an encompassing part, but really the encompassing canopy of one's entire perspective and existence. Again, this doesn't mean that it doesn't have any anarchic implications—there's order, and there's respecting other people's rights, to be sure—but I think we should treat worship as maybe even today somehow prototypical or central. But it's a mistake to make it the sum and substance of religion, and it's just a mistake.

Texas Lieutenant Governor Dan Patrick (Chair): Bishop. And if on your answers, you can give us good answers now, a little bit at the end. You guys have been terrific, so just. . . we'll make it a little succinct. Bishop?

Bishop Robert Barron: Yeah, thank you, Mr. Chairman. Thank you for the two presentations. I found them both really stimulating. As you were talking, I kept thinking about the great Vatican II statement *Dignitatis Humanae* on religious liberty, one of whose principal architects was the great Jesuit John Courtney Murray, who argued a long time ago that the principles of natural law provide a sort-of basis for peace among, let's say, the potentially warring religions—a sort of common moral consensus, natural religion if you want, and all that. It seems to me everyone around this table would kind of hold to the principles of natural law. But you also cited that famous, infamous *Casey* decision in 1992: “It belongs to the nature of liberty to decide the meaning of my own life and the meaning of the universe.” You know, this wildly over-the-top statement, which is now, it seems to me, the default position of almost every teenager in America, right? “I decide everything.” Here's my question: What do we do when the natural law consensus has evanesced, which I think it largely has among a lot of people in our country, because religious liberty, as we've been talking about, as the Founders talked about it, as John Courtney Murray talked about it, is grounded in this shared consensus. What do we do? I think that's our challenge. What do we do when *Casey v. Planned Parenthood* is now the default position of most people?

Mark Rienzi: You fight back against it with truth. The truth is, the *Casey* principle is an empty thing to organize your life around. And you stand up and you say it as often as you can until people see it and realize it.

Dr. Gerard Bradley: I agree. I mean, I think the *Casey* principle is basically a value judgment. It's not in any way neutral. The value judgment is: everything that counts in what you do and what you believe is authenticity—that it's really you. What it is you believe and do doesn't much matter at all as far as value is concerned. It's all about your individuality and asserting your stance and identity. I think besides refuting it with truth, and this is maybe not in a way helpful advice, but I think we're seeing it sort of run its course already. It's demonstrating itself to be an empty promise of creativity and authenticity. It's actually a dead end and kind of a prison of emotion and something else. So, again, I wish that the end of this course would come sooner rather than later, but I dare say we're on a course to kind of extinction.

Mark Rienzi: Last quick point I'd make is if you want to figure out what's been wrong for the last 30 or 40 years in our law, it was that *Casey* gives that view of liberty at the same time that until the last 15 years, we had a stingy view of religious liberty that was actually directly protected in the text of the Constitution. That's a problem. That's something this commission should help us straighten out.

Texas Lieutenant Governor Dan Patrick (Chair): I am going to recognize **Carrie**, because you were actually way in the queue earlier, and I missed you. So, go ahead.

Carrie Prejean Boller: Thank you. I wanted to know about the Supreme Court case in 1962—the prayer case. Do you believe—I would like both of you to answer—do you believe and recognize that after that case, we saw a significant decline in morality? We saw suicide rates increase. We saw teenage pregnancies increase. We saw divorce rates increase. Do you believe that prayer should be included in school, as it was for 200 years, when the students used to read the New England Primer and obviously have prayer in school and have the Bible as their textbook? What significance do you believe, and detriment, did the 1962 Supreme Court case have on all Americans?

Dr. Gerard Bradley: Well, I myself treat that case—apart from its particular context, prayer in schools, which, as you're saying or suggesting, is an immensely consequential thing—I do think that was the real declaration of independence by the justices from the constitutional tradition. You know, they had indicated this direction as early as 1947, but the Engel case in 1962 was where the Supreme Court just cuts itself off from the tradition and declares itself the harbinger or custodian of secularism. So, I think it's a bad decision for that reason. The other thing I'd say—I don't myself know what the consequences are, what cause and effect is, with regard to the consequences after 1962. And I don't dispute or wonder about anything you said. But I would add this: that the Engel case, which is the '62 school prayer case—I should say the Supreme Court decided that on the assumption, they took it over as their given, that it was truly voluntary prayer. Now, some people may doubt that that's the way it works in a grade school classroom, but the Supreme Court decided that case on the grounds that it was voluntary prayer, which would have to be, in light of the *Barnette* case from 1943, and the content of the prayer, in 1962, the New York Regents Prayer, was little more—it wasn't anything more than a short collection, a compact collection of the truths that Madison and all of the Founders affirmed: 'Almighty God, we thank you, and we implore your blessings upon our country, our families, and our, you know, community. Almighty God, we give our thanks to you.' And it really is just a recognition of God's existence and providential care for humankind. So, it wasn't a prayer that should be called sectarian, even in contrast to the 1963 case—the Schempp case—which had to do with Bible reading from the King James Version of the Bible. That's actually a different situation. But the New York Regents Prayer case, Engel, I think, was a sharp bad turn at several levels of thinking about it.

Texas Lieutenant Governor Dan Patrick (Chair): Thank you. Thank you, **Carrie**. I just have one quick question with a short answer, if you can. Almost every decision that has been made regarding religious liberty has come from the courts. Almost every decision that has taken the wrong turn at the court level. The Founders believed this should be left to the states and the state legislatures. Do you believe if the courts had stayed out of this—which they had for a long time—and left it to the will of those elected by the people, that the legislators in this country would have made these same decisions and passed these same laws? And I say that coming from Texas, where we just passed Senate Bill 10 to put the Ten Commandments in every classroom, and Senate Bill 11 to put prayer voluntarily back in our schools—because I question if the Congress or state legislatures would have done what the courts have done.

Mark Rienzi: I don't know if they would have done what the courts have done either, but I'd caution that I think it's a dangerous world to say we want the courts out of these things. I think the point of the Bill of Rights is that there are some principles that everybody is supposed to apply, but the courts ultimately do need to protect and step in occasionally. The law in *Gobitis* was from a local school board and legislature too. So, I think sometimes those entities will get it right. Sometimes they will get it wrong. But I do think we need a system that protects minority rights and sort of ensures that they get it right. All that said, courts obviously quite often get it exactly wrong, and that's dangerous. And that's why we have to work hard to fix it.

Dr. Gerard Bradley: Yeah, I think there's an essential, an important role for courts. I agree completely with **Mark Rienzi**. The only thing I would add is an adaptation of something that is attributed, at least to Bill Buckley, which was Bill Buckley said at one point he'd rather be ruled by the first 200 people in the Cambridge phone book than the Harvard faculty. My adaptation of it is to say, I think over the last two generations we would have been much better off, all told, with regard to religion, if the people had had more to say about how we would integrate religion in public life than the courts, in fact, have had over the last two generations.

Dr. Mark David Hall, Professor, Regent University

Texas Lieutenant Governor Dan Patrick (Chair): Well, at Harvard is obviously still a problem. I want to thank our two witnesses. Please give them a round of applause. Thank you. Thank you. You may be excused. I'm checking because I can't quite see it's dark backstage. If our Attorney General is here yet, do I have any staff update on that? I think I can do any witnesses. Our next witness is Doctor **Mark David Hall**, a professor of Regent University School of Government and an acclaimed expert in American political theory and church-state relations. Doctor **Hall** has authored or co-edited a dozen books on topics central to religious freedom. His work will provide essential context as we examine our Founders' vision for religious freedom. **Mark.**

Dr. Mark David Hall: All right. Fantastic. Well, thank you, members of the Commission, for your very important work. It's my honor to be before you today. So, I've been asked to say a few words about the original understanding of religious liberty and church-state relations. And as a scholar, I'm happy just to do that. But my wife is always getting after me, asking: Why is it relevant? In this area of law, it's particularly relevant. If we go back to 1947, *Everson v. Board of Education*, Hugo Black for the majority, and Wiley Rutledge for the dissent, insisted that we must interpret what they called the religion clause in light of its generating history. A few years ago, I wrote a law review article where I went through every single religion clause decision of the United States Supreme Court, and I found that basically everyone is an originalist when it comes to the First Amendment. But there's a key difference between conservative and progressive justices. Conservatives tend to get the history right. Progressives tend to get the history wrong. And so, I think in this area of law, it really is important to get it right. So, let me begin with religious liberty. An important thing to note just from the get-go is that in the ancient world, religious liberty simply does not exist. It is simply assumed that the community will share a religion, and that rulers will enforce that religion and punish dissenters from it. Robert Louis Wilkins, in a wonderful book *Religious Liberty and the Things of God*, demonstrates that it's really the early church that comes up with this idea of religious liberty. You could begin with Jesus Christ himself—"Render unto Caesar what is Caesar's, and to God what is God's." Tertullian, the early Church Fathers, the first persons to ever use the phrase religious liberty. And yet, Wilken recognizes, as he must, that when Christians came into political power, they succumbed to the temptation of using the power of the state and the power of civil rulers to promote their understanding of true religion. And so, from Per Constantine up to the early American colonies, it was too often the case that rulers would favor one manifestation of Christianity over others, punish dissenters, and this sort of thing. Fortunately, very fortunately, things began to change in the 17th century. Now, we're oftentimes told a tale that religious liberty comes about for prudential reasons. People get tired of fighting each other over religion. Or maybe the Enlightenment comes along and saves us from our bigotry. And there's something to both of these things, especially the prudential argument. But very, very important, I

think, are arguments made by men like Roger Williams, William Penn, Isaac Backus, John Leland, Elijah Williams—people making explicitly Christian and biblical arguments in favor of the sacred right of conscience. Now, there are other sorts of arguments one could make, including excellent moral arguments. But in early America, where something like 98% of Americans of European descent were Protestant, 2% Roman Catholic, and you had about 2,500 Jews in 4 or 5 American cities, these sorts of biblical arguments were very, very persuasive. So, by the time we get to the late 18th century, and especially during the First Great Awakening—those great series of revivals that swept America in the 1730s and 1740s—a lot of these arguments were made. But by the time we get to the Founding era, we have seen a major shift. So, in the early colonies, again, you don't really have religious liberty. Sometimes you have religious toleration, sometimes you don't. Right? Jews and Catholics are banned from both Massachusetts Bay and Virginia, for example. And yet, by the time we get to the Founding era, something had changed. All colonies had come to accept religious toleration. They would put up with dissenters, and yet they're moving beyond that. They're moving to embrace religious liberty as a natural right. Let me give you my favorite illustration of this. As the American colonies are breaking from Great Britain, pretty much every state rewrites its constitution and laws. In Virginia, George Mason was tasked with writing a bill of rights, and he came up with a religious liberty provision. That's not bad. He writes: "Religion, or the duty which we owe to our divine and omnipotent creator, and the manner of discharging it, can be governed only by reason and conviction, not by force or violence, and therefore that all men should enjoy the fullest toleration of the exercise of religion according to the dictates of conscience, unpunished and unrestrained by the magistrate." Now, that's not a bad religious liberty provision. But James Madison, in his first public act, he objects to that word "toleration." He says that makes it sound as if we're just going to put up with the religious minorities. And he insisted instead that that word be replaced to make it crystal clear that people have a natural right to the free exercise of religion. And the convention went along with Madison. What we see in the Founding era is that every state is coming to protect religious liberty. It's very common to have language like George Mason's. Note that he's making an argument. He's not saying for prudential reasons or because the Enlightenment is now here. He's saying because we have a duty to our divine and omnipotent creator, a duty that must be exercised in freedom and truth. Therefore, we must have this right. So, every state is protecting religious liberty. The federal Constitution does not, but only because its advocates said the federal government simply does not have the power to restrict religious liberty. The Anti-Federalists were not convinced, so they insisted on a Bill of Rights. Fortunately, they did. And, of course, we end up with the First Amendment, which begins: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." The free exercise thereof. And we talked a little bit about that earlier. I think it's crystal clear—absolutely clear—that religious liberty protects more than the freedom of worship. It clearly protects freedom of belief, clearly protects freedom of worship, but it protects more. And to get into this, what I want to look at a little bit is religious accommodations or religious exceptions. When you have a neutral law of general applicability, does the First Amendment require an exception? Now, that is hotly contested even among originalists, and I'm not going to go down that path right now. But I

want to make the point that the Founders absolutely understood religious exemptions or accommodations. The Constitution itself contains one right in each and every provision: people are given the ability to swear or affirm the oath, and the affirmation possibility is clearly aimed at Quakers and others who have religious scruples about swearing oaths. But I want to talk about something else, something even our libertarian friends would agree with. If the government has one job, it's national defense—protecting either the colony, the state, or the nation. Now, how have governments gone about doing this? Well, in early America, especially the early American colonies generally, they required militia service. Every male must serve in the militia. And yet, again, you have those problematic Quakers, Brethren, and Amish. They say, “We can't do this. We have religious objections to military service.” Well, think about this from the government's perspective. What can the government do? It seems to me there are three obvious choices: One, the government could say, “Well, we really care about not making anyone go against their conscience, so we'll remove this requirement altogether. No one has to serve in the military.” And yet, if conscription is really necessary for the national defense or colonial defense—and it really probably was for the early colonies—then you're putting the community in jeopardy by removing this requirement. Well, another possibility would be to say, “The law is the law—everyone will serve.” Period. Too many countries do this, right? Can you imagine a Quaker saying to Vladimir Putin, “Excuse me, I can't serve in the Russian military. I have a religious objection.” That person would probably not belong on this earth. Many countries have done this. Fortunately, in America, we have found a third way, beginning as early as the 1670s. What colonies would do is they would permit Quakers and others to do alternative service, or to hire a substitute, or something like this. By the time you get to the late 18th century, every colony and then every state is doing this. Congress affirms this in a statement on July 18th, 1775. Congress said: “As there are some people who, from religious principles, cannot bear arms, in any case this Congress intend no violence to their consciences, but earnestly recommend to them to contribute liberally in this time of universal calamity, to the relief of the distressed brethren in every several colony, and to do other services to their oppressed country, which they can consistently with their religious principles.” And that's an important point: religious liberty is not a “get out of duty free” card. You still have to serve, but we'll permit you to serve in a different way. Well, I could give a lot more evidence along these lines, but let me shift to a different question: who is protected? We've already talked about this a little bit, but I think it's very critical to understand that even in the late 18th century, America's Founders understood that the answer to that is everyone. And so, Article Six of the Constitution bans religious tests for office. The Anti-Federalists objected. They said, “Well, this means a Jew or Muslim or even an atheist could hold federal office.” And the Federalists had to say, “Yes, that's a possibility.” Now, they would oftentimes go on to say, “Well, that's unlikely to ever happen.” And of course, they didn't understand how diverse our country would become, but they recognized it's a possibility. What I want to do, instead, is quote from. . . it's already been mentioned but it's such a great letter we should quote from it more than once. . . George Washington's famous letter to the Hebrew Congregation in Newport, Rhode Island. Now, I've already said there's only about 2,500 Jews in America at that time. The really don't have much by way of political or economic power. This is

not a constituency that needs to be cultivated. Now, they would oftentimes go on to say, well, that's unlikely to ever happen. And of course, they didn't understand how diverse our country has become. But they recognize it's a possibility. And what I want to do instead is quote from—it's already been mentioned, but it's such a good letter we should quote from more than once—George Washington's letter to the Hebrew Congregation in Newport, Rhode Island. I've already said there's only about 2,500 Jews in America at the time. They really don't have much by way of political or economic power. This is not a constituency that needs to be cultivated. But George Washington wrote to this tiny religious minority: "All possess alike liberty of conscience and immunities of citizenship. It is now no more that toleration is spoken of, as if it was by the indulgence of one class of people that another enjoys the exercise of their inherent natural rights. For happily the government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens in giving it, on all occasions, their effectual support." A beautiful letter, a beautiful sentiment, an important commitment. But Washington goes on—and this will bring me to my last point—Washington goes on to write this: "May the children of the stock of Abraham, who dwell in this land, continue to merit and enjoy the goodwill of the other inhabitants; while everyone shall sit in safety under his own vine and fig tree, and there shall be none to make him afraid. May the Father of all mercies scatter light and not darkness in our paths, and make us all in our several vocations useful here, and in His own due time and way, everlastingly happy." So, there are nine separate allusions to Scripture in this short paragraph, including the Micah 4:4, which was George Washington's favorite verse. And this highlights the last point I want to make. The Founders were committed to religious liberty. But in no way, shape, or form did they think that religion must be scrubbed from the public square. Now, jurists and academics—we can go back to Hugo Black in the 1947 decision—he seizes on a metaphor from Thomas Jefferson, from a letter Jefferson wrote to the Danbury Baptist Association, where he talks about a "wall of separation between church and state." And this is erroneous history that was embraced by far too many justices, far too many academics, far too many scholars, I'm sorry to say. Is this a useful metaphor? I want to suggest it is not. It's not even useful for Thomas Jefferson. You can see why the metaphor is appealing—it's one of the few documents that you could look at from this era to support anything approximating the strict separation of church and state. Jefferson—I'll skip ahead here, because I'm running out of time—as a member of the Continental Congress, Jefferson proposed that the nation adopt a seal containing the image of Moses extending his hand over the sea, casting to overwhelm Pharaoh. And the motto of the United States would be, "Rebellion to tyrants is obedience to God." Literally two days after Jefferson wrote this letter to the Danbury Baptists, he went to church services in the U.S. Capitol Building, where he heard John Leland, the great Baptist itinerant minister, and himself an opponent of establishments, preach. Jefferson also made the War Department Building and the Treasury Department Building available for church services. Now, my point is not that Jefferson was an Orthodox Christian who wanted a close cooperation between church and state. He was not an Orthodox Christian. And he wanted a greater degree of separation between church and state than almost any other Founders. But in his own actions, he did not act as if there was a wall of

separation between church and state. And if we turn from Jefferson to the rest of the Founders, we find no historical evidence that the Founders wanted any sort of separation between church and state. So, I will stop there, and I would be happy to take questions—or as you will, Mr. Chair.

Texas Lieutenant Governor Dan Patrick (Chair): Thank you. And, **Paula**.

Pastor Paula White: Thank you so much, Chairman, and thank you for your work and your clarity. Can you tell us what the Establishment Clause means, and have the courts gotten off on that?

Dr. Mark David Hall: Thank you very much for that question. If you think about the metaphor, the wall of separation between church and state, it really does not communicate at all the words of the Establishment Clause. The Establishment Clause begins, “Congress shall make no law respecting an establishment of religion.” That is a unilateral barrier. It’s a restriction on Congress, and through the doctrine of incorporation, now the states. In no way, shape, or form is it a restriction on churches, or synagogues, or mosques, or any other sort of religious organization. But the wall of separation metaphor, that suggests a bilateral barrier, right? That it’s a restriction on government, but it’s also a restriction on religion. In no way, shape, or form is it that. I’ve already suggested, in 1947, Hugo Black and Wiley Rutledge led us astray by adopting this wall of separation metaphor as the defining historical document to inform what the First Amendment means. One problem with that metaphor is no one ever really believed it, right? If you really take it literally, what—fire departments can’t put out fires in churches? And churches are somehow free of building codes? No one ever argued that. And so—well, if it’s not going to be a wall, what will it be? And the Court basically came up with a flawed analytical test known as the *Lemon* test that did a lot of damage until it was finally eliminated a few years ago in the *Coach Kennedy* case.

Texas Lieutenant Governor Dan Patrick (Chair): Dr. Anderson?

Dr. Ryan T. Anderson: Yeah. Thank you. **Mark**, I want to ask. . . right at the end when you were speaking about the flawed analogy of separation of church and state. . . this may be a historical period that stretches you beyond the Founding. But I’m thinking of the civil rights movement, and I’m thinking of the Reverend Dr. Martin Luther King Jr. and his Letter from the Birmingham Jail, where he cites two Christian saints. First, Saint Augustine—to say an unjust law is no law at all. And then Saint Thomas Aquinas—to say, how do we know the difference? A just law is a man-made code that’s in harmony with the natural and the eternal law. Now there’s certain people for the separation of church and state who would claim that he was, in essence, calling upon the

government to violate the separation of church and state. You know, John Rawls works himself into all sorts of knots trying to figure out how we account for this, and his proviso of the concept of public reason. How would the Founders have understood what MLK was doing? And do you see any problem with it? I mean, how has this played out in American history, with people seeing there's actually, I don't want to say there's a porousness, but the church can speak to the state, the state can speak to the church. It's meant to be a dialogue.

Dr. Mark David Hall: Yeah. No, that's a wonderful question. Thank you. And again, if you took literally this metaphor of the wall of separation between church and state, then perhaps it's inappropriate for the Reverend Dr. Martin Luther King Jr. to be advocating for change for Christian reasons. And it would be wrong for a member of Congress to vote for the Civil Rights Act because he believed, or she believed, that it was required by faith or Christian morality. The Founders would have thought this was utter nonsense. And it's fine to begin in the 1950s or 60s, but of course you could go back to the Founding era, where many Founders are coming to oppose slavery. Many Founders never owned slaves. Many of those who did freed them voluntarily. John Dickinson, at one time the largest slave owner in Delaware, voluntarily freed all his slaves. And you have members of the Founding generation like Ben Franklin, John Jay, that are leading manumission societies. Eight states voluntarily put slavery on the road to extinction. And believe me, these guys are making explicitly Christian arguments—as are the abolitionists of the 19th century, as are the civil rights leaders of the 20th century, from the early 20th century to the Reverend Dr. Martin Luther King Jr. And thank goodness they were. So, in no way, shape or form would any Founders have thought this would be inappropriate. Now, you had some Founders, of course, and we should be clear about this, and some Christians throughout American history who made Christian arguments in favor of slavery, Christian arguments in favor of Jim Crow legislation. We have to recognize this reality and then engage these folks—and if they still exist today, engage them today, and say, no, you're wrong. Christianity does not require it. In fact, the exact opposite.

Texas Lieutenant Governor Dan Patrick (Chair): Next question. Rabbi and Bishop we'll come to you next. But Rabbi.

Rabbi Meir Soloveichik: Just to build on the previous question—so, in rediscovering a better understanding of the relationship between government, religion, Constitution, and faith—what would the Establishment Clause mean? In other words, we know clearly something has gone awry. It doesn't mean—and I think Madison would be somewhat surprised to hear—that it's being utilized to prohibit the placing of Ten Commandments in schools, or to learn that the Supreme Court is deciding by 5–4 decisions, in which one justice breaks the vote by saying, “Well, I like these Ten Commandments here, but not here, because here it's just history, or it's more guidelines

than commandments—but here it’s commandments,” and so forth. So, what would it be? When and if we’re applying, as you said, the incorporation—the doctrine of incorporation applied to both Congress and to the states—“Congress or state legislature shall make no law respecting the establishment of religion,” what would violate that?

Dr. Mark David Hall: Yeah, thank you. So, I think the simplest answer to that is: the words mean what they say. “Congress shall make no law respecting an establishment of religion.” So, Congress—and by extension, the states—cannot establish a faith. Now, that kind of begs the question: what then is an establishment of religion? Clearly, it would involve taking tax dollars and giving them to just one denomination or one religion—to give them only to Orthodox Jews, for example—that would be an establishment of religion. Here’s a trivia question—you can win money at a cocktail party with this one: Was the church disestablished in Virginia? Almost everyone would say the Virginia Statute for Religious Liberty, 1786. And yet, in 1784, the House of Burgesses told the Anglican Church in Virginia how it was to govern itself—and it did not repeal this law until 1787. And so, this would be another manifestation of an established religion: when the state tells religion how it’s going to govern itself. Yeah, we want the government out of that sort of business.

Rabbi Meir Soloveichik: So, you’re arguing that, interestingly, that the Establishment Clause is actually there to protect faith itself and faith communities?

Dr. Mark David Hall: Yeah. No, I think that’s exactly right. Yeah. You know, one could argue that there are ways in which the subsidy of one manifestation still allows other sorts of freedom to worship. And what’s interesting is that by the time you get to the Founding era, most states are actually moving away from the idea that only one denomination, say, would be subsidized. So, Patrick Henry’s general assessment bill would have had people taxed to support the church they chose to attend—so Anglicans taxed to support Anglican churches, Baptists taxed to support Baptist churches, and so on. So, you could have multiple establishments. But I think it’s fair to say that the Establishment Clause is saying: government, get out of that business altogether. The most persuasive arguments, I think, in these debates are that establishments hurt true religion. Whenever the government runs something, that does not work out well for whatever is being run. So, get the government out. Let churches—and eventually other religious groups—govern themselves, run themselves, be free of state subsidy, and things will be far better. Not perfect, but far better.

Texas Lieutenant Governor Dan Patrick (Chair): Thank you. Bishop?

Bishop Robert Barron: It's kind of a curiosity question in a way. When I was coming of age, we heard a lot about the wall of separation. We tended to read things through the lens of Thomas Jefferson, and you and many others have helped us to see it's a much more textured story. And in some ways, Jefferson is very egregious among the Founders, of course. How do you explain that? Is it Jefferson's reliance upon the French sort of understanding of revolution? Is it more the laissez approach? And have we been wrong all these years, in a way, trying to read our system through that more French revolutionary lens? Is that part of what explains Jefferson's egregious character?

Dr. Mark David Hall: You know, if I'd had more time, I would have given a lot more examples of Thomas Jefferson really not acting in any way, shape, or form as if there actually was a wall of separation between church and state. And so, one possible explanation that my friend Daniel Dreisbach of American University argues is that even in this metaphor, Jefferson really was thinking more in terms of federalism—that Congress is barred from having anything to do with religious establishments in the state. But, it's absolutely not problematic for Thomas Jefferson as president to encourage people to pray with them, to go to worship services in Congress, to allow the War Department building to be used for church services, and on and on. You could go on now. He probably was more suspicious of religion, especially orthodox manifestations of religion, than almost any other Founders. So, he is influenced by the more radical Enlightenment and probably is more of a secularist than most of the Founders. But, I think he's politically astute to know that if he acted or was too open with these sorts of views, he would get in trouble. And he did, right? When he says in the election of 1800 that, well, they're quoting the notes of the state of Virginia, "It does me no harm if my neighbor believes there are three gods or two gods or no god." That really got a lot of backlash and it really hurt him in that election. And so, I think he kept his—he's not an Orthodox Christian, we know that—but he kept those views very, very private because America was a very, very Christian country at that time.

Texas Lieutenant Governor Dan Patrick (Chair): Questions on this row? Any questions? **Kelly?** **Dr. Phil?** Go ahead.

Dr. Phil McGraw: I'm talking about the Establishment Clause. The Supreme Court ruled in 1947 that the Establishment Clause, which limits what Congress can do, also limits what states can do. It did so by invoking the 14th Amendment, which says no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. But the Establishment Clause did not create a right in any individual, but rather protected the states' rights. So, and that's come into play now in Oklahoma and in Texas with Saint Isidore. What is your position on that? Because it seems to me that they're saying that Congress shall make no law. It doesn't say anything about states. In fact, it leaves it to the states, does it not?

Dr. Mark David Hall: So, everyone understood that the Bill of Rights originally was only a restriction on the national government. There's really no question about that. The only question comes with the 14th Amendment, where the relevant section begins—the relevant article: “No state shall. . . abridge the privileges or immunities” or abridge due process. And it's through that due process clause that the U.S. Supreme Court, one by one, applied the Bill of Rights to the states. Now, there are scholars and jurists who argue that this entire doctrine is flawed, and we should just be done with it altogether. And the state of Virginia would no longer be restricted by the freedom of speech, freedom of press, free exercise of religion. There are scholars who make that argument. I'm a little bit sympathetic to it, but I'm enough of a conservative to say that we have lived under this doctrine for so long that that ship has sailed—that we're stuck with it. Now, with the Establishment Clause, there is an additional argument, which is that it's only a matter of federalism. Akhil Amar has made this argument; Clarence Thomas has made this argument. And so it is, by definition, unincorporated. So, maybe all these other provisions of the Bill of Rights remain applied to the states, but the Establishment Clause should not be applied to the states. Justice Thomas seems to be the only justice that's open to that argument. And so, I think we're stuck with the Establishment Clause applying to the states for the foreseeable future. And so, I think what we need to insist upon is that justices get the Establishment Clause right. And so, it was applied to almost any case you can think of, including *Saint Isidore*. I think there's no way, shape, or form that the Establishment Clause should be read to prohibit Oklahoma from creating a religious charter school on the same terms that it has created other charter schools. And, in fact, it's a violation of the Free Exercise Clause to say, “We're going to create all sorts of charter schools, but not a religious charter school.” So, I think there's a way around the incorporation doctrine—not that we're trying to get around anything—but just even with the incorporation doctrine, the Establishment Clause shouldn't prohibit a number of these things that you probably have in mind.

Dr. Phil McGraw: Can you not make the argument that they're actually discriminating against the religious school?

Dr. Mark David Hall: Absolutely. And there's this wonderful trinity of cases where the U.S. Supreme Court has said time and time again: states, you cannot discriminate on the basis of religion. Look at *Maine*—you cannot say that you'll pay to send kids to high schools in all sorts of places except for religious high schools. You can't do that. And that's why, really, the Oklahoma charter school should have been permitted to exist. I think when we get the next case, and Amy Coney Barrett doesn't have to recuse herself, we'll have at least a 5-to-4 vote—maybe a 6-to-3 vote—upholding religious charter schools, clearly constitutional, no question.

Dr. Phil McGraw: Thank you.

Texas Lieutenant Governor Dan Patrick (Chair): Kelly? We are just waiting for the attorney general, who is on her way and should be here very shortly. **Kelly.**

Kelly Shackelford: I know after lunch we're going to have people talk about cases—bad cases, where we are now, and all this—but since you wouldn't have the opportunity then, I want to ask you now: you talked about the Establishment Clause. What cases or areas do you think need to be changed or are currently wrong, where the court's gotten off track, at least until they change something? And secondly, I wonder. . . our duty is to provide recommendations to the president. I don't know if you have any in mind, but if the president said, "Hey, I'd like you to come to my office and give me a recommendation on how we can advance and secure religious liberty into the future," do you have any ideas? I'd love to hear them. If not now, maybe you can send them to us later but I just want to pose that.

Dr. Mark David Hall: Sure, I'll just highlight two things. There are a number of things we might be thinking of. Just a couple of weeks ago, we celebrated the 100th anniversary—to the day—of *Pierce v. Society of Sisters*. You have a wonderful trilogy of cases from the 1920s where the U.S. Supreme Court, at a time when it was not known for protecting individual rights, made it crystal clear that parents have a fundamental constitutional right—unenumerated but judicially enforceable—to control the moral upbringing of their children, to control the education of their children. So, in *Pierce*, the great state of Oregon, my home state more or less, decided it was going to ban all private schools. And lo and behold, almost every private school was a Roman Catholic school. The U.S. Supreme Court came back and said, no, you can't do that. Roman Catholic parents in Oregon have a right to send their kids to Roman Catholic schools if they want to. And the Court stuck with that and respected that. But if you think about it, that's a very limited right. It's a right that's useful for upper middle-class parents, for rich parents. But a lot of parents can barely afford to pay rent and buy food. They cannot afford to pay their taxes and also send their kids to schools that reflect their worldview—Islamic schools, Jewish schools, Montessori schools, whatever that worldview might be. So, I think robust school choice is a way to address one of the key problems with respect to religious liberty. That would also get us out of some of these problems we're seeing coming out of Montgomery County, where the county is insisting on teaching pornography to three, four, five-year-olds. Parents are saying, no, let us at least opt out. And Montgomery County says, no, you can't opt out. You cannot opt out of all sorts of other things, but not this. Yeah, so to really empower parents to raise their children according to their religious convictions, really robust school choice is at least one thing. But also, protecting parental rights to opt their children out—to the extent that we're stuck with public schools for the foreseeable future, at least parents should

be able to opt their children out of education that they find morally or religiously objectionable. So, I think those are both kind of tied together. Let me just say briefly, I'm not trying to be critical of anyone, but if you look at the Montgomery County case, which is only being litigated as a religious liberty case, I don't have any idea why it's not also being litigated as a parental rights case. Now, I'm not an attorney, so there might be all sorts of great reasons for this, but I think this is something we need to resurrect in our current discourse, doctor.

Kelly Shackelford: Thank you. In fact, they were so difficult in Montgomery County that they forbade a young lady from graduating—which impacted her ability to go to college. And she was a top student, a top-tier student. She said she would attend the classes, but she would not stand by what they were teaching because it was against her religious beliefs. And they stopped her from graduating.

Texas Lieutenant Governor Dan Patrick (Chair): Thank you for your testimony. Please give Dr. **Hall** your applause. And now we can switch the stage for the Attorney General. We will switch the stage while they're moving the chair. If you all—if you'll just follow—if you want to stand up really quick, like for 30 seconds, and then sit back down, because the Attorney General will be here. So, don't go anywhere, but stretch your legs for 30 seconds while we move.

Attorney General Pamela Bondi

I mentioned at the beginning that this commission serves under the Department of Justice, so it gives me another chance to spend time with and see a friend of several years. Our Attorney General **Pam Bondi**, was appointed as the 87th Attorney General in this country. Her background? She was a prosecutor in Florida for 18 years. She handled everything from domestic violence to capital murder. She was elected as the first woman attorney general in the state of Florida in history in 2011, where she served through 2019, and when she came on board, she took on the opioid industry of Florida at that time had 98 of the 100 pill mills, the biggest pill mills in the country, back in the days of oxy. And she came in and got tough legislation passed. We're focused on some of those things in Texas right now, as a matter of fact. And so, she was very successful in taking that industry down. And then she was appointed under the president's first term to the Drug Abuse Commission. And then, as you know, she has just done an outstanding job as our attorney general. She is the sweetest person you'd meet and the toughest my friend, our attorney general, the 87th of the United States of America. Please stand for **Pam Bondi**.

United States Attorney General Pamela Bondi: Thank you all. Thank you. Hi. Thank you. Thank you, thank you, Chairman **Patrick**, for your leadership and for stepping forward to chair this great commission. The Commission's work not only comes at a time when the world so desperately needs it, but it's vital to addressing the emerging threats to religious liberty and protecting Americans First Amendment rights. I know we'll all continue to pray. It's been a very long weekend, given what's happening in Israel and Iran and also the horrible, horrible murders in Minnesota. So, I know we'll continue to keep all of them in our prayers. Hi, Doctor **Carson**. Chairman **Patrick**, your dedication to faith and freedom make you uniquely qualified to chair this. And thank you again for your friendship for all these years and for chairing this. And, Pastor **Paula**, I think this is the first time in our history that the office of Faith is located in the west wing of the White House. So, thank you. I'm profoundly grateful to the members of this Commission and to the Advisory Board for generously offering your time, your insight, and your commitment to such an important topic. Your willingness to serve speaks volumes about your passion for one of humanity's most sacred rights, which has come under attack. On May 1st, President Trump took bold action and signed an executive order establishing the Religious Liberty Commission. President Trump's action reaffirmed our nation's enduring commitment to the freedoms of our Founders. It reminded us that faith was not built into the. That faith was built into the foundation of our nation's Founding documents. There was no mistake when it was included in the First Amendment. Our Founding Fathers understood that every individual must be free to worship without fear, without coercion, and without government interference. They also understood the liberty of conscience is the cornerstone of religious freedom. A well-formed conscience is our God given ability to discern right from wrong and good from evil. James Madison referred to one's conscience as the most

sacred of all property. From the start, the United States of America was envisioned as a place where religious liberty meant the freedom to discern good from evil without the heavy hand of the government weighing in. President Trump has charged this commission with helping all Americans become, and, I quote, reacquainted with our nation's superb experiment in religious freedom in order to preserve it from emerging threats. Sadly, over the last four years, that promise came under assault. The federal government became complicit in sheltering these threats, becoming the greatest threat itself. Pro-Life Christians were arrested for peacefully praying near abortion clinics. Violent radicals blocked access to synagogues, and religious services were shut down under the guise of safety. The FBI surveilled Catholics in their places of worship. Permits to build mosques were slow walked or disallowed without cause. And this past year, President Biden marked Easter Sunday, the holiest day in the Christian calendar, as Transgender Day of Visibility. No longer since January 20th. This is what President Trump's Department of Justice has done. We've dropped Face Act cases involving pro-life advocates. We're fighting for the rights of parents to protect their children from transgender books in schools that violate their religious faith. We're rooting out antisemitism in universities and other American institutions, and much more. Let this commission serve as a reminder elections have consequences. And this president and this administration are fully committed to restoring and defending religious liberty for all Americans. The Religious Liberty Commission will be the tip of the spear. Together, we will return America to the vision of our Founders, a nation where faith merely isn't tolerated. But it's embraced and celebrated. I'm honored to serve as a member of this commission, but also to call the Department of Justice its home. I can assure you that DOJ will use every legal and constitutional tool available to ensure Americans can live out their faith freely, without fear. I am filled with hope for what lies ahead. I believe this commission has the authority and the experience. I'm looking at all of you. Thank you and thank you, Doctor **Phil**. Necessary to restore religious liberty to its rightful place and elevate solutions on the world stage. Thank you to each of you who answered this. Call your faith, your courage. Your conviction will leave a lasting legacy. Thank you, Bishop. May God bless each of you, your families, our great country, and this noble endeavor. Thank you and have a great conference.

Dr. Barbara Elliott, Professor, Houston Christian University

Texas Lieutenant Governor Dan Patrick (Chair): Thank you very much. So, we are right on schedule. We have one more witness for our morning call, and we will have time for Professor **Barbara Elliott** once we reset the stage to come and speak and time for questions. And then at noon, we will break for lunch. For those of you who have not been to the Museum of the Bible before, welcome. And we thank them for allowing us to have our hearing here. For those of you who are watching online, it's a must place to visit when you're in DC. And for those of you here, if you haven't seen it and I forget what floor it's on, but it flies you over the city of Washington so you can see where all of the Ten Commandments and all of the inscriptions are on all of the buildings. So, as long as you don't get a little, you know, little sickness, which I don't, go there. It's a great experience before you leave today. It's just wonderful. So, when we break for lunch, you can break for lunch. We're going to start, I believe, on keeping the trains running on time. So, we'll start exactly at 1:00. So, if you'll be back in your seats by then. And right now, I'd like to introduce the chair in place. There we go. Professor **Barbara Elliott** serves as a fellow of the Dominican School of Philosophy and Theology, and an assistant professor of liberal arts at the Houston Christian University. Professor **Elliott's** work in human rights, including documenting the stories of those whose faith inspired them to resist communism and her experience in public policy, provide a unique and essential perspective on the role of religion and a vibrant and free society. Professor. Welcome. And the microphone is yours for the next 10 or 12 minutes.

Prof. Barbara Elliott: Thank you very much, Commissioner. And all of you. It's a delight to be here with you, to meet some of you in person. Yeah. This is marvelous. Thank you that we can talk about something that is really important to our country. People of faith have given our culture a unique strength throughout our history. Without their awareness of the transcendent realm, the American Founders could focus beyond the temporal in a search for meaning and a purposeful existence. They knew that the moral and spiritual strength of the people was crucial in making civic order possible. Long before the Constitution, people of faith were forming small units of order, cells of civil society for their own self-governance and for helping one another before the first settlers even set foot on Plymouth Rock, they bowed themselves to each other and to God in a form of government derived from covenant theology of the Old Testament. The Mayflower Compact of 1620. This was derived directly from the covenant of the Old Testament, which bound Abraham, Isaac, and Jacob to the great I am. These people promised to live in accordance with his law. Our Constitution has the same roots. Faith and family were the bedrock of thriving communities where good character was instilled, along with personal responsibility and a willingness to help others. When a barn burned down, neighbors would band together to build a new one for them, or if parents were killed, parents of young children, a neighboring family would take them in as their own. That was a natural expression of their Christian charity. This vibrant

goodwill in early America provided charitable assistance to the sick, the elderly, the senile, widows with children, unwed mothers and the unemployed. Education was also a high priority. People of faith in the colonies were instrumental in founding schools. Harvard College, for example, was founded in 1636, Saint John's College in 1696, Americans created voluntary civic organizations, hospitals, all kinds of things. When Alexis de Tocqueville visited the country in the 1830s, he was dazzled by this wide array of private voluntary associations and the goodwill that they harnessed to serve others. This was very different than the culture in Europe, where the government and the church were the prime movers. Now, I experienced this firsthand when I lived in Germany in the 1980s. I launched a small private initiative to reach out to people who were fleeing communism and coming to us in West Germany. My skeptical neighbors said, oh, that's so American. Somewhat disdainfully, well, yes, it is American. John Adams claimed our Constitution was made only for a moral and a religious people. It is wholly inadequate to the government of any other. Previous speakers have referenced this civic order has most often flourished where it has rested on the moral and spiritual strength of the people who are governed from within the most potent and powerful unit for shaping the culture is the family. It's the matrix of all primary beliefs, hopes, and aspirations that a person carries through life. The family is the core of civilization, the most important, irreplaceable primary unit through which God has granted man participation in creation and beyond the family. Tocqueville discovered a variety of private voluntary associations, associations, people putting their efforts together to solve a local problem. This is the principle of subsidiarity, and that is important to both Protestant and Catholic thinking. It places the resolution of human issues at the level closest to the people affected. I did research all over the country, interviewing more than 300 people for my book, *Street Saints Renewing American Cities*. I discovered people who are quietly renewing the nation, living their faith one by one, and in small groups, mending hearts and souls with love. Now, how can we evaluate the effectiveness of faith-based organizations? Well, it's not easy. The great management guru, Peter Drucker was asked. He said the answer lies in changed human hearts. You can see tangible evidence of that in changed behavior. So, the most effective services are based on one-on-one face to face relationships over time. And this is true whether it's mentoring programs for prisoners or at-risk kids or recovering drug addicts. If the relationship is rooted in God and anchored in prayer, the likelihood of transformation is very high. Now, this isn't just academic research. For me, my world expanded in very colorful directions that caused my family consternation. Occasionally, the people I wrote about became friends, so I found myself hanging out with a former gangster disciple in Fresno and a former meth cook in Houston. In San Antonio. When I drove up to Freddie and Ninfa Garcia's home, bullets were flying. Now, this was also an unusual sight because men's heads were bowed over Bibles where they were studying with Freddie and Ninfa. Anybody who wandered into their home late would see that Ninfa had a big pot of beans bubbling on the back burner. She would take in anyone who walked in off the streets, and that included guys who were strung out on meth or whatever, and people would stay up with them through the night, hold a basin for them to be sick in, find a blanket for them, and love them through the transition. The way she the way she explained it is it was love in action. Now, when a group of visiting philanthropists disembarked from their

bus the next day, they looked somewhat out of place in this barrio. Freddy leaned over and whispered to me they would run out of here screaming if they knew how many felons were here in this room. Well, yeah, you kind of get used to that. The message that Freddy delivered that day was straightforward. He said, you can take a junkie and throw away his drugs, and all you have is a reformed junkie, but you can take an addict and give him Jesus Christ. And you have a totally transformed man. Freddy knows because he is one. He was a heroin addict, and he was so desperate for a fix that he laid his baby boy on the floor of a dirty men's station, and he was trying to shoot up. Now, in a lucid moment, which was rare for him, he looked at himself and looked at this baby and said, what kind of father am I? My God, what kind of father am I? So, he asked God for help in kicking his addiction. There was a faith-based program that took him in. He then started one in his own living room. They would take an addict in, pray with them, talk to him, nurture him through the withdrawal, and then make a disciple out of him to help others do the same. Now this is an old model. It goes back about 2000 years. You take people in, you spend time with them, you pray with them, and there are new people. Addicts also end up in prison. Often, they'll tell you that starting a new life is really hard. When you get out, they drop you off, give you a few dollars, you get out of the bus, and good luck starting a new life. Almost nobody wants to hire a felon. That's a rough thing for them. So, I launched a program in Houston to help people in that situation become employable, to get ready for employment. We had interesting people there. A man named Michael had been in-and-out of prison his entire life, alternating incarceration with living under bridges. His parents had lived a similar life, so the idea of getting a job and leading a normal life was ludicrous to him. But there was a man from a church ministry that kept coming back to him and sitting down with him and giving him food and water and praying with him. This guy would not leave him alone. He just kept coming back. Well, eventually he convinced him to go into a homeless shelter and to then enter a program to get ready for work. Michael was a guy who would say exactly what he thought, and because he'd had kind of a rough life, you know, his father would put him in a burlap bag with his brother and a vicious animal and put them on top of a hot tin roof in Houston. This was for fun, right? So, Michael had been scarred by life. So, when he got up to speak in an unscheduled interruption of our graduation ceremonies, nobody knew what he was going to say. He said this I have lived like an animal my entire life, but I found my dignity this Thursday because you loved me. There was not a dry eye in the room, including mine. Love makes all the difference. Love is the ingredient that transforms, lifts up brokenhearted, restores hope, and heals all things. People of faith are taking their love into communities and they are lifting hurting people and loving them into wholeness. People like John Sage in Houston, his sister had been murdered, so he needed to get rid of the anger and the depression that he was carrying around with him. So, he talked about it with other people who'd had similar experiences. And from that came the awareness that there is healing in the telling. So, he started a program for people like himself to go into prisons. They would take people who had committed crimes and talked to people who were the victims of crimes and tell their stories to each other, and to do that in the context of Scripture on reconciliation. Now the prisoners are asked to write a letter to the person that they harmed, including someone who's no longer alive. They're also supposed to write a letter to

someone in their family who is hurt by their absence. Often a child. The act of asking for forgiveness brings about profound changes. The need for reconciliation runs through the nation. The civil rights movement called Followers of Christ onto the streets to affirm the dignity and the rights of all men and women as spiritual brothers and sisters. As Martin Luther King reminded us, we are citizens of two kingdoms, the eternal and the temporal, knitted together by morality that transcends the boundaries between races. Man-made laws may draw boundaries, but only the higher law produces love, and it is also the only thing that Doctor King said produces obedience to the unenforceable. The higher law demands restraint and courage. The civil rights movement trained people not to return evil with evil. So, if you got yanked off a drugstore counter, these courageous people were trained not to return evil with evil. It takes extraordinary self-control not to ratchet up the violence. When Jesus said, love your enemies. Martin Luther King reminded us he was calling for agape, the love that is understanding and creative, redemptive goodwill for all men, an overflowing love that seeks nothing in return. Agape is the love of God operating in the human heart. Now, sometimes that fullness of love demands a response to wrong. People of faith led the way. Resisting communists. They risked their lives in a peaceful demonstration, facing down troops under orders to shoot them. And they ultimately brought about the fall of the Berlin Wall. I was in Germany at the time that this happened, and I interviewed people from Poland, East Germany, Czechoslovakia, Hungary, all the way to Russia, and I wrote about these courageous people in my book, *Candles Behind the Wall* Heroes of the Peaceful Revolution that Shattered communism. Tens of thousands of people poured onto the streets, facing down troops under orders to shoot them. And they did this because of their faith. They prayed. And the only defense they had was a small candle that they carried. And in the end, the forces of peace won, toppling the Berlin Wall and unraveling the Soviet Empire. It was a revolution of the spirit. First. Today in America, people of faith are binding up the unraveled fabric of civil society in tangible ways. We hold the threads individually, but when they're bound together, we can reweave a picture of order and beauty in human souls, woven in vibrant colors of love. This is the design of the creator for which we were always intended. Love can only be lived in relationship. Human persons are not designed to be merely clients of social services. We've been given life by our creator for so much more. We were made by love. For love. We've been given the capacity to receive love, which is poured out over us freely, and we are to share it with others. This is the essence of what it means to be human. Augustine knew our heart is restless until it rests in thee. Faith calls us to serve our Lord and our fellow creatures. We pray to live integrated lives rooted in the earth while reaching toward heaven. As my friend Joseph Pierce has written at the heart of all healthy societies and cultures is the presence of the good, the true, and the beautiful. The person of Christ is the way, the truth, and the life. The very life of beauty shining forth in the glory of creation as the word made flesh, as the poem that perfectly reflects the perfection of the poet.

Texas Lieutenant Governor Dan Patrick (Chair): Thank you, thank you. **Barbara.** You know, I was sitting here and remember a few decades ago when I came to your graduation and how you

taught those felons, those who had spent time behind bars, how to even do a job interview. They didn't know. And I remember leaving something. I've always remembered that when you look at the maybe the background of a child or you look at the terrible epidemic of drugs, there's not a big difference between people living under the bridge and people driving over the bridge in a fancy car.

Prof. Barbara Elliott: Absolutely true.

Texas Lieutenant Governor Dan Patrick (Chair): And this is, as you know, how we opened this morning in our comments, we talked about this is the goodness of America. And it comes from faiths of all faiths. And as one of our witnesses said earlier, when George Washington was president, they didn't have the money for these social services. It was the church. And again, this multifaceted church we have of so many faiths in our country today. Doctor **Phil**, you've had so many guests on your show. I'm just throwing this to you. You've had so many guests on your show that you've talked about their lives and God. And I know how that's impacted you. Even moving your studios at one point to Texas, which we're proud to have you. But I just want to give it to you for a moment.

Dr. Phil McGraw: Well, I just like to start by saying you are a great lesson, lesson in judgment, because you're a lot tougher than you look. Thank you. I just have to say, but you know, you are. I just want to echo that you are so right. Because when you deal with these addicts that truly have no purpose and they have no meaning, I've had so many relate to me when they relapse, they do so because they basically have no reason not to. I mean, they just basically say they have no reason not to. But for those who get on a path and, and find that higher purpose to, to serve God and to use their life in, in, in his service, you can't drag them back into that life because they don't have time for it. They don't have any justification for it. They've found a meaning. They found a purpose. They found a higher calling. And all of a sudden, they the number one need in all people is acceptance. And there are synonyms for that acceptance and belonging. And when they have a place to be a purpose in this life, and you just gave so many. Case histories that that prove, that doesn't mean it's success only journey. But when they find that connection, that's the ingredient. That's it. And you've proven that over and over. And God bless you for what you're doing. Thank you for what you're doing.

Prof. Barbara Elliott: Thank you. It is such a joy because people can discover that there is something beautiful inside through relationship, the work, faith, connection, the organization they practice hugging. There's a lot of hugging that goes on. And for these guys who have gotten out of

prison, nobody's hugged them in years. And to have it in a chaste sense, you know, it's the kind of thing that we're just saying, hey, love your brother, you know? And that's sometimes life changing for them.

Dr. Phil McGraw: And eye contact. They make eye contact without challenge.

Prof. Barbara Elliott: Yes. That's one thing we teach them. When you're going to do an interview, you have to look that person in the eye. No, they can't. You know, they're used to looking down. You look up in prison, you're asking for trouble. Everybody keeps their eyes down.

Dr. Phil McGraw: It's eye contact without challenge. It's real intimacy. It's real intimacy with somebody.

Prof. Barbara Elliott: Yeah, yeah.

Dr. Phil McGraw: That's true. Thank you for sharing that.

Prof. Barbara Elliott: Oh, thank you.

Texas Lieutenant Governor Dan Patrick (Chair): Pastor **Paula**. And then we'll go to the bishop and Doctor **Carson**.

Pastor Paula White: Chairman. Thank you, Professor **Elliott**. I'm just so excited over here hearing your story and your life, work and all that you've done. You're just singing my tune for over 40 years. I think about ministry for myself, whether it was in the LA riots. I lived there two years after the Rodney King beatings or the church that we started in Tampa, Florida, in 91, they doused a man with gasoline because the color of his skin and ambulance would not go in without a police escort. And I started going in and feeding the hungry and telling them about the love of God. And it grew into the second largest church in the nation at the time, with 250 Outreach Ministries Hour. I was reminded how I started ministry here 41 years ago. I lived in Frederick in a trailer and someone brought me a turkey, and I was overwhelmed and felt like the most blessed person in the world. I'd just gotten saved about a year or so earlier, gave my life to the Lord, and

I said, I've got to help someone. So, I got on the Bart, came down here to second and D in Anaconda with an advocate by the name of Mitch Schneider, and I took half that turkey and started feeding, and I prayed a little prayer and said, God, can I spend the rest of my life doing this? Well, 41 years later, I've gotten to do this and now at a level. And here comes the question. Comment. During Covid, we saw change because Covid changed everything, and that one turkey turned into a \$5 billion program for me. I served at that time with President Trump at the Faith Initiative and Opportunity, walked in his office when he was talking to the secretary of AG and saying, what are we going to do with this milk? What are we going to do with this pie? And I'm raising my hand. I said, I've got your answer, I've got your answer. He's like, **Paula**, you know nothing about supply. But I knew we had 384,000 houses of worship, and they were the ground army that could get it done. We cut out the middle man because we had to on all the supply was done and we did farmers to family. It was the first time churches had \$1 billion program go through, and was the most efficient, effective program to feed people. It was also the first time we could pray with people without being told by the middleman. That went down to the food bank that you can distribute food because they need the churches, the synagogues, the mosques, but you cannot pray for people. Quite a religious liberty issue, **Kelly**, but we saw how effective it was, and this is one of the reasons I believe President Trump and I, I'm serving in this White House faith office. We see so much discrimination against people of faith. I worked on the first step was a big proponent of getting that passed, work with Jared, with everyone. And yet we saw the same thing. Faith based programs are about 80% 88% successful, secular only under 20%. We see such a discrepancy. But when it comes to government and money, we see things like aid prior before it got dismantled, they checked off the box by giving money to two Christian organizations and one Catholic. That was it. And the rest got untold billions of dollars. Same thing on a state level. Same thing in every. We don't just see discrimination in the court, **Kelly**. We see them in so many areas and yet we see people of faith, all faiths being the most successful at the ground game. Have you had any insight of what we can do to get that playing level or that playing field level?

Prof. Barbara Elliott: I think the most helpful thing would be to stop silencing the faith factor in organizations that are doing good work. The requirement in order to receive government money has often been take the faith factor out. You can't pray with the people you know in this facility. You can have no people of Christian persuasion. Get the priests out of here, no nuns here, you know. Or if you do have them, they have to be silent about their faith. I mean, I talked to nuns in New York who couldn't pray with the recipients of their work or living in a home. Actually, I said, do you pray with me? Oh, no, we can't do that. Really? I mean, if you silence the faith factor, you are taking out the one thing that makes Christian organizations uniquely effective. Mentoring programs. I've been in a mentoring program at the local school. So, the program that I was with, kids, hope you adopt a school near your church and you can send mentors in. They pick the kids so you get the worst, you know, the most maladjusted. And we start with them in the first grade, but we can't pray with them. So, we've had prayer partners off site pray. Prayer goes through.

Walls are permeable, you know, to prayer. We found that. So, they pray off site for that partnership. And the mentor goes in and meets with the child once a week. It actually works in a strange way. I mean, because of the prayer permeable factor, but how much better would it be if we'd been able to sit down with the children ourselves and pray for them, person to person? So, that's the kind of thing that just puts a ludicrous constraint on the most effective, life changing factor. So, removing that would be helpful.

Texas Lieutenant Governor Dan Patrick (Chair): Bishop Barron.

Bishop Barron: Yeah, thanks so much for the presentation. I thought it was very thought provoking. And what it provoked in me was, was this, that hospitals, as we know them came up out of the church universities. We know them. John Paul II reminded us, *ex corde Ecclesiae* from the heart of the church. The church has been bold in the way it moves into the public space. I wonder, have we religious people been too cowed by a secular society that wants us to privatize the faith, and that we haven't seized the opportunity of the of the First Amendment? So, we'll make no laws restricting the free exercise of religion. Good. Then we shouldn't stay in our little self-imposed ghettos, but rather no Congress will make no laws preventing it. So, let's invade that space. I wonder if we've been so affected almost psychologically by this, the wall of separation and the etiquette of privatizing our faith. That image of the nuns? No, I can't I'm not going to pray. Well, there's just something that's obviously opposed to religion, but also opposed to the best instincts of our own First Amendment. That's what it was, what was provoked in my mind during your talk.

Prof. Barbara Elliott: Well, thank you for that. I love your bold thought. Have we just been cowed? Because that is the ethos? Is that is that actually the law, the intention of the law? I'm inclined to say no. So, no law limiting the exercise thereof? Well, it seems to me that is the exercise thereof. The thing about the separation of church and state, that wall was not intended to inhibit the churches. The wall was to protect them. That's what Jefferson meant. That's what he was saying. The wall is there to protect the churches. We're taking it as a barrier that can't be breached for any reason. I even talked to a banker once asking him for a donation. He said, oh, I can't give to your nonprofit because of the separation of church and state. Wait a minute. You're not a church. You're not the state. And I'm not either. What? What is the problem? If you don't want to give, that's fine. But, I mean, this is a strange application that we think we have. So, I agree with you. We need to be more bold.

Texas Lieutenant Governor Dan Patrick (Chair): As Jude said, contend earnestly, Doctor Carson. And then I'll go to Carrie and we have a few minutes left. Doctor Carson.

Dr. Ben Carson (Vice Chair): Well, professor, I really appreciated that very positive spin that you put on everything. It's wonderful. You know, there's so much negativity associated with religion in many aspects. Even when you look at the Ten Commandments, the last half of them are things that you shouldn't do. And, you know, Jesus reversed that when he said, you know, love your neighbor as yourself. That encompasses everything. It's so important. But when I was secretary at HUD, there were so many restrictions in place when I first got there about things that you couldn't do, weren't supposed to do, particularly for faith-based organizations. And we started a program called the Mustard Seed Program, in which we looked for faith-based organizations that were doing very positive things in the community. And instead of giving them a checklist of things that they had to check off, we just said, the proof is in the pudding. It's what they're doing, and we can support that with federal dollars. Do you think that's a good use of federal money?

Prof. Barbara Elliott: What could they use it to do?

Dr. Ben Carson (Vice Chair): Programs that they were successfully conducting.

Prof. Barbara Elliott: Continue what they were doing that was successful? I mean, that seems good on the face of it. If they are given the latitude to be true to who they are, to do what they do, do it with integrity, do it in a way that is. Building civic virtue and changing lives in a tangible way for the good.

Dr. Ben Carson (Vice Chair): Exactly. And you know, the Bible says in the book of James, pure religion and undefiled before God and the Father as to visit the fatherless and the widows, and to keep himself unspotted from the world, and I think when we look at all these various things that we've been talking about, it's the proof is in the pudding.

Prof. Barbara Elliott: I think that's true. I mean, the head of one of the foundations that I talked to several years ago said, look, all of these checklists, we go in and best practices and yada, he said, I just walk into a place and I can tell you, after 15 minutes of talking to the people who run it, are they people of integrity? Are they producing results? Give them the money, I said. I love your attitude.

Texas Lieutenant Governor Dan Patrick (Chair): Carrie will be our last question of the morning session. **Carrie?**

Carrie Prejean Boller: Thank you. I just want to say thank you for being here. You really, truly embody goodness, beauty and truth. And we need more professors like you in the world. So, my question to you is really and it's sort of a comment, I'm a young mother, 37 years, 38 years old, just turned 38. I don't know if you're mother as well?

Prof. Barbara Elliott: Yes, and a grandmother.

Carrie Prejean Boller: Oh, and a grandmother. Okay. There's a lot of mothers that I think are burdened today, and we are burdened by this idea that truth is subjective. That is what our children are learning in school. That is what the culture is teaching them, that they can choose whatever they want to be today. They can be a cat. They can be a dog, they can be a monkey. They want what would you say? What would your what would be your advice if you could look mothers, American mothers in the face right now and talk to them and say, what would you tell them to make sure that their children don't sway, that they don't believe the lies that they're being told? And what can we do as a culture to bring back goodness, beauty and truth?

Prof. Barbara Elliott: Wow. Big, big question, big task. I think we are given the opportunity to instill in our children an understanding that there is truth and it doesn't vary, but we have to be able to talk about it in a way that makes it positive. Tell them about God from a very, very early age. Tell them about Scripture that that from a very early age, read it with them, introduce them to people who are doing good things to serve others, introduce them to people who are leading heroic lives of faith. They need to meet people of faith. And I think giving them an opportunity to try to do something themselves very young, take one of their toys and bring it to a ministry where they can give it to a child face to face. Instill the habit of giving. But I think it's how you have to live it. First of all, you have to limit their intake of all of the other culture out there. We were very, very strict in what they could watch and what they could read. I mean, you know, it had to pass the parental filter test. And, you know, not a lot of movies made it through. But, you know, we controlled the cable and we unplugged it. I mean, there was a time we were just off cable television altogether. My son wanted to watch a soccer game from a European one, and it was on in the middle of the night because the time difference. And he went over to a friend's house to watch it. He said, Tommy, why don't you just watch it at home? Well, my parents are Amish. We have to be able to instill an awareness in our children that they are swimming upstream and that they are

tasked with a wonderful thing to do. They can be warriors against it. They're charged to speak the truth and live it and not care if everybody believes with them. They need to be able to gird up their loins and put on the armor and be warriors for the culture, but for truth be different. It's good to be different because, you know, the vast sea out there is a mess, you know? So, get in your lifeboat and row. They have to understand that they are special and precious, but definitely swimming upstream. And to just keep loving them, keep bolstering them, keep reading the books they're bringing home, keep talking to their friends. I mean, it's a war out there. We need to be fighting in a winsome way. But don't accept the great culture out there. Live in the culture that is true and beautiful and good.

Texas Lieutenant Governor Dan Patrick (Chair): Barbara, we have asked every witness today if you were sitting across from the president in the Oval Office, because we are going to advise and report to him at the end of this sometime about a year from now. What would you say to him that he should do as president to ensure that people of faith have the religious liberty to do all the things that you have talked about?

Prof. Barbara Elliott: Let faith-based groups be true to their mission, true to their calling, and not be hindered by the government in any way. Don't make the mistake of thinking that giving funding is the most valuable thing the government can do. Getting out of the way is sometimes the most valuable thing they can do, but let them be true to who they are.

Texas Lieutenant Governor Dan Patrick (Chair): Barbara. Fantastic testimony. Please give her a round of applause.

Prof. Barbara Elliott: Thank you. Thanks.

Texas Lieutenant Governor Dan Patrick (Chair): We will just five minutes behind. Pretty good for everything that happened this morning. So, we'll break for lunch. Please be back in your seats at one. The commission stands in recess until 1 p.m.

(resuming after lunch, approximately 1pm ET)

Dr. Anthony Schmidt, Museum of the Bible

Texas Lieutenant Governor Dan Patrick (Chair): All right. A little way to start this afternoon session. I was here in January for the inauguration, and I came over with my family, and it was the second time I'd been to the Museum of the Bible and for a tour. And there's so much to see. You don't see everything on one tour, but we had the story about a very unique Bible, and I wanted them to tell that story a little bit. If you're not aware, I was not aware at the time, and it was at that moment really, you know, we opened up, I said, the president and I first talked about this in November, and of course, the inauguration had a lot more things to do and get set before we could begin working on this in March. But it hit me then that this was the perfect place to host this. And again, I thank the Museum of the Bible, and for those just tuning in, it's a great place to visit. When you come to DC, I'd say it's a can't miss. I want to introduce **Anthony Schmidt**. He's the director of collections and curation. He has a PhD in American religion. He joined the museum almost eight years ago. And I welcome you to tell us the story of the Bible.

Dr. Anthony Schmidt: Thank you very much. Thank you for having me. And welcome to Museum of the Bible. Yes, I've been here eight years, and so that makes me a grizzly veteran at this organization. We opened in 2017. And so, we're thriving here. And we're really happy to have you here today. And I'm thrilled to come and talk to you just a little bit, just for a few minutes, about one of the unique Bibles that we have in our collection. And that is known as the Aiken Bible, also has another name. It's the Bible of the revolution, is what it is often called to is often referred to. So, the Aiken Bible was published by Robert Aiken in 1782, and there are a few superlatives that we can attach to this particular Bible. As I mentioned, it's known as the Bible of the Revolution. So, 1782 it was published towards the end of the revolution, and it was the first English language Bible published in North America. Now, I'll talk a little bit about that here in just a second. So, the first English language Bible published in North America. Think about that 1782, though that seems kind of late. Right. So, 1782 and it's actually one of the rarest historical Bibles published in, in North America, and American history, essentially. So, the first Bible that was published, the Eliot Indian Bible, there's actually more, more surviving copies of that that we can count than the Aiken Bible, which is pretty unique, but it also represents a watershed moment in the history of the United States and the young republic. And so, we'll walk through those in just a few minutes. As I speak here today. So, why, why did it take so long, 1782, to publish an English-language Bible? Like I said, there had been previous Bibles published, the first Bible, 1663, the Eliot Indian Bible, 1663, that was published in in Wampanoag, though that was a dialect of the Algonquin language. Up in the American Northeast, the Boston area, the first European language Bible published in North America. That wasn't until 1743, 1743, and that was in German, by the way, man by the name of Christoph Sauer in Germantown, Pennsylvania, outside of Philadelphia, published the first European language Bible. Okay, Robert Aiken, 1782. What's going on? Well, if you wanted an

English language Bible, you typically had to get it imported from Great Britain. Okay, so the Crown had essentially a monopoly, or they authorized certain printers to publish English-language Bibles. And so, you would have, you know, London based printer Edinburgh, Cambridge, Oxford, some of the university printers and all of those would be brought in to the colonies. Well, the revolution put a crimp in that, right along with a lot of other imports. And so, all of a sudden, in the colonies, you had a shortage of English-language Bibles that took place over the revolution. So, what do you do? What do you do? No one had ever printed an English-language Bible over here prior to the revolution that we know of. Now, you could get some pirated copies, some Geneva Bibles. You can get those in to the colonies. But if you wanted the King James Version, you would have to import them. Well, in 1777, the shortage was getting pretty noticeable, and a few ministers petitioned Congress at that time to, you know, think about publishing some Bibles, because we needed to fill that gap. Well, Congress was short on funds. They were also at war, and they were about to be chased out of Philadelphia. This is 1777. So, they did pass a motion to go ahead and import some Bibles from Holland. But it really didn't go anywhere. It didn't go anywhere. There were just too many other competing priorities, we can call it that. But there was a need and there was a recognized need. So, Philadelphia printer, he was actually connected to Congress. His name was Robert Aitken, printed the Journal of the Proceedings of Congress and the pencil. Let's see the Pennsylvania magazine. So, he was a quite, a quite a prominent and established printer in the Philadelphia area, born in Scotland. 1734. So, he would he was kind of an older man by this time well established. And he decided in 1781, after having printed a New Testament just to kind of test the waters, he wanted to print a complete, complete edition of the Bible. So, the Old and New Testament he left out the Apocrypha this time. So, the Old and New Testament. And so, he began work in 1781. And finally, 1782, they began to roll off the press. Now, what does he do? Well, he goes to Congress, and he's kind of in this mindset. Well, you know, for hundreds of years, the central government has been authorizing the publication of the Bible. You know, we he just assumed that this would we would have some sort of similar model here in the United States. We kind of can infer that's what he was thinking. But it Congress didn't necessarily want a monopoly on Bibles, right. They, they it was that wasn't that wasn't in their in their realm of thinking there. And so, I'm sure that there were some folks that would have preferred some sort of tight control over the publication of the Bible, but, you know, that's not the route they ended up going. So, what Robert did secure from Congress was an endorsement. This was the only Bible that was officially endorsed by Congress. And so, it received an endorsement, and it also received he received permission to print that endorsement in his edition of the Bible. So, Aiken Bibles will have that congressional endorsement in the front. Was it a commercial success? Well, it came right at the end of the war. And what this would really signal, as I mentioned earlier, is a watershed moment in the history of Bible publishing in the United States. So, it wasn't really a commercial success because the embargo would be lifted and, all of a sudden, he'd be facing quite a lot of competition in the colonies from other printers. But what he did kind of trigger or start, would be picked up by other printers, and all of a sudden in the colonies, because of this lack of religious establishment, because of this open market, you had all these printers who saw a void and began to try to fill that

void with different types of Bibles. And so, in quick succession, quick succession, you have the first Catholic Bible, 1792 Carey Bible. We have the First Family Bible, 1791 first Illustrated Bible 1792. First Children's Bible, 1794. First Greek edition of the New Testament, 1800 by this guy named Isaiah Thomas, who was also connected to the Founders, not the basketball player. He's the printer, but. And so on and so forth. And you have these benchmarks being set by this Founding generation that would be triggered and kind of kicked off by Robert Aiken. And where you prior to Aiken, you had no Bibles being published in English in the colonies. Literally within 30 years after Robert Aiken, there are millions, millions flooding the market in the United States, laying the establishment of the early republic. Right. So, this is going to be a Bible saturated republic in a sense. And I could go on about the American Bible Society and all of their work that would come in 1812. And just the proliferation of the Bible throughout American culture then. So, Robert Aiken, the Aiken Bible is quite a gem. And we have, I'm happy to say, we have three in our collection and including an Aiken New Testament, which is quite rare. The New Testament that he printed prior to the to the Bible. And you can see those in person with your own eyes down on the second floor. And our Bible in America exhibition, we have a case dedicated to the American Revolution. So, that being said, I think I'm out of time already

Texas Lieutenant Governor Dan Patrick (Chair): Any questions? **Carrie.**

Carrie Prejean Boller: Okay, this might be a silly question

Dr. Anthony Schmidt: No silly questions

Carrie Prejean Boller: What makes Aiken Bible so special?

Dr. Anthony Schmidt: What makes it so special? Its rarity. Its being the fact that it's the first English-language Bible published in North America. The fact that it was connected to so many other prominent people within our Founding generation. It really is kind of a window into that time period that is unlike a lot of other objects. 99% of the objects out there in terms of just where religion fit within, within that time period

Texas Lieutenant Governor Dan Patrick (Chair): Any other questions? I have one. Did that become the school book for most of our schools at that time?

Dr. Anthony Schmidt: What's interesting is, is Robert Aiken intended for this to be used by schoolchildren? That was when he first petitioned Congress. He mentioned that specifically, he wanted to create a book that could be used for in classrooms. And to my knowledge, the run that or the portion of the run that he ended up not being able to sell, he actually donated to schools in the Philadelphia region. So, just to find some use for them

Texas Lieutenant Governor Dan Patrick (Chair): Well, thank you for joining us and telling us that story on the second floor and the story of the American Bible.

Texas Lieutenant Governor Dan Patrick (Chair): All right. Thank you, thank you so much.

Dr. Anthony Schmidt: That was an honor. Thank you

Dr. Stephanie Barclay, Georgetown University

Texas Lieutenant Governor Dan Patrick (Chair): Our first witness in this second portion of our first hearing, we have three witnesses this afternoon, Professor **Stephanie Barclay** is a professor of law at Georgetown Law School, where she also serves as faculty co-director of the Georgetown Center for the Constitution. Her scholarship focuses on the intersection of free speech and religious exercise. She has been cited numerous times. Excuse me, by the United States Supreme Court. Her background brings a timely and expert perspective to our proceedings. Doctor **Barclay**. And I'll also bring on at the same time, Professor **Joshua Blackman**. Professor **Blackman** holds the Centennial Chair of Constitutional Law at South Texas College of Law in Houston. Professor **Blackman** is nationally renowned leader on constitutional law and the Supreme Court. His extensive writing and analysis of emerging legal issues will provide insights critical to our understanding of where the law is now and where it may go in the future. And our third witness, **Christian Wagoner**, is the CEO, president and general counsel of Alliance Defending Freedom. She's one of the nation's most accomplished Supreme Court advocates, having successfully argued several landmark cases protecting free speech and religious freedom. Her extensive experience in ongoing leadership provides a practical and frontline perspective on the current threats to religious liberty, a topic to the directives of our Commission that the president has asked us to hold these hearings on. Welcome. And, **Stephanie**, you can begin.

Prof. Stephanie Barclay: Thank you, Mr. Chairman. It's an honor to get to speak before this distinguished commission today and to discuss the original meaning of the First Amendment's religion clauses, both the Free Exercise Clause and the Establishment Clause. In the spring of 1660, Mary Dyer climbed the steps of the gallows in Boston, returning to Massachusetts Bay colony in defiance of a Puritan order. Determined to preach the tenets of her Quaker faith, the colony had ordered her to conform, to renounce her faith, and to remain silent. She refused, and for that she was hanged. Mary Dyer may well be one of the first Americans who died for the cause of religious freedom. Before the United States existed, some of the American colonies and England itself were places where religious dissent could cost you your home, your freedom, or your life. And that grave reality remains true in far too many countries today. It was against this sobering legacy that the framers of our Constitution took deliberate action. They resolved to found a republic where conscience would be protected, not punished. In the very words of what became the First Amendment, they offered a bold and unprecedented promise Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, as this Commission undertakes its vital work, I'd like to emphasize three foundational principles that should guide our understanding of this important constitutional provision. First, the Free Exercise Clause and the Establishment Clause were understood by the framers to work largely in tandem, not in tension with one another. After all, these two protections form part of the same cohesive sentence in the

Constitution. Second, their unified aim was to prevent government from interfering with individual and institutional religious life as much as possible. Third, the Supreme Court's recent doctrine has largely returned to original meaning, moving away from decades of misinterpretation and ahistorical tests that artificially pitted these clauses against each other and provided far too cramped of protections for religion in our society. The religion clauses represent one of America's greatest contributions to human liberty. They emerged from hard won experience with religious persecution and a deep understanding that faith touches the most fundamental aspects of human existence. As James Madison observed, torrents of blood have been spilled in the Old World by vain attempts of the secular arm to extinguish religious discord. As the principal architect of the First Amendment, Madison had witnessed religious persecution firsthand in Virginia, where Baptist preachers were jailed for preaching without a state license. Their imprisonment, following the dictates of their conscience, became for Madison, a vivid demonstration of what must never be allowed in a free republic. So, let me begin with the meaning of the Free Exercise Clause, which reads, Congress shall make no law prohibiting the free exercise of religion. The inclusion of the article, in the text, let me suggest, is not just a rhetorical ornament. It may signal that the framers were aware that they were not inventing a novel liberty, but recognizing and securing a long standing one. George Washington expressed this understanding in his letter to the Quakers. Upon becoming elected president, he stated, "the liberty enjoyed by the people of these states, of worshipping Almighty God agreeable to their consciences, is not only amongst the choices of their blessings, but also of their rights." Washington said this recognizing the existence of this natural and customary right to religious exercise before the First Amendment had even been drafted, the original understanding of this right was remarkably robust. It encompassed not just a right against religious discrimination, as important as that is, but also a right to live according to one's religious convictions, even when those convictions conflict with generally applicable laws. The case of the Quakers that you have heard earlier today provides a clear historical example of this. At the time of the Founding, Quakers weren't willing to bear arms in the military service based on their religious convictions, and these laws were not discriminatory ones. But the government's ultimate response was not to force them to violate their conscience, but to recognize the futility and injustice of that sort of coercion. As Elias Boudinot, a prominent Founding era figure, explained, "what justice can there be in compelling Quakers to bear arms when, according to their religious principles, they would rather die than use them?" This reveals something crucial. Accommodating the religious exercise of sincere believers was understood to be necessary to reduce needless human suffering. And that principle remains true today. These early accommodations also reflect the Founders conviction that a healthy republic must cultivate principled citizens capable of dissenting on grounds of conscience. Of course, protection of religious exercise was not absolute. James Madison debated with George Mason about the limits of religious liberty, identifying a very limited category of government reasons for which government could regulate religious exercise. Madison rejected Mason's suggestion that we should be able to limit religious practices for the happiness of society, Madison said. That's far too broad. Regulation would need to be justified on much more limited bases, like the need to preserve equal liberty of other citizens, or because the

religious practice could endanger the very existence of the state itself. Early state constitutional protections for religious exercise also contained provisos enumerating the types of government justifications that were appropriate for limiting religious exercise when necessary. Things like government action necessary to protect the public health or public safety of the community. The early 1813 New York case of *People vs. Phillips*, the earliest example of a religious exemption being granted, illustrates this principle in the judicial context. This case dealt with whether the government could subpoena a Catholic priest who had received a confession about a crime and force him to testify. Now, you can understand why, for the government, you would be very interested in this evidence. Smoking gun evidence, if you can get it about the defendant and the crime that they may have committed. And the government argued this was necessary for reduction of crime and for safety. But even though this law was not discriminatory, the Phillips Court noted the burden the government's requirement would impose on the priest's ability to exercise his religion, requiring him to testify would place him between Scylla and Charybdis, where the priests would be forced to either suffer penalties for failing to comply with the law, or to violate his religious oath. In the face of this religious burden, the court demanded evidence that the government's actions would actually advance its stated interest in public safety and reduce crime, and the court found that evidence, lacking mere assertions of risk or slippery slope arguments were insufficient, and the court ruled for the priest granting a religious accommodation. An early case dealing with a nearly identical issue coming out of Virginia ruled the same way. The free exercise Clause, properly understood, was thus a guarantor of genuine religious pluralism. It was aimed at ensuring that America would be a nation where people of diverse faiths could live according to their religious convictions, even when those convictions set them apart from their neighbors or conflicted with generally applicable laws. This protection was seen as essential not only for the flourishing of religion, but for the preservation of a free society. Generally, some have pointed to historical evidence that the free exercise Clause should be interpreted more narrowly, but virtually all of that evidence also supports arguments being debated at the Founding about whether the judiciary should protect constitutional rights at all. For better or for worse, we now live in a society where there has largely been constitutional settlement on that issue, and where we understand that our judiciary is in the business of protecting constitutional rights. And so may I respectfully submit that in that context, there is no constitutional right with a stronger historical support entitling it to robust protection than religious exercise. I'll now turn to the original meaning of the Establishment Clause, an issue that some of the astute members of this commission were asking about this morning. This constitutional provision emerged in large part from the Framers experience with the Church of England, which served as a cautionary example of problematic church state relations. The Framers did not view all public roles for religion as problematic. Rather, they sought to prevent to prevent specific government actions that characterized formal religious establishments while still allowing religion to maintain an important role in public life. Professor Michael McConnell has identified six historic hallmarks that characterized religious establishments that the Framers were seeking to prevent. So, beyond a formal declaration of an establishment, a prohibited establishment of religion could include one of the following: number one control of church

doctrine, leadership, or internal affairs. Number two compulsory religious exercise with penalties for noncompliance. Number three preferential financial support of just the established church and not other denominations. Number four prohibition of dissenting worship or punishment of dissenters. Number five use of church institutions for public functions in a monopoly capacity. Number six restriction of political offices to members of the established church. James Madison's Memorial and Remonstrance against Religious Assessments provides some crucial insights into the Framers' views about these hallmarks of an established religion. Madison opposed Patrick Henry's proposed tax supporting Christian churches for two independent reasons, both relating to these hallmarks that I was just discussing. First, Madison objected to granting peculiar exemptions, as he called them to certain religious groups, the Quakers and the Mennonites. He viewed this sort of preferential treatment of some denominations over others as problematic denominational favoritism. Second, Madison argued that the religious taxes required by this law effectively forced everyone to engage in a religious observance, or, as professor Mark Stasi has written about, effectively, a tithe. Importantly, Madison's objection centered on the coerced religious participation rather than the government funding itself, which could be provided to religious entities for lots of other sorts of reasons. This explains why Madison and others who oppose church taxes in the form of tithes, did not oppose state funding of religious schools. The latter did not involve coerced religious observance. Early American practice demonstrates that the Establishment Clause was not understood to require strict separation of religion from public life. The same Congress that drafted the First Amendment appointed official chaplains and provided for their payment. President Washington and Jefferson both acknowledged religion in their official capacities, and the federal government funded religious schools and religious displays in government spaces. Finally, on some issues, the religion clauses speak powerfully with a unified voice. The original understanding of these clauses encompasses institutional church autonomy, the right of religious organizations to govern their internal affairs according to their own religious principles, including selecting ministers and establishing doctrines without government interference. When James Madison and the secretary that was the Secretary of State, for instance, the Catholic Church solicited the executive's opinion on who should be appointed to run the church affairs in a new territory. Madison responded that selection of church functionaries was an entirely ecclesiastical matter, left to the church's own judgment, and something over which government should have no say. In conclusion, in recent years, the Supreme Court's decisions have increasingly returned to this original understanding. The court's 2022 decision that has been discussed earlier, *Kennedy v. Bremerton School District* rejected the artificial tension between the religion clauses that had been caused by ahistorical doctrines like the *Lemon* Test. It adopted the six hallmark approach to the Establishment Clause, citing to Michael McConnell's work and a concurrence by Justice Gorsuch, highlighting in depth that approach. It also emphasized that the clauses work together towards the unified goal of protecting religious exercise and preventing unnecessary government intrusion. In *Kennedy*, another case, the court has also interpreted narrowly cases like *Employment Division vs. Smith*, which would not allow religious exemptions if a law is neutral and generally applicable. And now the Supreme Court has interpreted that case so narrowly that

virtually no law at the Supreme Court, I would submit, could qualify as being neutral or generally applicable. Which means that if a law burdens religious exercise and can't satisfy strict scrutiny, the court will grant a religious exemption. Lower courts are not so clear on this subject and are not as protective. And in *Kennedy* in a footnote, the Supreme Court did leave open the possibility that they may yet overrule *Employment Division vs. Smith* and make this reality crystal clear, offering more guidance for lower courts. The court has also recognized that government can accommodate religious exercise without impermissibly establishing religion. Religious expression in public settings is not presumptively unconstitutional. The court has finally recently emphasized, just this term that religious institutions have a robust right to autonomy in their internal affairs, and the Supreme Court did that in a unanimous decision. This return to original understanding creates space for genuine religious pluralism to flourish, and serves the cause of religious liberty for all Americans, regardless of their particular faith traditions, or none at all. But the important work of protecting religious liberty is never complete. Today, anti-Semitism is on the rise. Native American sacred sites are being threatened. There are many religious charities that face unnecessary obstacles to serving the most vulnerable amongst us. The Commission's work is vital to preserving and strengthening religious liberty for future generations. By understanding and applying the original meaning of the religion clauses, we can assure that America remains a nation where people of all faiths and those of no faith can live according to their deepest convictions while participating fully in our common civic life. I thank you for your attention to these important matters and for your service on the Commission.

Professor Joshua Blackman, Chair of Constitutional Law, South Texas School of Law

Texas Lieutenant Governor Dan Patrick (Chair): Thank you, Professor **Barclay**. As we did this morning, we'll have another witness and then we'll open for questions, and then we'll have our last witness and ask questions instead of having three together. **Joshua Blackman**, I introduced him as the centennial chair of constitutional law at South Texas School of Law. **Joshua**.

Prof. Joshua Blackman: Thank you so much, Chairman **Patrick**, Vice Chair **Carson**, it's an honor to be here today and a point of privilege. I'm Jewish. Rabbi Soloveitchik is Jewish. There are many religions represented in this committee. I think that's a beautiful testament to the pluralism of our country. So, thank you very much for making such a wonderful board. And also, if we keep our brothers and sisters in Israel in our prayers today, they are under attack. At the moment. I have ten minutes. You get ten cases. So, it's going to be a very fast, fast, fast. But we will make this spin. The story begins in 1947. In case we've mentioned before, *Everson vs. Board of Education*. This involves something benign school busses. My kids take the school bus all the time. So, in New Jersey, the school district had busses that took kids to Catholic schools on public busses. And Establishment Clause challenge was brought saying that this was unconstitutional. Now, the court upheld taking kids to the Catholic schools on the busses. But Justice Hugo Black, former U.S. Senator, said, but we know the real meaning of the Constitution. It is not James Madison, Stephanie said. It's Thomas Jefferson with this metaphor of a separation of church and state. And he said, this is what it means. No other evidence, nothing to say. That's the real meaning. That's what it meant. And he says that this wall must be kept high and impregnable. It can't be breached. Not even the slightest breach we tolerated. So, Black laid down the blueprints that the Establishment Clause means separation of church and state. We discussed this morning. That is not what the Constitution says. Not even close, my friends. So, then, about 15 years later, we get to a case mentioned earlier, the school prayer case. *Engel against Vitale*, 1962. My mom was actually a public-school student in New York at the time. She actually remembers this. Schools began their day with the Pledge of Allegiance, which under *Gobitis* and *Barnette* you cannot say. But after there was a voluntary prayer, which, as I said before, was pretty frankly bland, thank you, God, we're here. Thank for the country and so on. Nothing particularly egregious in any definition. Yet by a 6 to 1 vote, 6 to 1 was even close. The court held that this was unconstitutional. Justice Black for the majority, Justice Potter Stewart wrote the lone dissent, and Justice Black says, we breached this wall. The separation of church and state. There have been prayers in schools for generations. But suddenly in 1962, all of a sudden, this wall was resurrected. Poor choice of words, perhaps in the Bible Museum. But the wall came back and he said, this wall has been breached. Justice Stewart dissent. He said, this is not in the Constitution. You're making this up. Stop it. But that was the law. Justice Black wrote. When the Constitution was adopted, there was an awareness

of the dangers of the union of church and state. And the Justice Stewart said, what are you talking about? Go a few blocks that way to the US Supreme Court every day it begins. God save the United States and this honorable court every day. Just in Senate a couple blocks that way. Every day there's a prayer from a chaplain. A Stephanie said. The very first Congress that passed the First Amendment prayed for the chaplains in Congress. Every president, when they take the oath, they say, so help me God. They asked protection of God. George Washington on down, Pledge of Allegiance. One nation under God. In God we trust in every piece of currency. Right up there is history here that the Supreme Court just looked away at. This was the Warren Court. They were making stuff up a criminal procedure about rights of privacy. Penumbras. But God forbid, the thing is actually the Constitution. We're just going to push that aside. Then we get to 1971. This was a dark year for religious freedom. Roe came back two years later. So, this is a dismal time for the court. The court decides *Lemon vs. Kurtzman*. Those are an appropriate name for a case. This was it. This case gave a so-called *Lemon* test. Again, it involved funding of religious schools. And the court puts forward this three-part test, which they just made up of whole cloth. It didn't come from me. They said, here's the test. Decide they love tests back in the 70s. Here's the test to decide. So, first, the law must have a purpose that is not religious. If there's a religious purpose, you can't do it. We discussed this morning almost all of our laws have some basis in morality. This can't be the test. number two, if law advances religion, you can't have that. This isn't consistent with two centuries of precedent. And third, this is my favorite one. You can't have an excessive entanglement, whatever that means. An excessive entanglement with church and state. So. So, even if, you know, the government had to monitor a school to make sure they're spending the money properly, oh, that's an entanglement. You can't have this. And what's fascinating is this was a test designed to protect religion. If you actually read the briefing, they said, we want to separate church and state to protect the religious, because we want to protect people of faith from the government. If government gets into their hands, they'll corrupt the church. We don't want that. We are helping you. We're helping you. If you don't want the money, you can't have it. We're helping you. This was paternalism at its worst, *Lemon* created a five-decade reign of terror for the religion clauses. Justice Scalia, Jerry Bradley, the great line, this ghoul that creeps in the night and comes to haunt our nightmares. Right? This is how Justice Scalia described the *Lemon* test. So, a couple of decisions that spawned from this one. You have stone against Graham. This was about whether you could post the Ten Commandments on the wall. Now I'm in Texas, Governor **Patrick** is here. We pass a statute this year saying that the as we posted, we'll see what happens there. Another case called Wallace against Jaffree in 1985 says you can't have a moment of silence in school. Forget you don't have to pray. Just a moment of silence. They said that will be too coercive. And then in 1992, a case called *Lee vs. Weisman*. This was, again, not about Christian nationalism. Whatever you might think it was about a rabbi, a rabbi in Rhode Island who wanted to give the most ecumenical prayer ever. And a student, Deborah. Deborah Weisman objected, saying that I feel coerced by the way she was Jewish. So, they brought a rabbi to give a speech, and Jewish objected. But she felt coerced by even having this present in her graduation. And the court said, no, we can't have this. Adolescents are susceptible to peer pressure. Right? And even being around

aware of a prayer is too much, and the risk of indirect coercion is unconstitutional. Okay, so those are the battle days we'll get now to the better times, the current times, the things actually are in the upswing. So, again, 2014 *Town of Greece vs. Galloway*. This is not from ancient Greece, is from upstate New York. The town council there began their sessions with a prayer. They had a practice where they would go through the phone book for children. There's a book. That phone number is in it, right? They go through the phone book and they would find all the numbers of parishioners in the area, and they would invite them to give an opening prayer. This case split 5 to 4. Justice Kennedy, the majority. And he said, this is okay. There's a long history of prayer going back to the time of the framing. No one's being forced to say the prayer. If you don't want to say it, you can just leave the room. And this is not a violation of the religion clauses. Justice Kagan dissented, and she objected, saying, you know what? I don't mind prayer. I just don't like these prayers. Why? Because the word Jesus, right. And they spoke of the Holy Spirit and things like this. We need just she said, prayers are acceptable to everyone. This is the solemnity point made earlier, right? Just prayers that speak to no religion is the only religion you can have. That's not a prayer. I don't know what that is. It's just like a, you know, like a pep talk, I don't know. Right. What is that? So, I think the court saw past that. But even Justice Kennedy said we can't have people coerced. I'm with you. I think it's a good test. Then we get to the trilogy. I think professor said earlier the trilogy of cases. So, 2017 *Trinity Lutheran vs. Comer*, 2020 *Espinoza vs. Montana Department of Revenue* and 2022 *Carson* against *Macon*. Boom, boom: the court cited three cases over the course of five years. That changed law a lot. In the past, any funding of religion was based on constitutional. You just couldn't do it. So, now the court's saying, wait a minute. If you're giving money to non-religious groups, you can't discriminate against religious groups. Those are good rules. But my goodness, we saw during Covid casinos open, churches closed. So, if we just apply this principle evenly, I think we're in a good place. I'm going to ask recommendations earlier. If we just treat religion the same way, everything else, we'd be a lot better off. Don't treat a liquor store, a marijuana dispensary better than a synagogue. That's a bad look. But we get to 2022 where things actually kind of right. My good friend Stephanie mentions earlier *Kennedy vs. Bremerton School District*. **Kelly** is a group helped litigate this case for a number of years. This was a football coach Kennedy. He you've seen him on TV. He gets around. He they're good at that media stuff right. He would give a prayer at the 50-yard line after the game. No one was required to say it to him. They sit down and pray, take a knee whatever and they can join if they want. The school said, we're afraid of getting sued, so you have to stop praying. That was actually the fear, right? They were afraid of the *Lemon* test because the *Lemon* test dilemma, they said, you cannot pray. This case goes up and down. The courts finally gets to the court in 2022. And miraculously, *Lemon* was buried. Muzzle tough. It's gone no more, the court said. The test now is based on history and tradition, and in particular, is there coercion, not just peer pressure, coercion? Right. Are you forcing someone to pray? No. So, this is the rule we have now. I think the court still sort of figuring out where *Lemon* goes is go here or does it go there? But that's a 50-year summary of the cases. I think if there's just one thought I can leave you with, it's this notion that merely being exposed to prayer, merely being exposed to religious symbol like a Ten Commandments display or something

like that, that is not enough to trigger the Establishment Clause, right? And if we start from there, almost all the other cases of the Ten Commandments displays and this and that moment of silence, those cases go away. So, the court overruled *Vitale*. I don't know. Right. That's on the chopping block we have in Texas, a bill that just got passed this past session. But I think it's a sort of bold moment. There's a lot of change ahead. And I think this commission meeting had just the right time to give guidance to the government of how to how to deal with this new reality. So, thank you so much. Thank you to **Stephanie**. Thank you, **Kristen**, the commission I welcome your questions later

Texas Lieutenant Governor Dan Patrick (Chair): Thank you. We will take questions now. And then we will have **Kristen** come up last. And then we'll have questions for you after **Kelly**. You want to lead?

Kelly Shackelford: Yeah, I know we just mentioned I mean some big cases that change things. I mean the *Carson* case is a case. We did the Kennedy case. But I wonder from you what's next? I think you've already said a little bit. And I want to follow up a little bit on Professor **Bradley** proposed. So, kind of under both clauses, I think, Professor **Barclay**, from what you said, you're obviously not in favor of *Smith*, which lays out that if the government lays out a neutral rule, it can there is no religious freedom violation. So, it could literally go into Catholic churches and start arresting priests for, you know, serving alcohol to minors. And so, there was there's no religious liberty if it's neutral. Is that do you think the you but you said it's been so narrowed. So, I'm wondering do you think that is the biggest sort of case, the next case to overturn, to restore free exercise because of all the lower courts and how they don't understand what's going on? Or do you think there's something else? And then the other question I'd ask both you and **Josh**, is this issue that was brought up earlier of that Professor **Bradley** was saying we should be able to government should be able to promote religion in general. And I know Professor **Barclay**, you mentioned the religion clauses should be read together. And this idea that you can't promote religion as the government is really weird saying that's a violation of the Establishment Clause. When the Free Exercise Clause promotes religion in general. And so, I'm wondering, do you think we should start moving in that way under the Establishment Clause, more things where it's okay for the government to be promoted, religion in general, because it's a good

Prof. Stephanie Barclay: Thank you for those excellent questions. So, in terms of cases that I would like to see on the horizon, if there was a case that overruled *Employment Division vs. Smith* and took the approach advocated by Justice Alito in his concurrence in *Fulton*, that was joined by Justice Thomas and Justice Gorsuch and replaced *Smith* with a form of strict scrutiny. I think we've learned from RFRA, and we've learned how to do strict scrutiny even more rigorously now. I think

that would be a good thing for religious liberty, because, as I alluded to in my remarks, even if virtually no law is described as neutral or generally applicable at the Supreme Court level, an awful lot are viewed as neutral and generally applicable by lower courts. And there's a lot of evidence about ways in which protection of religious groups, and particularly religious minorities, went down after Smith was decided, leading to a lot of the same types of needless suffering that I think are religion clauses were meant to prevent against. I think it would also be good to see the court. You can see the court doing this in its recent Catholic charity cases, thinking more about how to develop the doctrine of church autonomy, that area that lies at the intersection of both religion clauses, and thinking more about the types of doctrinal protections beyond just the ministerial exception that will protect churches when it comes to the internal affairs of their church, how they're going to run different sort of staff or their programs. And I think that's an area where there's room for fruitful development under the Establishment Clause. I think more cases from the court making clear the different doctrines that it will adopt related to the different hallmarks of establishment, I think would be helpful. My read, based on the court's jurisprudence so far, is that the court really ought to be out of the business of policing Christmas displays and Hanukkah and ask, how many reindeer are there? Is that secular enough? That was never a question court should be asking. They're not good interior designers, and my hope is that after Kennedy, they've given up that business. But future cases, I think, will help to really make that clear and to point out ways in which the court still is going to rigorously police anti-establishment Clause concerns, but not in ways that, as you suggest, prohibit religion from being part of the public square or from prohibiting important church state partnerships

Prof. Joshua Blackman: So, I think I agree with everything **Stephanie** said on this. I would just speak more broadly that the Supreme Court in recent years has been trending in the right direction. I think they could push a little further. And **Alice** made this point earlier. Sometimes judges kind of hesitate. I mean, even in *Fulton*, you know, this is a case involving Catholic services to Philadelphia. They've been doing adoptions there for like 200 years or more. And all of a sudden the city said, wait a minute, Catholic families, you won't put children with gay couples, you can't work with them. We're going to just shut you down. You should be more like Pope Francis Catholic. They said, be like Pope Francis and allow you to place children with gay couples, which is just was insane. So, the court unanimously said, okay, this goes too far. But yet three justices, Thomas, Alito and Gorsuch said, okay, *Smith* is at his time. Let's go. Two justices, Barrett and Kavanaugh said, well, we asked some questions. I think they're answering those questions. We're still waiting to see what happens, but I don't know how far the court was going to go with this. Even this morning, we had a "GVR" in legal speak. There's a case from New York state, right, where New York mandates that employers provide abortions, including, apparently, the Diocese of Albany. This case has been pending for a decade, and the court sends it back to lower courts again. The court didn't just grant the case reverse that. Right. So, I think as far as the court's gone, they're still sort of pumping the brakes and maybe they're developing doctrine. Maybe something

else is going on. But I think, you know, I think these commissions are helpful to signal that their support for these rulings, people, even non-lawyers, understand this doctrine and that that that these rulings do, frankly, have consequences for people in the real world

Texas Lieutenant Governor Dan Patrick (Chair): Questions? Doctor **Anderson**.

Dr. Ryan Anderson: So, I have a question for each of you based upon this terms, Supreme Court rulings. **Stephanie**, I know you were litigating a case that just got denied cert, and there was a powerful dissent from denial of cert, that it was Gorsuch who wrote it. I was wondering, can you tell us a little bit about that case? And then since our job here is to give advice to the president, you know, are there steps that the Trump administration could take specifically on that case? And then, Josh, because Amy Coney Barrett had to recuse herself, the Saint Isidore case was deadlocked 4 to 4. How should that case have been decided had there been a fifth? If you were the fifth deciding vote

Prof. Joshua Blackman: Well, that's easy.

Dr. Ryan Anderson: So, tell us a little bit more than just the vote outcome.

Prof. Stephanie Barclay: So, thank you for the question, the case that Commissioner **Anderson** is asking about is a case called Apache Stronghold, where what is at issue is a Western Apache Native American sacred site in Arizona called Oak Flat, where they have performed sacred ceremonies since time immemorial. It's a portal to the divine. For them, it's a space where the women in the Apache tribe perform their coming-of-age sunrise ceremony. So, it's of critical importance to them. And it's an area that has long been protected by many different political administrations. The threats to Oak Flat has not come from this administration. It originated in a law passed during the Obama administration, and under that law, our government traded away this very valuable and very sacred site of the Apaches to a foreign Chinese owned mining interest. What did we get in exchange for that? Some worthless land in the middle of the desert. So, one thing I would say about that religious liberty aside, I think President Trump should care about that because the man who knows the art of the deal should see that this was not a good deal for our country. Right. So, that's number one. Also, the Native American people, there's one poll that shows that President Trump won 65% of their votes. This is a constituency that believed in this administration. And I think there's an opportunity for this administration to protect this sacred site where the courts and previous administrations have failed. So, Justice Gorsuch, as Commissioner

Anderson referenced, drafted an opinion joined in full by Justice Thomas, saying that he thought the Supreme Court should take this case and say that this sacred site was protected under RFRA and offer protection. There wasn't enough votes to do that, but there is an opportunity for this administration to do something. So, under the statute, there is discretion provided to the Secretary of Agriculture to find mutually beneficial solutions in terms of the land exchange. That would still be as limited, as detriment as possible to the tribal people. And there are different sort of mining techniques that could be used that would not destroy the sacred surface of Oak Flat, but that could do mining underneath. It's also possible that President Trump could just decide he no longer wants to give away virtually for free, really valuable United States land to Chinese mining interests. And he could indefinitely not issue the federal environmental impact statement because he could decide that this does not comply with our environmental laws or our valuation laws requirements under the statutes. And he could take the position that the way that the mine is proposing to do this project is not the least restrictive means under RFRA And so it doesn't comply with RFRA either. These are just a few discretionary options at the disposal of this administration. That's, again, a huge opportunity to protect a site that received broad bipartisan support of religious groups of all types and the amicus briefing, and to provide more religious liberty than predecessors or the courts have up until this point

Prof. Joshua Blackman: Thanks, **Ryan**. So, the case you mentioned was called Saint Isidore. This is a very innovative Oklahoma, established a religious charter school that's online for people who don't live in the city. It was managed by the Diocese of Cities in Oklahoma under the Oklahoma attorney general, who sees himself as this religious conservative. He's not said, basically, I'm not going to defend this law. So, Christians laughing. I'm not going to defend this law. I'm going to say it's unconstitutional. And the Oklahoma Supreme Court said it was unconstitutional. Okay. Goes to Supreme Court splits four-four with Justice Barrett recused. I'm not sure if she would have voted. I'm not sure I would have voted. I would said it was a valid exercise of the state's power. After the trilogy of *Carson vs. Makin*, *Trinity Lutheran* and *Montana, Espinoza vs. Montana*, you can't treat religion worse than non-religion. That's a very big principle. If there are these nonreligious charter schools, a religious charter school gets the same benefit. This was not a hard case. Now, I don't know that any state has another case in the pipeline. Maybe Texas should look at something like this. I think with charter schools now with vouchers, but there's nothing else in the pipeline coming up. I think it's unfortunate for the children of Oklahoma. They lost this opportunity that they'll never get a chance to go to these schools

Texas Lieutenant Governor Dan Patrick (Chair): Let me go to Doctor **Carson**. I'll come to you. Rabbi. Doctor **Carson**?

Dr. Ben Carson (Vice Chair): Well, thank you for the illuminating discussion so far. A quick question for you regarding the Establishment Clause. I think most people would agree that it's not a good thing to kill people, or to steal, or to lie or to covet under those things, and yet there seems to be a component of our society who feels like posting the Ten Commandments is establishing religion. Is it establishing religion, or is it talking about what is common decency for civilized people?

Prof. Joshua Blackman: Yeah, I think there are two ways to look at it. And in one sense, the basis of our legal system is the Ten Commandments. It's if you go to the Supreme Court only a few blocks away, the Ten Commandments all over the place, they're everywhere. Right? And no one gave thought. This Moses was a giver of law. This is a very basic circle fact. But, more fundamentally, there is a religious aspect, right? You have no other god before me, right? No graven idol. These are messages that have been taught for millennia in all civilizations that we can think of. The way I look at this, Doctor **Carson**, is I think we should try to think about the culture. If we tell students that anything you see that bothers you have to eliminate not just religion, anything that bothers you, we have to eliminate that is breeding children, I think, in a very harmful way, vs. if you see something you don't like, okay, you don't like it, look the other way, have a different message. But the answer is not just to cancel or delete things you don't like. And if we apply that principle to the Ten Commandments, I think things would be a lot easier. But that's a cultural change that I don't think we can affect. But we can, at least I think, discuss in this commission.

Prof. Stephanie Barclay: I would just add to that and say, I agree with you, Doctor **Carson**, that displaying the Ten Commandments doesn't violate the Establishment Clause for two different bases. I think schools should be able to teach about basic virtue ethics. All of the framers were well steeped in that thought. That was an important part of their own thinking, although they fell short, as we all do. But it was something that they thought should be an important part of teaching. And long was. But even aside from just human decency, I think it's permissible for there to be religious displays that are obviously religious in public life, so long as it's not as though what is going on is that the government is saying this is the one religious denomination that we support and not anything else. And the Ten Commandments falls far short of being anything like that.

Texas Lieutenant Governor Dan Patrick (Chair): Note before we get to Rabbi on the Ten Commandments bill that we passed Senate Bill ten, we do not fund those. And it's not an unfunded mandate to the schools, any church, any individual, any business can donate a 16, a 16 by 20 copy of the Ten Commandments, which is the exact copy of the Ten Commandments we have on the Capitol grounds. The Supreme Court upheld. So, that will be an interesting twist to this. But the

schools are required, if you bring them the Ten Commandments, they must hang them in the classroom. Rabbi?

Rabbi Meir Soloveichik: Thanks first to you both. I'm a huge admirer of your writings and your scholarship, and it's a joy to speak with you today. And on a personal note, just want to thank Professor **Blackman** for mentioning the war. Many, many close family members right now, along with many millions of others, have spent much of the last couple of days in bunkers with ballistic missiles raining down on them. Thank you. It's appreciated very much. I wanted to ask about the subject of the course of the case law, which is what you both addressed so eloquently, it seems to me. And I'm not a lawyer, but correct me if I'm wrong. It seems to me that in the era of free exercise, there's been enormous amount of rollback in a positive way, but much less so on the establishment front. There have been moments where Town of Greece has one where the court said, okay, we're not going to go that far, but, *Plymouth Division vs. Smith* aside. And like Professor **Barclay**, I, I look forward to its being consigned to the ash heap of, of legal history. But that aside, so much has been accomplished. Blaine Amendment is effectively dead. So, many, so many important achievements for religious liberty have occurred. And yes, there are more, but there's been enormous achievements in recent times. And yet, it seems to me, whether we're speaking about placing of religious objects in public squares, ten commandments, prayer, so many aspects. Even *Lee v. Weisman*, as far as I understand, is still the law of the land. And so why is that? Are we just is this just a pragmatic matter that it hasn't, that these cases have not come up as much? Is it because government has not acted with alacrity in pushing the envelope in this area, which is, of course, important to questions we face as a commission? Because maybe then they should. Our justices, more reluctant to grant cert to establishment cases, or do we have more cases to look forward to? I'm really interested in your thoughts on this question.

Prof. Joshua Blackman: So, I'll give you an example as abortion, right. *Roe v Wade* was a law of the land for 50 years. How was it? Overruled. Our friends in Mississippi passed a statute that was inconsistent with *Roe*. The statute was facially unconstitutional because they want to set up a test case. For better or worse, lower courts are bound by the Supreme Court. And if you bring a case, they'll say, well, *Levy* is a precedent. And until the Supreme Court otherwise sets a precedent. And if the court keeps denying certain they deny way to many cases, it won't be reversed. Unfortunately, the only answer is legislatures who pass bills that perhaps are in tension with precedent. *Stone v Graham* is one of them. The problem is qualified immunity, you're willing to pay damages and so on. But if you are willing to pass a statute that you think is inconsistent with the original meaning of the Constitution, you tell the lower court, your Honor, we stipulate the judgment. We want to seek cert. Right. I think that's going to happen more and more. Mississippi has done it. Louisiana has done it. Texas has done it. If you have a school district that's willing to have a good legal defense fund, they'll say, we'll have a rabbi give a prayer at this thing because

we think Levy Weisman is wrong and decided that's the answer. And until that happens, you're sort of stuck under the specter of these old Warren Court precedents that have haunted us for decades. *Lemons* have been extirpated, right? The court killed *Lemon*, but a lot of other cases are still floating in the in the in the ethos

Prof. Joshua Blackman: Let me just make a friendly amendment to that. I don't think that it's clear that *Lee v. Weisman* is the law of the land anymore. So, the Supreme Court, when it talks about coercion in Kennedy, says that it needs to be compulsory religious exercise and the hallmarks of religious establishment that McConnell and Justice Gorsuch talk about, that the court is siding to. They're referred to. And that type of coercion must be backed by penalties if there's noncompliance. There were no penalties in *Lee vs. Weisman*. It was just, you know, well, I feel kind of sad if I have to go to this graduation and somebody is praying and that's not the same as the type of penalties that were relevant at the Founding. So, I don't think you have to go as far, respectfully, as **Josh** is saying, if you're a municipality and say, well, we're just going to buck the Supreme Court, I think you could say we're reading Kennedy, and this seems to suggest that now, for it to be a historical hallmark of an establishment, it has to be more than peer pressure. It has to be real coercion, backed by penalties to participate in this religious exercise. And so, *Lee* is out. *Graham* is out with the Ten Commandments. And then will those cases be litigated? Probably. Do we need more clarifying doctrines so that we're not in the gray zone? But it's crystal clear that those things are not the law in the land. Sure. But I think that what the Supreme Court did in the Kennedy case, where it did make crystal clear that *Lemon* was dead, it was funny. They said, we've long ago overruled *Lemon*. So, death for sure. Data and death uncertain. But we know it's the ghoul is finally gone. And I think we have yet to fully appreciate the seismic shift that that case has opened up for us.

Texas Lieutenant Governor Dan Patrick (Chair): We'll go to **Allyson Ho**, then. Bishop **Barron**. **Allyson?**

Allyson Ho: Thank you, Mr. Chairman. Professor **Barclay**, I want to go back and underscore something you said in your testimony that I thought was really, really important. And you talked you were talking about *Employment Division vs. Smith*, which some have called the *Dred Scott* of the First Amendment. And you said, well, even though the Supreme Court has, you know, sort of made it a little bit by little, like death by a thousand cuts. Right? Right. It's still doing damage and causing harm in the lower courts. Right. Could you talk a little bit more? And, Professor **Blackman**, I'd love for it to hear from you too on this. On the human cost of sort of not being when judges aren't clear and decisive in terms of, you know, we're overruling this case, it's no longer the law of the land. Could you talk about the human cost in terms of that uncertainty and,

and the and the gray area when we don't get that, that clarity, when, when courts sort of aren't willing to say, hey, this was wrong, we're going to correct the error and move forward

Prof. Stephanie Barclay: Yes, that's a great question. Thank you. So, let me address the human cost in two different ways. Think about masterpiece Cakeshop, a case where the court decided that case on narrow grounds, you know, and just sort of in a way that then kicks the can down the road. Well, that Cakeshop got sued again, right? Because the rule was not if government is burdening your religious exercise religious individual, then the government is going to have to demonstrate strict scrutiny. It was just well, in this particular context, we could point to a double standard. And so, we'll rule in your favor for now. But that's a much more limited protection. And it was a short-lived protection right for that. Baker. So, that's true of the litigants in a case. And they're going to be in the way that Professor **Chris Lund** has talked about, subject to the constitutional luck of whether we can point to things like secular exemptions in their jurisdiction or not. But more than that, as Professor **Laycock** has talked about, even though the Supreme Court, you're likely to win by arguing that a law is not neutral, generally applicable. It's a very complicated set of legal arguments that need to be made, ones that, yes, excellent institutions like those represented by Christian and Becket and others know how to make well, but that a lot of ordinary litigants or government officials don't, and a lot of government officials are more likely to just asse that a law is neutral or generally applicable when it's not. And Doug Laycock has written about the real toll of human suffering that has come about because of that confusion, because of time wasted fighting about those things. So, there was a Jehovah Witness woman in Kansas, I believe, who was requesting to be able to have a medical procedure that did not involve a blood transfusion, which violates her faith. And while they were litigating about whether the law was neutral or generally applicable and wouldn't rule for her below, even though it was cheaper than the other type of procedure, eventually, when she won, it was too late, and Mary Simons died for her faith in the 21st century. Because we don't have a clearcut rule that says government, you've got to have a really good reason for burdening people's religious exercise. You've got to prove it with evidence. And when litigants can't walk in the door with that surety and they spend countless amount of hours and litigation resources fighting over neutrality in general applicability, that is the type of human cost we're talking about.

Prof. Joshua Blackman: Thank you. **Allyson**, a really good question. Time moves slowly for people who are seeking relief from the courts. Now, you mentioned the Roman Catholic Diocese of Albany for a moment. They've been fighting this abortion mandate for a decade, a decade. And the Supreme Court sent it back to the New York courts again for a second time. I think the court needs to grant more cases, and it's embarrassing of denials. They have, let's say, DOJ bring more religious liberty cases. The ASG filed amicus briefs in favor of certiorari to the Supreme Court that people are suffering. As **Allyson** said, people are seeking relief and in clarity. *Lemon* was

never overruled. Right, Gorsuch said. Oh, it was abandoned. It wasn't abandoned, right. It was this weird...But for the years between American Legion, it was a Ten Commandments case I mentioned earlier. We saw the arms off the cross and Kennedy *Lemon* was law. Lower courts applied it to the court. Must be clearly on these issues. Right. Maybe overrule Fulton. Maybe we won't. Let's have some clarity on the issue. If you're not going to do it, get off the pot as they say, right. Don't leave this to some sort of academic exercise that might get resolved later when the votes simply aren't there. And if the votes aren't there, let us know that because we can focus on other things. Even with the major questions, the major questions, the most favored nation case during Covid, right. There are all these cases saying you can't do religion worse, but then the court doesn't really cite those cases in Fulton. So, I think there's just this maybe there's uncertainty in the court itself about where to go. But again, this is a presidential commission. This is not for the courts. Bring more cases from the DOJ's perspective, have more amicus briefs. You know, has the DOJ said, we think be overruled. Have they said that yet? Maybe they can. Right. I think if the DOJ says Smith should be overruled. We've done, **Stephanie** said, for, you know, three decades, we know what it means to apply strict scrutiny. We know how this works. It's not like an unknown mystery of the world or the mysteries of the universe. We know this works and it's nothing in the world. Half the states have RFRA in effect, right? So, there are ways that DOJ can do to sort of nudge forward.

Prof. Stephanie Barclay: I just want to cosign that point about if the DOJ was willing to file amicus briefs and look for good vehicles to overrule a case like Smith, or to broaden Establishment Clause jurisprudence, I think that would be a helpful recommendation from this commission.

Prof. Joshua Blackman: Amen.

Kristen Waggoner, CEO, ADF

Texas Lieutenant Governor Dan Patrick (Chair): And, **Kristen**, you haven't given your testimony. You will in a moment. We have a few more questions, but do you want to add anything? I should have introduced you into answering these questions as well

Kristen Waggoner: There is so much I would like to add, but it wasn't my turn. You know I agree fully with these comments that are being made. I think when we look at, you know, I'll talk in my remarks a little bit about masterpiece Cakeshop but three cases, ten years, actually 13 years in. And this is not uncommon. It's not rare. It is the normal thing that we endure and we see clients endure by not having their religious freedom rights vindicated. Even in the Drummond case, for example, why in the world would you resist including religious schools when, as our client had noticed when they approved the application, there's 100% graduation rate from the entity that wanted to do this, and a 98% college acceptance rate. And yet still Oklahoma officials, one in particular, the attorney general, resisted this, which is blatant discrimination. And the court has called it odious under the Constitution in the past. The last thing that I will echo again is just it's easy for us as lawyers to talk about what the Department of Justice can do, but who puts these officials in place, and what is the role of the non-lawyers? Because these fights don't just sit in courtrooms and in the legislatures of the United States. They sit at our dinner tables with our children, they sit in the workplaces that we go into and in the ways that we volunteer in engaging in a civil society that values freedom. So, I would just encourage that as well. That's my \$0.02. Thank you for the opportunity

Texas Lieutenant Governor Dan Patrick (Chair): Well, you'll get a few more cents here in a moment. Bishop **Barron**?

Bishop Robert Barron: Yeah, thanks very much for both presentations. I especially enjoyed that review of the cases as a non-lawyer, just to see it laid out that way and how we've evolved. I can't tell you how many people, knowing that I'm on this commission, have said to me from my Catholic colleagues, bring up this problem of the Washington state law about compelling priests to violate the seal of confession. We fought in California. I was an auxiliary bishop out there for six years. This came up in the legislature. We fought it. We stirred our people to resistance. They flooded Sacramento with complaints, and it never got out of committee. So, you know, we breathe a sigh of relief. Now it comes up again to my look non-legal mind. It's the most outrageous violation of the free exercise clause that I can think of. Or the state involving itself illegitimately in the interior, interior working of a church. And I don't think anything will lead Catholics to more open

opposition than if that stuff, you know, starts spreading across the country. Please tell me, assure me, that this is not going to survive a judicial review. I can't imagine. I just I'm curious to know. To me it seems so outrageous and so clear a violation, but help me understand that better.

Prof. Stephanie Barclay: I agree, but I want to punt this to **Kristen**. **Kristen**, you have some real expertise.

Kristen Waggoner: It is a violation. And there are a couple of cases I know that have already been filed, including one that we filed, but I do also, it is a violation of free exercise. But this is common, particularly in blue states where we see aggressive states like Washington try to limit religious freedom. And when we don't take those stands, when the Catholic Church doesn't stand up, when the Evangelical Church doesn't stand up in those moments because they're afraid of being labeled, for example, as being pro-child molester, what happens is bad law is created, and then that law transcends to all the other states that are willing to pass it. And the last thing I just would say on that and punt the legal, more legal analysis to **Stephanie** is that the very first case that I litigated was a case involving the priest penitent statute in Washington state. I came from Washington state, practiced there for nearly 20 years. They have been going after the privilege for that long. And we see this again and again and again, which underscores the importance of us as people who believe in religion, helping the public and legislators understand the sacredness of that, why that privilege exists and the goodness behind it. And that's something that I think this committee can really focus on, as well as an educational component of the value of religious freedom.

Prof. Stephanie Barclay: Some cases, it might be a little tricky to know whether what the government's doing is neutral and generally applicable. That is not one of them. Right. And this actually reminds me of the case that I was talking about in my opening remarks of *People vs. Phillips*, again, where we're trying to single out Catholic priests in that case. And there the arguments that apply there, I think you would also make here the government was saying, well, we need to take away the ability to reserve this sort of confidential testimony because of the need to reduce crime. And the court said, well, you have exceptions for a lot of other things, and yet you're still able to reduce crime. Why focus in on just this one? And I think that same question applies in this case. And I think the government will be hard pressed to have a good answer to that question.

Texas Lieutenant Governor Dan Patrick (Chair): Bishop, **Kelly Shackelford's** firm is actually handling this case. I'll ask him to weigh in for a moment.

Kelly Shackelford: Yeah, it's I mean, it's a pretty basic religious freedom. And Becket and first liberty. We're both on that case together. And that's sort of, I don't know, a theme that I wanted to bring out. And you're kind of bringing it out a little bit is the New York Times has written recently. Well, they're winning on religious liberty. They've won 12 of the last 15 cases, but that's 15 cases, not thousands and thousands of cases that die below that. They don't take, that never get up, that people's lives are destroyed. And the process. And so, you know, it's really important that we the commission has a lot more work than just these Supreme Court cases that, you know, over the last 15 years might make up, you know, 12 wins at the Supreme Court. There's the ones people don't hear about. And as **Allyson Ho** was bringing up, a lot of people know about Jack. I mean, he's a great client. We have a very similar clients, and they had their shop destroyed essentially because of what happened in Oregon. They were fined \$135,000 because they wouldn't do a same sex wedding cake because it violated their faith. Although they provided all kinds of accommodations for these people, it is now 13 years that they have been in litigation. They have been up to the Supreme Court twice. Had the court vacate the decision from the Oregon courts and sent it back down. And, you know, how long are we going to put these people through this? They've had to move states. They're now in Montana instead of Oregon. This is not religious freedom. Even if they win, this is not religious freedom. And so, I mean, I think an undercurrent theme to this is the courts need to do a better job. You know, they don't need to try to avoid having to make decisions. Their job is to make decisions and protect the Constitution.

Texas Lieutenant Governor Dan Patrick (Chair): So, were you finished? **Paula?**

Pastor Paula White: Thank you. This dialog and discussion is so vital and excellent. And I agree, **Kelly**, that the process is often the punishment. And I well, **Kelly** asked my question on the *Lemon* test. So, I want to go back to you, **Kristen**. You talked about who puts these officials in place and you said how it's so important for the Catholic Church and the evangelicals to be involved and to stand up. So, number one, let's talk about how important is that and what's the pathway for them to do that. Because I know many faith leaders, and you have thousands and thousands. Number one, there's a fear because of intimidation by government. So, we've got to eliminate that fear. But also, just there's also an ignorance. My people perish because of lack of knowledge. They sit in darkness. Let's bring that to light. What is the best pathway to be effective with those who are fighting these fights? >> Well, so I've been thinking about today, one of the things that I hope that this Commission recommends to the president is that he used the platform that he has in the administration's platform, as he has already begun to do through your office and other ways to help Americans understand what the threat is and the goodness of practicing one's faith from whatever perspective one's coming from. And that and also to educate Americans on what their rights are. I think that has been critical for so long. We would see laws that were being passed that were blatant violations of constitutional rights, and yet people would forgo exercising their rights

rather than have to stick their neck out and potentially subject themselves to government fines or even jail time, which is what some leading victims occurred or happened to receive. And that, for example, in 2012 is when we saw Jack Phillips was one, but there were 4 or 5 in that 2012 period that literally were defendants and that scared people. Now we see this vibe shift. But I would submit it's a temporary one. It's a change of power, not a change of heart. And we need a change of heart. And this commission can do a lot to help educate Americans on why religion is good. And the religious community themselves can actually model courage and charity. And there are many ways that we can do that. But I think that that would be one of the most significant contributions that this commission could make. I had a commissioner from the EEOC during President Trump's first term, talked to me about the fact that there were a number of minority religions that very much knew what their rights were, and repeatedly filed complaints, for example, when their rights were violated. And that allowed the federal government to address those things. But yet we see traditionally, frankly, in Evangelical communities and Catholic communities, there is not that same level of willingness at this point to step out because they don't want to offend and certainly don't want to get in the crosshairs of hostile government officials.

Texas Lieutenant Governor Dan Patrick (Chair): I want to move on to there are no more questions. Move on to **Kristen**, your testimony and **Joshua** and **Stephanie** if you'll stay there. And we may have some closing questions in addition to what **Kristen** is going to testify on. So, **Kristen Waggoner** again, the CEO, president of General Counsel of Alliance for Defending Freedom, one of the most accomplished Supreme Court advocates, having successfully argued, argued several landmark cases protecting free speech and religious freedom. All yours.

Kristen Waggoner: Well, good afternoon. I haven't said that yet, but good afternoon, Chairman **Patrick** and Vice Chair **Carson**. And to the members of this committee, it is truly an honor to be here with you. And thank you for your continued service to this nation. It's a vital effort. It's a privilege to be here today, and it's also a privilege to be able to serve as a member on the advisory board to the Commission as we do this important work to protect religious liberty. I also want to express my gratitude to President Trump for making this a priority in this moment, and to, again, making it a priority to trust you and to trust us in this moment to protect freedom. But I want to begin in a place maybe where most speakers haven't yet, which is not what our Founding fathers, but actually, in 1974, Soviet authorities had arrested Alexander Solzhenitsyn, and in doing so, they were getting ready to send him into exile. He was a world-famous dissident. He had become an unbearable threat to the Soviet regime. And the reason that he had become that threat was because he had spent eight years in the Soviet gulag. During that time, he had seen cruelty and oppression from communism firsthand, and he had dedicated the rest of his life to exposing it, to exposing the truth at great risk to himself. But what I find most interesting about Alexander Solzhenitsyn is that actually, he referenced the fact that the deepest rot in Soviet society wasn't just found in the

government itself. He actually said that it was a people who tolerated the government and a people who failed to confront it. And in fact, it was this critique that went all the way down to the ordinary Russian man on the street who kept his mouth shut and his head down, and sometimes even repeated the lies of the Soviet regime simply to avoid suffering repercussions. It was that lack of courage, the spiritual malaise that we saw that Solzhenitsyn referred to as an unconscionable gift to the Soviet regime and the deepest form of human slavery. And in fact, on the eve of Alexander Solzhenitsyn's exile, he gave a parting gift to the Russian people in the form of a letter. And I want to read those words to you, he said this we have so hopelessly ceded our humanity that for the modest handouts of today we are ready to surrender all principles, our soul, all the labors of our ancestors, all the prospects of our descendants, anything to avoid disrupting our meager existence seems appropriate, given all that we've heard today. To reference that, I know that much has changed since 1974, but I do believe that those prophetic words do ring true today. When we speak of religious freedom, America's legacy of strength, and its foundation for enduring greatness rests on how we protect the freedom to speak, to live, and to work consistent with our deepest beliefs, beliefs that point to a more noble and higher purpose and authority than what we ourselves can offer. Our Founding Fathers understood this, and that's why our Constitution references and guards these God given rights and requires our government to do the same. But I also want to remind you today that many other nations have protections like the ones we find in our First Amendment, but their courts and their people have stripped these promises of any meaning. Our international team at ADF sees this on a daily basis. In fact, we have cases on five different continents right now, and in the last year alone, we have represented nearly a dozen individuals in the UK alone for their willingness to speak their faith, including Adam Smith. Connor, who just recently was convicted in the UK for silently praying outside of an abortion clinic where his son was aborted. As we have referenced today, there is a human cost when government officials forget freedom and judges forget courage. But thankfully, as our two distinguished panelists have already shared, the US Supreme Court has worked to ensure that elected officials don't violate the Constitution, and they've generally upheld religious freedom. But it has been incremental at best, and we must do more. So, I would encourage us, before I move on from the international topic, to let this sink in. The United States right now is the last Western country in the world to provide robust religious freedom and free speech protections. Ponder that for a minute. The last Western country in the world, I've had the privilege of litigating more than a dozen Supreme Court cases that uphold our fundamental freedoms, and I have seen the clients' relief when justice is done. After years of government harassment. But the fact that more and more justice requires a courtroom is a deep, deep warning to us. We are teetering on the edge of losing the freedoms that make America the freest, most exceptional nation in history. If we fail, if we fall silent now, we will fail the next generation. But we will do more than that. We will fail the soul of liberty itself. Because this is precisely how authoritarian regimes begin. They silence the soul. There is no greater threat to tyranny than the freedom to speak the truth. And yes, I know that today's tyrants, they don't wear crowns. They aren't kings, as we've heard. But they do often sit on our school boards and our civil rights commissions, and on our city councils. And they are openly hostile to freedom and

unmoored from objective truth. They censor, they find, they even threaten jail time to Americans who dare to hold different beliefs than they do, especially if those beliefs have anything to do with the dignity of life, God's design for marriage, or the simple truth of what it means to be a woman. Truth is the first casualty of tyranny, but the real cost it is always human. Imagine being so inspired by your faith that you dare to open a homeless shelter and give your life to it, only to have the state tell you that you either abandon that faith or cease serving those in need, or fostering children for years at a time. And you're the health department's first choice to place newborns that are addicted to drugs. Until you say boys are not girls, and the department then revokes your license. Or what if you escaped 20 years of sex trafficking and faced an unexpected pregnancy, only to be later targeted by your own state attorney general for helping other women in similar situations? Or you're ministering to widows and orphans, only to have your bank account shut down and to be denied access to capital because of your faith. Or during Covid, your daughter chooses to wear a Jesus loved mask to school, but a school officials force her to remove it, even though it allows students wearing other messages in school. Or perhaps you served your country in uniform, risking your life to defend freedom, only to have officials deny you a public grant that is available to all other students, but not to you, because your desire to become a military chaplain and pursue that degree is simply too religious. Or your home state calls your faith a despicable piece of rhetoric, and then compares your timeless beliefs about marriage to perpetrators of the Holocaust. These stories are not from nations that are ruled by authoritarian regimes. Each of these, every single one of them, has happened in real time on our own soil, and we have been honored to represent these courageous Americans who are standing for freedom. But that stand does not come without a cost. One of the greatest privileges I have had in my life is to argue the masterpiece Cakeshop case at the Supreme Court, but the bigger privilege was to walk beside Jack Phillips through that 13-year crucible. He was a model of charity and a faithfulness. Thankfully, the court ruled 7 to 2 that the Colorado Civil Rights Commission showed impermissible hostility toward Jack's religious beliefs and that the Constitution commits Americans and government officials to religious tolerance, for it is in protecting unpopular religious beliefs that we prove this country's commitment to serving as a refuge for religious freedom. But as has been referenced, even a Supreme Court ruling wasn't enough. We had to go back up to the Supreme Court in a different decision, 303 creative and then back up to the Colorado Supreme Court. And at the end of the day, the financial, the emotional, the physical toll that that took on that family was incalculable and impossible to fully remedy. You see, no nation can survive, nor can its people flourish if its officials believe that they can regulate the soul and excise beliefs that are held sacred by all of the Abrahamic faiths. So, we must ensure that the United States remains that refuge for religious freedom. And it's why we gather today, because political and cultural winds should not shift. This is not a Republican or a Democrat issue. It is a moral and cultural imperative. As President Trump has said, in America, we don't worship government, we worship God, and we need leaders at every level of our government with the courage to resist the tyranny and respect the bedrock of American life. Every citizen's absolute right to peacefully live according to the teachings of their faith and the convictions of their heart. So, let me bring this home. How can the administration do that? I would submit a few

recommendations to you first. Restore the Conscience and Religious Freedom Division at HHS and establish similar divisions within other departments, civil rights offices, and ensure equal access to federal funding is consistent with recent Supreme Court precedent that's been mentioned today. And enforce, enforce, enforce, enforce all federal conscience laws, holding accountable recipients that violate those laws. Support the Conscience Protection Act, and support the Families Rights and Responsibilities Act. We've heard today about the importance of parental rights in protecting religious freedom. There is an act that is pending and introduced right now that can do that. Second, we must end the financial targeting of people of faith. Ensure the IRS doesn't discriminate against houses of worship or religious organizations, and protect these entities from unjust penalties under the Johnson Amendment. Guarantee that prior weaponization of financial regulations and markets against people of faith never, ever happens again. Support the safeguarding Charity act, which protects the independence and tax-exempt status of charitable organizations. Third, protect people of faith from the regulatory state. Develop rules that prevent future administrations from labeling as domestic terrorists. Americans who simply purchased a religious text or spoke at a school board meeting and require religious training for FBI agents. Fourth, promote religious freedom on the international stage in collaboration with the Ambassador at Large for International religious freedom. Implement President Trump's 2020 Executive Order on Advancing International Religious Freedom to ensure that religious freedom remains a central priority of U.S. Foreign policy. Finally, a president's most lasting legacy, as we have heard so much indirectly about today, is the men and women that he appoints to the judiciary. President Trump must continue to do more than appoint originalists to the bench, but to appoint judges with an established record of courage, character and conviction. Who will apply the law without fear of public opinion? Our rights under the Constitution become meaningless without an independent and a virtuous judiciary. So, in closing, religious freedom built America. We've talked about that today, and it is sustained it through war, through depression, through dangerous division and faith filled leaders founded this nation. They've abolished slavery. They ended segregation. And even today, they continue to champion women and families and the most vulnerable. And it is that same faith, expressed freely and lived boldly, that will lead America to renewed greatness. Why? Well, because we can stand confidently that religious liberty is the essential way to pursue the truth. It's rooted in a love of neighbor and empowers every person, regardless of faith or party, to pursue truth without coercion. And along with free speech, we must recognize that it is the engine of self-governance and a bulwark against tyranny. It also fuels human flourishing, breathing oxygen into a free society, because where it is honored, we also need to recognize that families are strengthened. Churches and communities can better cultivate virtue in the citizens. That's not the government's job, and economies thrive, and individuals are able to freely share ideas and robustly debate those ideas, and to live for a purpose that is greater than themselves. Religious liberty is the American rebellion against every regime that has ever tried to own the human soul, undermine it. And we don't just violate the Constitution. We deny humanity its most sacred right, and we, frankly, will jeopardize all of Western civilization. So, I am thankful to you. I am encouraged that

you are poised to meet this moment and to safeguard America's legacy of strength and greatness for generations to come. Thank you.

Texas Lieutenant Governor Dan Patrick (Chair): Thank you, **Kristen**. Questions? **Dr. Anderson**.

Dr. Ryan Anderson: **Kristen**, I was struck by a lot of what you said, but I want to draw you out more on two points. It strikes me that there are at least two different types of religious liberty cases. Sometimes the underlying law is justified, but we're applying it in a way that unjustly burdens minorities. So, think of like traffic laws. You need to have headlights and electronic taillights, but the Amish don't use electricity. And we say, all right, well, we're not going to impose this on you. You can put that triangular, reflective thing on the back of your horse and buggy, and it's a win-win, right? We can accommodate the Amish and we can protect vehicular safety. But then it strikes me that there are other religious liberty violations where the problem is actually the underlying law. It's just unjust. The Montgomery County pornographic children's book. Right. That's not a religious liberty problem in the first place. The underlying problem is that they're assigning pornographic books to kids, right? You've had clients where religious schools were being told they would have to house boys that identify as girls in the girls' dorms. Or I think of your Anchorage client, a battered women's shelter that was told you have to have an intoxicated male sleep in the same shelter, right, because he identifies as a woman. Right? So, I guess my question there is, how should we think about this other category of case where we're not just asking for an exemption, but at the end of the day, the unjust law is the problem and it's a problem for everyone. And then the other thing that came out in your comments is that it's not just government that is threatening religious liberty. We're also seeing this a lot in the private sector. And you had mentioned some of this with some of the technology, some of the debunking. Now, I think some of these cases, government has put private actors up to it. So, I know I have a colleague who was censored by Twitter during Covid. He was a medical doctor that was questioning the science, and you weren't allowed to question the science. And so, Doctor Fauci and others from the Biden administration, he was on the list of doctors and scientists that they were supposed to censor. You know, I've had my own experience with Amazon, etc., etc. How should we think about the threats to religious liberty that are coming from the private sector, especially big tech, and especially when there is that intersection of government, you know, asking the private sector to do things that it would be illegal for the government itself to do.

Kristen Waggoner: Well, I think you're right to point out we do need religious exemptions, but we also need to have our officials and the public understand that we shouldn't be passing unjust laws in the first place, because unjust laws create real victims. And I think we're seeing that more

and more play out, particularly as we look at gender ideology and the threat that gender ideology has posed to religious freedom, not just posed, but really the way that it has undermined First Amendment rights in many respects throughout the nation. From our viewpoint, it is based on a false anthropology and that false anthropology, meaning that it is a lie, means that the only way to tolerate that lie is through censorship itself. So, religious freedom and free speech are very much hand in glove. You cannot have one without the other. I would also say that on that front of gender ideology and these unjust laws that represent a flawed view of the human person, of common sense and biology, we know that you can ignore that truth, but you will never be able to ignore the consequences and those consequences we see every day. Certainly, we could go through the emotional and physical toll that it has taken on individuals and families who have been fooled by a medical establishment in what has been the most disastrous medical experiment in a lifetime. But I also would say that when we look at censorship and the way that that is played out, it has crushed the rights of religious freedom and free speech in local and state, local and state levels in ways that has even surprised us. I think I'll mention a couple of policy ideas in that, you know, the again, HHS, the Department of Education and others, our center for policy has dove first place into this to be able to at the local, state and federal levels, ensure that laws don't get put in place that are bad and in fact have laws that represent the wholeness of the human person. Also, we need more robust religious freedom protections in those laws, because now it's no longer a question of bipartisan, believing that there should be exemptions. There literally are efforts to take away religious exemptions that are in place in the law right now. I also want to mention on the parental rights front, because this ideology is eviscerating parental rights as well, as well as the right of religious autonomy if it gains traction. And we are seeing a number of cases involving secret transitions of children, where this is the formal policy in public schools right now, and it's not in places like, you know, New York and Washington state. I mean, it's there too, but it's in Kansas and Wisconsin and Arizona and all over at the local level. So, we have to stand for parental rights. And I encourage you in any recommendations you make to make sure you address that. The last thing that I will say on this unjust laws concept is that there are there's a case right now at the Supreme Court, the child's case, which again, the federal government cannot only address in terms of how the Department of Justice addresses it, but use the bully pulpit and a voice of leadership to talk about the fact that children who are experiencing gender dysphoria should be able to get help for that and not be sent down. A one-way treadmill that essentially makes them lifelong patients. And a number of states have actually, right now, outlawed, literally told counselors they will lose their licenses if they try to help children live at peace with their bodies. So, those are some ideas on that. Briefly, I'll just touch on the censorship issue, because it also has led us to the center for Corporate Engagement is a new area we've gone into because as we want to be fighting these issues in legislatures and in litigation where the fight belongs, we're seeing the fight move into the corporate boardroom, and that means that the First Amendment doesn't generally apply unless there's collusion there. So, moving these companies back to a place where they feel the public's pressure, where shareholders are engaged in this process is extremely important to the point of, we have reached 92% of the large online platforms right now, have hate speech policies or vague

standards that they're using to discriminate against conservative and religious folks, and they're relying on the Southern Poverty Law Center's list. And that list is horrendous in terms of who it affects it. It's not just alliance defending freedom, but it's Family Research Council. This last two weeks, it's been focused on the family that is now moms for Liberty, Turning Point USA. Do no harm. So, this commission can do a lot to recommend to the president to take whatever steps necessary to rid the government at all levels and urge states to do the same of these concepts, because they're doing nothing but forcing people from the market of ideas and actually the financial markets, because they have traditional religious beliefs.

Rabbi Meir Soloveichik: Thank you so much for your presentation. It was very, very moving. You spoke about the intersection between law and society. And so, I want to ask a little bit about that. The rights that we that we seek to defend impact and are important for every religious community, every community of faith in America, and the threat to the liberty of one community threatens everyone. And at times, it seems we understand this either because of contiguity and geography, or for some other reason. So, thus, during the pandemic, when Supreme Court granted relief to our religious communities, when it came to houses of worship being closed and liquor stores being open, I think a relief which was issued by the Supreme Court on Thanksgiving, I think, appropriately, the two cases were *Catholic Diocese of Brooklyn vs. Cuomo* and *Agudath, Israel of America vs. Cuomo*, so that the very names of the cases should teach us something. And so, because you're seeing religious liberty cases around the country, the question then is, on a social level, obviously, when if you see a certain case, you're thinking about what that can mean as a future precedent for everyone. But if you see a small community impact, a church impacted here, synagogue impacted there, a store owner impacted, is there anything in place now that that a can allow that person, that litigant, that community to feel they are not alone and to allow other communities around America to really understand that this impacts all of us. And we need to stand with these people that are heroic, standing up for the rights of us all. So, that's a question. I was wondering if you had any thoughts about that?

Kristen Waggoner: Well, I think it's something that we need to do more to ensure. The most common comment that I get from clients, including churches and synagogues, and they say that they feel alone. And when you, as an example, stand up for your faith or your religious convictions, it can create hostility from civil servants in your community. It can also mean that you receive death threats aside from just the normal cancel culture. So, I do think it's important that the American public stand up. We've done some things at ADF to help draft letters, help bring religious communities and pastors around those others when we have cases. But I think that there could be something more formal. I think back to, you know, days when I think it was the around the time of the Manhattan Declaration and when that was created, and how Chuck Colson and other leaders of all different faiths came together to stand together for certain things. And there really was an

effort to be ecumenical in that stand. But I truly believe that we stand or fall together, and we need to recognize that. The same precedent applies to every denomination and every faith.

Texas Lieutenant Governor Dan Patrick (Chair): Thank you, Professor **Barclay**, please.

Prof. Stephanie Barclay: Can I just add something?

Texas Lieutenant Governor Dan Patrick (Chair): Yeah, please.

Prof. Stephanie Barclay: So, in that case, the Agudath Israel case, during that time, I was at Notre Dame a professor, and I also directed the Religious Liberty Clinic, and we filed an amicus brief representing Muslim scholars and organizations who spoke out in defense of the Jewish community. And they said, we remember what it felt like during 9/11 to be scapegoated and treated unjustly. And that is happening to the Jewish community now. And it's wasn't okay then. It's not okay now. We want to stand with our Jewish brothers and sisters and just acknowledge the injustice of what's going on right now. And this had to be filed quickly. It was an emergency briefing, but it meant a lot to the clients and Agudath Israel. They asked us to file that again as it went up in the Supreme Court, just to have other communities, you know, this Catholic institution, Muslim groups who this was not their fight, but they were saying, we stand in solidarity with you. And to me, that's the best of our American religious tradition.

Rabbi Meir Soloveichik: Thank you. Just to speak in agreement, I remember when I testified about the threat to religious liberty to Christian universities during the, health law, the mandate case in 2012. And I was asked about why I was testifying, and I said, well, what impacts Notre Dame today essentially could impact Yeshiva University in the future, sure enough. But we rise and fall together, as you are all saying.

Prof. Joshua Blackman: Just a brief point. So, during the Covid scare, I worked with the Becket Fund. I'm with a group, a group called the Jewish Coalition for Religious Liberty, and we represented a Jewish school in New York. Remember, there were these zones—if you were on this side of the street, it was a red zone, there was yellow zone. And magically all the Jewish schools were within the red zone. Just amazing how they drew these lines. It's just amazing how that works. And we actually sued, we sued them on a Friday afternoon, filed a lawsuit. And I think by Monday, Governor Cuomo just changed the line to put our school outside the red zone. And so maybe a

topic of future discussion is the Covid cases, where a lot of these governments knew they were getting in trouble, and they kept changing the policy over and over again so they could never get caught in court in these cases. Oh, oh, there's all this moot. We can't do anything, but we can do stuff, right. This body can investigate, I think could be a worthwhile discussion of how to sort of look back at the awful Covid days and realize how never, ever, ever do that again.

Kristen Waggoner: Absolutely. Of course, just to emphasize again, I'm not suggesting this is all about self-interest. It's not—none of us are. A violation of anyone's faith is an injustice in and of itself. But we do need to, I think, do a better job of ensuring that heroic litigants are not alone, and that we all realize that we are in the same boat

Texas Lieutenant Governor Dan Patrick (Chair): Carrie.

Carrie Prejean Boller: Thank you. I want to say thank you so much. As a mother of small children, you have more courage than most men in our country and I want to applaud you for that. One thing that you touched on that I think is really important is courage. And I think so many people fear man more than they fear God. And we really need to stop doing that. We need to stop fearing public opinion vs. fearing one day being told, depart from me, I never knew you. I would like you to touch on the Johnson Amendment briefly. I think that's very important. I think that so many pastors we're talking about courage and the unwillingness to speak out publicly, whether it's, you know, to endorse a candidate. **Kelly**, you've touched on this before, the rights of pastors and priests, the rights that they have to endorse candidates and stuff like that. But, I want you to touch on the Johnson Amendment and kind of the what that did to the church and what that did to Christians and Catholics, really silencing them and basically telling them that they don't have a place in, in the, the political sphere, because I think that was really damaging. And I think that's caused many people to live in fear of consequences, financial consequences and things like that.

Texas Lieutenant Governor Dan Patrick (Chair): So, we are going to have—the list is not out, but we're going to have a full hearing on that.

Carrie Prejean Boller: Very exciting.

Texas Lieutenant Governor Dan Patrick (Chair): Half of a hearing. So, but if you'd like to answer kind of a short answer, be fine.

Kristen Waggoner: Sure. I would just say that I think that the Johnson Amendment laid a foundation for churches and religious leaders to decline to engage in the political system, and it's very unfortunate. It's also unconstitutional, in our view, and deserves to be challenged. I think that the IRS, over the years has played a game in not allowing it to be challenged in how they've navigated that. But the other part I want to go back to is what you began with, which is courage, because more and more, we're seeing legislation that is impacting the heart of the religious tenants, not just of one faith, but of all faiths, things that we have held dear, how we hold our families, how we raise our families, what we believe about God even, and the way to salvation. And as the government has spread into these other areas, that it has no business being in, religious leaders have hidden behind the Johnson Amendment to decline to speak and to make the words of God the words be true in their lives and make them relevant. So, again, I think it's something that has to do with helping people understand the impact of what they've done, and instilling a moral courage that gives a spine of steel and allows people of faith and their leaders to stand up for what they know is right, and to realize that it is unloving not to do so. At this point, people are being harmed and families and generations are ravaged as a result

Texas Lieutenant Governor Dan Patrick (Chair): Allyson.

Allyson Ho: Thank you, Mr. Chairman. **Kristen,** thank you for your really inspiring remarks today. You have blessed all of us, and we're grateful you began with Solzhenitsyn. And thank you for reminding us that he stood not just against government, not just against communism, but against culture as well. And I'm wondering how can we better sort of equip and empower the next generation to cherish the First Amendment and the freedoms it protects? Because I do worry, with all of these decades and decades of court cases and assaults and individuals that have been put through the wringer, I worry about the next generation and their commitment to continue the fight. So, I'd just love to hear your thoughts on that.

Kristen Waggoner: I think for me, we talk a lot. I mean, we've given our lives to the study of the law and advocating the law. **Kelly** has as well, and it's a critical endeavor. But in some ways, it feels like you're putting your finger in the hole of a dike. If the next generation doesn't appreciate these civil liberties and doesn't appreciate the fact that there's a higher power, and what it looks like to believe that not everything has to do with us, we're part of a bigger story in doing that. I think that that work starts, of course, with constitutional literacy, and there are groups that are engaging in that. And this commission could recommend that the federal government do more to help with constitutional literacy, which teaches human frailty and human dignity limitations of powers. We cannot have a robust civil society without limited government. And there are profound

reasons that have to do with correct human anthropological reasons for why we need that. So, that is an important piece, I think, constitutional literacy and an appreciation of the First Amendment. The second thing that I would say, and this has been touched on here, one of our cases was the Drummond case, which involves Saint Isidore. We have to expand choice. There will always, first of all, be parents who will send their children to public schools. They just will. And that's why Becket's Mahmoud case is so important, and why we must continue to support those efforts to have opt ins, opt outs, to give parents authority and transparency in the classrooms. But we also must ensure that religious schools and first Liberty has done a good amount of work here, as have we, on ensuring they have autonomy in how they're operating and that they can operate consistent, whether it's a Catholic school, a Jewish school, a Muslim school and lastly, educational choice when it comes to charter schools and the I believe that that case is going to come back up in a different form to the US Supreme Court. But we need more state officials and more people that understand what's at stake and are willing to pass laws. All of these laws that go to the US Supreme Court, they come from state and local levels. So, we all have a role to play in this. And then lastly, and I promise I'll be quiet after this because this is what I'm most passionate about, which is this happens at our kitchen tables. It happens with our children. The highest call we can have is the call of being a father and a mother and influencing the next generation. And if we raise them in our faith and we raise them to respect the dignity and other people, and that they are made in God's image and raise them to understand the Constitution, then the work we're doing now is going to endure. And that, I think, is truly inspiring and something this commission can also emphasize in its report to the President.

Texas Lieutenant Governor Dan Patrick (Chair): Are there any other questions? I'm going to finish with three quick ones. First of all, I was going to mention this earlier when I think it was **Mark Hall** who talked about school choice, and I didn't want to elongate it, but and I'm not underscoring Texas, we just came out of 140-day session. So, we passed a lot of legislation, but we passed the largest school choice launch in the history of the country, \$1 billion for 100,000 students. But I want to say this, and this is not a plug for the person who appointed me chair or any of us. But if President Trump had not engaged in the state of Texas in 15 elections, taking out those who opposed it, we would not have school choice in Texas today. And that is one of his. It will be one of his many legacies that he has fundamentally changed the direction of education in the country by supporting school choice in every state. So, I thank him for that. Question, there are talking about one big, beautiful bill over at the Capitol. Is there one big, beautiful case that would solve this? Because and I say that in looking at *Roe vs. Wade*, there was one case, the Mississippi case that solved that problem, returning it to the states. Or is it this long road of having the Supreme Court take more cases, more briefs, the Department, of all the things that you've recommended? Or could one big, beautiful case address many of these ills?

Kristen Waggoner: Well, these are the professors, but I will tell you, my viewpoint is I think that the I don't think that there is one big case or one big bill that can do that. First of all, the Supreme Court moves incrementally, and there are a number of religious doctrines involved. And I think that in many ways we begrudge that it moves incrementally in some respects, and in others, we should be very thankful that it is thoughtful in how it is deciding these cases. I think there are a number of cases, though, that can be brought involving educational choice, the inclusion of religious schools and charter school programs and things like that. And that requires local officials to do what they do, and that requires people to help those local officials have the courage to do what they do, because long culture moves hand in hand. I don't believe one is exclusive of the other.

Prof. Joshua Blackman: I agree with **Kristen**. So, I also work in the Second Amendment and we've had big Second Amendment cases. *Heller* and *McDonald*, *Bruen* and the lower courts resisted. And I think even if you had one big, beautiful case that overruled *Smith*. Overruled. *Lemon*. Lower court judges are stuck in their ways. They still resist. It might take a generation to excavate these cases. So, it will be, as **Kristen** said, a cultural change and a judicial nomination change and not just a change of one big, beautiful precedent.

Prof. Stephanie Barclay: We've touched on a few of the types of cases that would be helpful. I'm hopeful that we'll see in the future. I think another one that we didn't mention is that the Supreme Court ought to overrule *Boerne*. That was the case where the court struck down half of RFRA, the half that applied to state and local governments. Whereas Christians talking about a lot of these threats come from Michael McConnell and other scholars have written about how that was a gross overreach of judicial power, a misinterpretation of the original meaning of section five of the 14th Amendment, and an area where we should encourage political actors like Congress to want to be more protective of religious exercise. So, that's another area I would point to. I wish there was one silver bullet. But I do have to say for the Supreme Court that I think our precedent has never been more protective of religious exercise, because even though we did have robust religious exercise protections after *Barnette* and leading through the 1970s, for a long time we didn't have very good Establishment Clause precedent. And so, of course, there's always room for them to do more. And we would like them to move quickly because we're impatient. But I just want to give credit where credit's due, that they're doing a lot. And we're lucky to have a Supreme Court that cares so much about this principle.

Texas Lieutenant Governor Dan Patrick (Chair): Maybe they're watching today. I don't know what their Monday was like.

Prof. Joshua Blackman: They're not watching me

Texas Lieutenant Governor Dan Patrick (Chair): Yeah. So, lastly on that with *Roe v Wade*, they returned it to the States. Why doesn't the court return these issues to the states? Because wasn't that our Founders purpose. And let the states decide all of these.

Prof. Stephanie Barclay: Well, so we learned that the states were not very good at protecting religious exercise. We learned that in part, that was part of the motivation for the 14th amendment. The states were violating not just religious exercise, but freedom of speech and other due process rights for a number of Americans, newly freed slaves, but also just all Americans. And it was something that Bingham talked about during the reconstruction era that the Fugitive Slave Act, a law that was, by the way, neutral and generally applicable, was being used to prosecute religious believers who wanted to try and just offer food or aid to fleeing slaves or recently enslaved people. And they were being prosecuted for doing so. And this was something that Bingham said was the 14th amendment will make sure that those state and local governments can't engage in that sort of activity anymore. It will protect that sort of religious exercise, which is further evidence beyond Founding era, but reconstruction era evidence of why robust religious exemptions, even in the face of neutral and generally applicable laws, were understood to be protected by our Constitution.

Texas Lieutenant Governor Dan Patrick (Chair): Kristen?

Kristen Waggoner: I do want to just emphasize, too, that in many of our cases, well, pretty much almost all of them at this point, we find the relief from the Supreme Court. The issues that we're having are bubbling up at the local and the state level. So, I would be careful to try to not to remove try to remove that jurisdiction or somehow suggest that the court hasn't been protective. They haven't been protective enough, though.

Prof. Stephanie Barclay: So, one small thing I'll add, I do think that the court needs to set a minimum protection, but I think Boerne's an example. They should not slap down legislators who are trying to go above what they view as the minimum, which is precisely what they did. And there are some states, like Texas that are going above and beyond, and we should encourage that sort of political protection. It's a good thing in our democracy.

Texas Lieutenant Governor Dan Patrick (Chair): So, I'll close with this. And to the audience, thank you. You've been very patient and very respectful. And to all the committee members, it was if we had done this before, but this was the first gathering of the team, and I thank all of you for the time you've given. So, I don't know what the name of the report will be, but the first name in the hat, because it's a long time away, ten months, 11 months. But one of the names that must be considered, I think members is we are the last Western country in the world protecting religious freedom as a pretty powerful statement and makes me even more thankful that the president said, go forth and do this. So, thank you. Please give our witnesses an applause. Thanks again to the Museum of the Bible. Thank you for being here. Our next hearing will be September 8th, I think is the date, and we'll notify you. This hearing is adjourned. Thank you.

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Presidential Religious Liberty Commission

Second Hearing Transcript

September 08, 2025

Museum of the Bible

Washington, D.C.

Second Hearing Transcript

Introductions

Mary Margaret Bush: Good morning. Welcome to the Religious Liberty Commission's historic second hearing. I am Mary Margaret Bush, the Commission's director and designated federal officer. And it's my pleasure to announce the official opening of our proceedings today and to introduce our chairman, the Lieutenant Governor of Texas, **Dan Patrick**.

Chairman Patrick: Good morning. What a great day God has made, right? Amen. It's my honor to be the chair of this historic Commission. The President appointed me to serve as chair, and he appointed an outstanding committee of members that we will introduce to you very shortly. For those of you here for the first time in the audience or watching for the first time, this is our second hearing. The first hearing was focused last June on our Founders, and what was it that they truly intended for us to have in the Bill of Rights through the First Amendment. This magnificent inheritance that they handed down to generations that some have tried to take away from us.

For well over 100 years, religious liberty thrived and was strong in this country. And then, after World War II, pretty much it was when it began, the courts started chipping away at all of our rights. In fact, had it not been for the Supreme Court at the time and other courts that followed, we would still have much of the liberty, religious liberty that we so cherish. And our Founders gave us in the First Amendment signed in December 15th. 1791, as the very First Amendment: no establishment of a government religion, and to give us free exercise of our religious rights. And this committee and the President understands that if you can take away religious liberty, you can take away every right that we have. And that was so clear in our first hearing with our witnesses and our great questions from our committee members. There was a time in this country when you could have a nativity scene in the town square and not worry about being sued. You could have a symbol in front of your home. The coach knew when to pray, and that was any time he wanted at school. And a student was not denied their rights of prayer. And men and women in our military had the right to pray as they chose, but no longer. So, the President said, we must restore religious liberty in this country and make sure that every citizen—that's an applause—and make sure that every citizen understands those rights. And that's part of that our Commission is. We will bring a report to the President next spring. We have several more hearings after this one. Today we are focusing on education, and we'll be doing so in three more weeks, we'll be here.

In November, we go to Dallas for a hearing on religious liberty in our military, and then we will go to Florida in February because the weather might be a little difficult here in Washington. And we will continue and give the President a report for either executive order or legislation that he may recommend Congress pass. But one of our goals is to make sure America knows their rights. We know the phrase that no one should come between a doctor and a patient. Well, the President believes, and we believe no one should come between God and a believer. We know that if you're sick, no one would say, don't go to the doctor. And no one should say to someone who's troubled and lost and searching that you cannot search for God. No one in government or the private sector should tell you when to pray, where to pray, or who to pray to. We are a primarily a Christian nation, but this committee represents all faiths because that's what our Founders intended. People of all faiths.

So, this is our second hearing, and we will be graced in about an hour or so by the President of the United States, who will come and deliver a major address. And then we will proceed with our hearing after that. And we'll give you a little bit more details after the President speaks. What we're going to do this morning is we're going to introduce several witnesses, children, parents, teachers who have been denied their rights and pretty much in some cases, pushed out of school because of their faith. And then, after the President's speaks, and we take a break and reset the stage, we'll come back and then we will start our questions of those witnesses and have more witnesses throughout the day.

So, in our first hearing, I asked every member of the committee to have brief opening remarks, three or four minutes or so. And three of our members who are here today had previous schedules and could not be here, so I'm going to introduce them in a minute to make opening remarks. But first I want to introduce His Eminence, Cardinal **Timothy Dolan**, to come up and lead us in prayer.

Cardinal Dolan: Let us pray. Dear God and Father of us all, we confess here in our nation's capital that without you nothing is possible. With you, nothing impossible. We renew our rock-solid conviction that we are one nation under God. We daily, we daily, renew our trust, our belief that in God we trust. Yes, dear Lord, thank you for you have shed your grace on us, and we ask that you would continue to mend our every flaw which we admit we have. Our liberty to believe in you and exercise that faith freely comes from you, from nobody else, nobody, nowhere, no how can take it away. To protect and defend it, this first and most cherished freedom brings us together this morning in your most holy and powerful name. You who live and reign forever and ever. Amen.

Chairman Patrick: He said, is that okay? I said, yeah, I think that'll do just fine. That'll be fine. That's great. So back in November, when the President and I started talking about this, he rattled off names he wanted on the committee right away. And with the help of the Faith Office—which is the first Faith Office ever established by a President in the White House—so with the help of our White House team and the Pastor and the President and myself, we put together this team. I wanted to introduce them to you right now, in no particular order, just how they're seated.

To my left, we have the vice chair of our committee, Doctor **Ben Carson**. The guy that I started working with last January—**Vince Haley**, head of the Domestic Policy Office. Bishop **Barron**, great to have you with us. Pastor **Franklin Graham**. Author **Eric Metaxas**. And **Carrie Prejean Boller** and **Allyson Ho**. To my right, Pastor **Paula White**, head of the faith office. Cardinal **Dolan**. We thought Doctor **Phil** would bring an interesting perspective—Doctor **Phil Kelly Shackelford** and Doctor **Ryan Anderson**. Because what we wanted to do was to have a committee of those from the faith-based clergy, for those with PhDs in history, and for lawyers who have practiced religious liberty and won religious liberty cases at the Supreme Court. And these are the folks who will lead to present the report to the President in the spring of 2026.

So, for opening remarks for the three who were not able to be here when our first scheduled hearing was set, because they all have busy schedules, I want to introduce three of those. **Eric**

Metaxas, author **Eric Metaxas**, you're up first to give your remarks on religious liberty. Please give him a welcome.

Eric Metaxas: You may be seated. There is nothing more important, nothing more important than religious liberty. And it is because most of us in this room, and most people in the country, do not understand that, as a fact, that we need to have this Commission. I look forward to the day when we don't even need to think about a President delivering executive orders to tell us what we can and cannot do, because we already know what we can and cannot do. But I praise the Lord that we do have a President that understands that and is opening the door. When I say there's literally nothing more important than religious liberty, you cannot have America—now this is fact; if I had a whiteboard, I can show you—you cannot have America. You cannot have a self-governing nation without a robust expression of Christian faith among its citizenry. That is not possible. Our Founders understood that. They all understood it. Every single one. Don't let anybody tell you. Oh, they were deists. Baloney. Can I say baloney at a religious gathering? Because there are other words I'd like to use. They all understood that liberty, self-government, freedom cannot exist without a robust expression of Christian faith. They also knew you cannot legislate Christian faith. And even to dare to do so is no different than saying that everyone in this country has to be an atheist or a particular kind of Muslim. They said no, liberty must be free for us actually to have liberty, we have to allow religion to be utterly free. So, freedom in the Founders' model and faith are inextricably intertwined. There's no getting around it. Everyone in America used to understand that, used to know that and be able to talk about it. We need to get back there. America was on the verge of going away forever because so many had forgotten that. So, I praise Jesus for this Commission, for this President and for this nation. God bless you.

Chairman Patrick: Next up, Reverend **Franklin Graham**.

Rev. Graham: Understand that everything we say is on the record, so I want to be on the record. I believe in God. Amen. I believe that God sent His Son, Jesus Christ, from heaven to this earth to take our sins, that He died and shed His blood on a cross for our sins, that He was buried in a tomb and sealed in a tomb for our sins. And on the third day, God raised His son to life. Jesus is not dead. He's alive and He's coming back. This is what I believe. Thank you.

Chairman Patrick: Well, that's it, folks. Good night. Thank you for being here. About sums up the day. Cardinal **Timothy Dolan**.

Cardinal Dolan: Thank you, sir. Pastor **Graham**, you just said the Creed, and in our Catholic churches, we usually do the collection right afterwards. What a great way to empty the room.

Thank you. Thank you distinguished colleagues united in defense of our first and most cherished freedom. Thank God for President Trump. And thank God for me for the honor of serving on this distinguished Commission. Thanks be to God that we have a chief executive who takes religious freedom seriously and realistically recognizes that it's under threat today. Now, I've been thinking, my enthusiasm for serving on this Commission really doesn't come—you might think it would—but it really doesn't come from my role as pastor of the Catholic flock of New York, or from my own Catholic faith—however priceless both of those are to me. It comes because I'm a committed American citizen who strives to practice the biblical virtue of patriotism, who rejoices in the wisdom of our Founders that rights come not from governments, but from God. That the job of government, that the job of government is to protect our freedoms, not to give them or take them away. As one who dabbles in American history, I realize that our finest, our most noble moments as a people have been inspired by our faith, our values, our moral fiber, and that our dreariest and scariest episodes come when that freedom of religion is snickered at, considered oppressive, or chipped away. Then, then we're in peril. To protect and to foster our first and most cherished freedom is thus my duty, my joy, and my honor. Not just as a man of faith, not just as an ordained minister, but as a grateful American who's convinced that this nation is a light to the world because we each have the freedom to believe and practice our faith. Thank you.

Chairman Patrick: And as I said here, listen, I think what an extraordinary moment this is in our history, that we actually have a President who wants to put God first in all the things that we do. Not since our Founders, have we had anyone in the history of this nation to occupy the White House and be so bold. I remember that Doctor **Carson** and I, we spoke on National Prayer Day when this was announced, and we talked about [how] this President invokes the name of Jesus any more than any President I've ever thought. Amen. So, we are proud, we are proud to serve on this Commission, and we're going to begin now with our morning witnesses. And once again, we would normally have our witnesses, and then we would ask them questions after they give their testimony, but today we'll take some notes. And after the President speaks and we reset the stage, then we'll come back and ask them questions. I want you to make them feel comfortable because this is a little intimidating, maybe, as opposed to sitting at a witness table and being further back on the stage, they're going to be here, front and center in front of you and millions watching on television and live streaming. So, make them feel comfortable. These are outstanding young people that are going to kick off our hearing today. Our witnesses are **Lydia Booth**. She'll be escorted by her mom, Jennifer Booth, then **Justin Aguilar**, and then **Valerie Cleveringa**, escorted by her father, Colton. They each have compelling stories and they will share those now. So, **Lydia**, would you welcome us?

Chairman Patrick: Let me, hold on. Let me adjust this for you. Thank you.

Student Perspectives

Miss Lydia Booth, Elementary School Student

Miss Booth: Good morning. Thank you for the opportunity to share my story with you today. I was in third grade at a public elementary school in Simpson County, Mississippi, when schools reopened during the Covid-19 pandemic. That year was hard for everyone. We had to wear face masks all day, keep our distance, and things didn't feel normal. But I found something that gave me comfort. My favorite face mask. It was black with hot pink letters that had three simple words on it. Jesus loves me. For me, those words meant something really special. As a Christian, I believe that Jesus loves us all and he's always with us, especially when life is scary or confusing. During that time, everything felt uncertain. But those three simple words reminded me that I wasn't alone. I was deeply loved, and I hope it'd remind others of that too. At first, I wore it to school without any problems. Other kids were wearing masks with words and logos on them. Students had masks with sports teams, logos and Black Lives Matter logo, to name a few.

But one day in October, my computer lab teacher told me I wasn't allowed to wear my mask because it had words on it. I was really sad and confused. Sad, because I loved the reminder that Jesus was with me always, just as the Bible says, but also confused because I didn't know why the school was telling me I couldn't wear it. I'd worn it many times since school had started. When my mom picked me up from school that day. I told her what happened and as wise moms do. She didn't get angry. She got curious. That night, and the rest of the week she read every school policy, the school handbook, and school directives on Covid, but she couldn't find anything saying that mask with words weren't allowed. She talked to other parents and even asked some staff.

No one had heard of such a rule, so we thought maybe it was just a misunderstanding, and my teacher was confused, and my mom said it was okay for me to wear my "Jesus Loves Me" mask again. But a few days later, I'll never forget what happened right before lunch. A school official pulled me aside and told me to quickly take off my mask before the other kids got to lunch, so that no one would see. I was embarrassed and hurt. School officials made me feel like I'd done something wrong. When I got in my mom's car that afternoon, I told her that the school told me my mask was against the rules. She assured me that I didn't do anything wrong and that we'd work through this together.

I found out earlier that day the school principal had called my mom to say the student handbook prevented religious or political things on masks at school. But when my mom asked to see the

rule in the handbook, the principal couldn't find it. Later that afternoon, my mom sent an email to the school district asking about the mask policy. The assistant superintendent called her. He said that the rule about no words on mask wasn't in the handbook, but in the district's Covid restart plan, it did prohibit masks with political and religious statements. He then emailed a copy to my mom. But when my mom compared the document he sent with the plan on the school district's website, they weren't the same. The sentence about religious statements on mask was nowhere to be found in the Covid restart plan on the school's website. And to my mom's greater shock, she discovered that in the metadata, that the emailed version had been modified right before the assistant superintendent called her.

My mom realized that this man had actually altered the original plan to stop me from wearing a mask that said, "Jesus loves Me." That's when we know this wasn't just about the mask. The school was violating my rights. So, with God's direction and the help of some amazing people at Alliance Defending Freedom, me and my family took a stand and filed a lawsuit against the school district. Thankfully, the school soon agreed to allow me to wear my "Jesus Loves Me" mask again, but it never admitted—but it never admitted it had violated my religious freedom, and it took over two years before the district finally settled the case, agreeing to protect all students' rights to express their faith. I was only nine years old when this happened, but through it all, I learned something I'll never forget. You're never too young for your voice to matter. If I had stayed silent, nothing would have changed, but because we spoke up, now other students can wear messages of faith and love without the fear of being silenced. Isaiah 7:9 says, "[I]f you do not stand firm in faith, then you do not stand at all." It was intimidating at times facing that harassment, but I've come to know that doing the right thing isn't always easy, and God can use even something as small as this mask to help ensure our amazing country remains free. Thank you for inviting me today to share my story, and thank you for all that you do to stand for freedom. I'm praying for you and President Trump.

Justin Aguilar

Chairman Patrick: Our next witness is **Justin Aguilar**. **Justin**, please come forward.

Mr. Aguilar: Hello, everyone. Good morning.

My name is **Justin Aguilar**. I'm a public-school graduate, and I recently graduated as valedictorian of my high school class. I never imagined that standing for my faith in Christ would lead me here, but I thank God that it has. I'm not here to criticize, but to testify, to share my experience in hopes that it encourages you, empowers educators, and builds courage and students to share their faith. Jesus says, "I am the way, the truth, and the life," and I truly believe that. And it's our—and it's in our being. Our Pledge of Allegiance says that we are one nation under God. When preparing my high school valedictorian speech, I included a few sentences to express my gratitude to God and His Son Jesus, because He gave me the ability to succeed in my education, and He has carried me through many serious medical hardships, but when I submitted my speech, it was censored. "Jesus Christ" was crossed out completely. They didn't want me to—they didn't want His name to be on my paper. They just simply crossed His name out. It broke my heart. These weren't just lines on a paper or words that were crossed out, but Jesus is part of who I am.

I was not allowed to mention the name of my friend, the person who means so much to me. This was especially hard because I had strong relationships with the teachers and the administrators, so when I was asked to remove Jesus, it tore my heart. I asked the person, "why are they doing this?" They said that if I didn't change the speech, they wouldn't allow me to give it. They told me that I couldn't talk about Jesus due to separation of church and state. They also told me that they had another student from a previous year who had similar situation, and that student was also censored. So even though my speech was censored on paper, I didn't, It didn't sit right with me in my heart. I wanted to give glory to God no matter what, but I also wanted to respect my school administrators and authorities. I wanted to do what was right. I confirmed with the Liberty Council that I wasn't somehow mistaken, and that the First Amendment allowed me to give credit to God at my graduation.

Afterwards, respectfully, I made the decision to move forward trusting God. I resubmitted my speech with everything I wanted to say, including thanking my Lord and Savior Jesus Christ. The school district never gave me clear confirmation on whether I could deliver my speech, or

whether I would get in trouble if I gave it as I originally planned. I showed up on graduation day, trembling with original speech still in my heart. I prayed and asked the Holy Spirit to guide me. As soon as I got in the facilities. I felt tremendous pressure. The problem was the unknown of what I didn't know. I didn't know what was going to happen. I feared they would, they would let me give my speech, that they wouldn't let me give my speech or not have a copy of it up there on the podium, or that someone would mute my mic, or someone would drastically take me off the stage. I didn't know if they were going to hate me for this, or what the reaction was going to be. My heart was pounding, my throat was drying up, but God. I knew the Lord was with me because in my weakness he is strong. He gave me courage walking up to that stage and walking up to that stage, it felt like forever. And I walked up to that podium and gave my speech, including, I want to thank my Lord and Savior Jesus Christ, who has always loved me.

And what's amazing is that the crowd erupted. I felt this huge joy and relief. And at this graduation, with tons of people, with lots of people around. Out of everything that was said that day, nothing had as big of a response as the name of Jesus. After the speech, something beautiful happened. People weren't divided. They were inspired. People, including other students that I had been praying for, came up to me and said that their hearts were touched and it meant so much to me. People I didn't even know came up to me with tears in their eyes. And one of my teachers cried and she hugged me, and she told me that she was so proud of me and glad that I didn't change a single thing on my speech. My principal was in tears. I was in tears. It was a moment that showed the importance of faith in our lives, so to every school teacher, administrator and district leader, you don't have to censor students. You don't have to be afraid of religious speech.

I believe if more teachers and school officials knew what the law actually required, they would feel more confident to reject calls of censorship. I believe many school leaders love and support their students, just like my teachers and my administrators did., but they need accurate information. They need the support to stand with students of faith without fear of being punished themselves. That's why the support of the President and the support of this Commission means so much, and it matters to protect not just the students, but the staff who want to do what's right. My relationship with Jesus Christ isn't something I added to my story. It is my story. My identity and Christ defines me, so asking students to erase their faith from their voice is asking them not to be themselves. To every teacher and administrator, I want you to know that grace and love and truth go hand in hand. You can support students' religious liberty and still honor every student in the room.

So, to the President and this Commission, thank you for standing up for the Constitution. Thank you for protecting the First Amendment and for empowering students and educators to live out their faith. And to any students listening to this, when you're given a platform, whether it's a classroom, a graduation, or a public and government hearing, don't be afraid to thank the one who gave it all to you. You don't need to shout. Just stand and speak and trust that the Lord God will do the rest. God bless you. Jesus truly loves you and thank you for hearing this testimony. God bless you.

Miss Valerie Cleveringa, Elementary School Student, Michigan

Chairman Patrick: Man, for every university and college out there in America think you ought to make a call to him. Unless you're too woke to do so. He is, that is strong. Any question how he was valedictorian? Man, that was awesome. Our next, let me get my list here—our next witness. That was stunning. Pastor **Graham**, if you. Reverend **Graham**, if you need a fill in, you now know who you have available to you. **Valerie Cleveringa**, you're our next witness. Please come forward. We have a Presidential stool for you.

Miss Cleveringa: Hi. My name is **Valerie**. Hi. My name is **Valerie**. Thank you for inviting my family and I here to DC. I'm speaking on behalf of my brother and me. This last spring, our school was doing a talent show. My brother and I loved Christian music, so we decided to pick our favorite songs to sing at the show. We were given the talent show slips a month before audition. On the slips, we had to let the teachers know where our talent was in the song we were singing. I choose my favorite song, Up and Up by Colin Nixon. My brother chose the song That's Who I Praise by Brandon Lake. A few days before audition, my mom received a phone call from a principal at our school saying there was an issue with my brother's song. She stated it strongly mentioning God and its violation of the separation of church and state.

She pointed out that the title alone was what caught their eye. They wanted my brother to change his song, but if he changed his song, he would want to choose another Christian song because, because it—no—because that what he loves to sing about. The teachers stated they would have to go through my song, but it should be okay because it doesn't go into detail like my brother's song choice. The same night, my parents had a phone call with the principal. They wanted to hear from her why she wanted my brother to change his song and what the actual issue was. The principal stated the song was too Christian and they were worried about what another student would think. The principal also started picking out words in my brother's song like the word slave, she started stating the—she stated they had an issue with that word, but the song says “no longer slave,” referring to Moses in the Promised Land in the Bible. She finally agreed to let my brother try out with the song, but said he would have to change it if he had made it into the talent show. My parents disagreed because there was no there's nothing bad about the lyrics, and he would only have a couple days to learn a different song.

Mind you, this was my brother's first talent show. He was so excited and even emotional when practicing. My parents mentioned to her my song “Up and Up” also mentioning God. She was unaware and said they would have to revise my song as well. The next day at school, the same

teacher that contacted my mom found me and told me that there were issues with my, with our songs because not everyone believes in God. My brothers stated that the same day the same teacher told him that he had picked a really hard song. He felt pressured to sing something different. My parents sat down with my brother and me, letting us know what was going on. They asked us how we felt about the situation. Both my brother and I were upset and went on singing our song. The song “Up and Up” is one of my favorites because when I’m down or things are hard, I know that I can always go to God through prayer. For my brother, “That’s who I Praise” speaks to him because it talks about the heroes in the Bible and reflects that God always has our back. Both my parents agreed to and told us, no matter what, don’t back down from our faith. No one should be able to tell us, us how we can or cannot express our faith in a positive manner. At that point, my parents decided to reach out to First Liberty Institution and fight for our rights to be able to sing our songs. First Liberty sent a letter to explain how the Constitution protects kids like me. The very next day, the school changed their position and did the right thing. Both my brother and I were able to perform our song at the at the audition without changing the words, and we were both made it into to the talent show. The school didn’t give us any problems after First Liberty reached out to them. It was fun being able to perform on stage, watching our friends sing along to our song.

One of the coolest parts besides to sing one of my favorite songs is that Colton Dixon made himself a video and sent me words of encouragement. It not only was the awesome surprise, but something I will remember forever. I’m super grateful that God allowed everything to work out. I’m also grateful that my parents stood up for my brother and me, and that First Liberty helped us. I’m also happy that our school let us sing our original songs. What I take away from all of this is not only we were able to perform our favorite Christian songs sharing God’s light, but also, we were showing others how to stand up for their faith. And thank you for, for your time and listening to our testimony.

Mr. Jeremy Dys, Attorney, First Liberty Institute

Chairman Patrick: If you didn't know before, you now know why the President formed this Commission. This is happening all over the country in every walk of life. Our next witness on our first panel, **Jeremy Dys. Jeremy.**

Mr. Dys: And I don't need the Presidential stool, I suppose. Well, members of the Commission, thank you for the invitation to address you this morning. In my dozen years of civil rights litigation and the practice that I've had, I've had the privilege, the sincere privilege of representing students just like the ones you've heard from this morning, more of whom you'll hear from this afternoon and their stories. You hear the many benefits of religious liberty, as well as the burdens wrought upon real people, real children, when religious liberty is denied by school officials. These students, as you've heard from, joined others like John Rainey, who was told by his principal in Long Island that his attempt to form a religious club at his school was, and I'm quoting, illegal.

Mackenzie Frazier, her teacher, told her that she could not reference John 3:16 as a part of her class assignment called "All About Me." Giovanni Rubio, in the fifth grade had received a free Bible from his church, and during the free reading time at school, chose to read it, but was told that he could not do so. And then just last month, Sabrina Stevens, who had to threaten a lawsuit in order to paint a Bible verse on her senior parking space in the parking lot of her New York school. The list could go on for some length of time. Each of these cases represents students from elementary to high school facing situations the Constitution guaranteed them that they should never have to face. And rather than uphold these guarantees, too often school districts weaponize the Establishment Clause against them. And instead of recognizing the demands of the Equal Access Act, that religious students be given the opportunity to form religious clubs in the same way that secular clubs may meet, school officials labeled our clients as lawbreakers.

Even though the First Amendment guarantees the right of parents to direct their children's education and religious upbringing without government interference, school officials far too often place obstacles in the way of parents having to say, having a say in such things after they drop them off in the school drop off line.

For instance, in Ohio, some school districts grudgingly complied with state law that allows parents to send their children off campus to receive religious education during the school day.

This is an accommodation that the Supreme Court of the United States upheld in 1952, and they said that it reflects, quote, “the best of our traditions” when the school accommodates parents to have their children receive religious instruction. But some school districts mandated by state law to allow this vary release time, religious instruction simply banned such programs from sending back handouts with Bibles with the students to the, to the school when they resumed their school day. Yet, federal law requires that public schools certify compliance with the Constitution’s guarantees on matters of religious liberty in order to receive federal funding under the Elementary and Secondary Education Act of 1965. Well, these are the stories. Let me turn from stories to specific proposals that this Commission might consider to further strengthen this nation’s commitment to religious liberty.

First of all, this Commission should recommend that the federal government publicly report which states are compliant in the protection of religious liberty at school and, importantly, which ones are not. Even through the Elementary and Secondary Education Act of 1965, even though it requires state and local educational agencies to certify compliance with the Constitution’s guarantees, including religious liberty, within our public schools, the public has no transparent means by which they can know for certain who is and who is not compliant, and, therefore, who is and who is not entitled to their taxpayer dollars under the ESEA. A very simple website created by the government reporting who has or who has not so certified, would give much confidence to parents and students across the country knowing that their rights will be respected.

Secondly, I would encourage you and encourage the rest of the federal government to extend the protections of the Equal Access Act to elementary students and tie compliance with it to funding under the ESEA. The Equal Access Act has prevented many school districts from denying student religious clubs, but only for those clubs for students, typically between the grades of six and twelve. Elementary students like **Valerie**, and others like those that you’ll hear from today, they’re equally entitled to the law’s protections, and yet are specifically excluded under the Equal Access Act, and state and local educational agencies should be required to certify that they have complied and will comply with the Equal Access Act in order to receive taxpayer funding. The American taxpayer should not be required to fund schools that welcome secular clubs on campus, but are unwilling to allow students of any age to form clubs related to their faith tradition.

Third, and finally, celebrate, provide clear guidance on and rigorously enforce the protections regained in such cases as *Kennedy vs. Bremerton*. *Carson vs. Macon*, and most recently, *Mahmood vs. Taylor*, among many other important decisions of the Supreme Court of the United States that protect religious liberty. Each of these cases restored rights. Hear me again to say

restored rights to students, teachers and parents that were long laid aside under past erroneous, and as we now understand, damaging interpretations of the Constitution. These cases overturned harmful precedents that caused the denial of the protections of rights flowing from the First Amendment, and also led to students, parents and teachers being ridiculed, singled out and ostracized for their religious convictions. The promise of our Constitution applies to the students of our nation's public schools at every level. That, and I'm quoting again from the Supreme Court that Charter of Rights, that is, the Constitution extends respectfully to parents whose, whose right and privilege it is to direct the religious upbringing of their children, protecting and, where necessary, restoring those rights should be the goal of this Commission.

As was said many years ago by the Supreme Court of the United States, the students of our nation's public schools do not shed their constitutional rights at the schoolhouse gate. Neither are our nation's schools to be enclaves of totalitarianism. Rather as another court, as another court has said, under the Constitution, school officials may not confine speech, religious speech to whispers or banish it to broom closets. For if it did, and again, quoting from that same court, the exercise of one's religion would not be free at all. Thank you for my opportunity to address you. After we've had some other speakers and perhaps even some lunch, I'm happy to take your questions.

Chairman Patrick: I've often had parents say to me, it's very confusing, very difficult for my children. I take them to Bible class or Sunday school or church with us on Sunday, and then they have to forget all about it when they show up at the schoolhouse door the next day. As we await the President's arrival very shortly, I want to bring back Cardinal **Dolan**. He was unable to make our first hearing because his, the train from New York broke down, and he called and said, "gosh, I wanted to tell a story in my remarks about his experience about religious liberty at the conclave," when he went to select the new pope, and I wanted him to come forward and share that story.

Chairman Patrick: Thank you. Thanks for remembering that. Right, so the first meeting I, I couldn't make because the Amtrak was three hours late. It was canceled. Last night, we were about forty-five minutes late. I'm going to ask the President if instead of being on this Commission, he could put me on the National Transportation Board, because this would. So, thanks for remembering, Lieutenant governor. I had told him when, I when I called with my regrets at being unable to make the meeting, that I had just returned from the conclave to elect Pope Leo, and obviously we were there for thirty-one days between the death of Pope Francis and the installation of Pope Leo and we cardinals, the cardinals from around the world spend a lot of time together—only, what, about thirty hours together in the actual conclave, locked in,

which is what conclave means in the Sistine Chapel. But before that, for two weeks in what's called the congregation meetings, and we don't have to keep those quiet, so I can talk about this. What I shared with the chairman is the number of my brother Cardinals from all over the world who came up to me, and I presume other of the American cardinals, to thank us for our strong defense of religious liberty. I was fascinated by that and asked them why. And they said, well, because you in the United States serve as a beacon for the rest of us. So many, and this gives us, this gives us an added sense of responsibility.

We're not doing this in a self-serving way. We're doing this as an extraordinarily solicitous and benevolent way to help our others, to help others, because they look to us for the protection of religious liberty. They look to us as a nation that's extraordinarily democratic, but yet admits that we couldn't be that, unless we had, we were one nation under God. They said to me, you must realize—and so these are cardinals from well, I'm not going to say it because they could get in trouble, that's how somber it is. But you would know the nations where there's overt persecution. You'd also know the nations where there's perhaps not legal persecution, but cultural, where the forces of, of secularism on steroids so snicker and sideline religion that it has no access to any of cultures' more noble enterprises where they're just afraid to bring the religious values. But these cardinals would tell me, these thugs that run our nation want to be the only dominant force. They want to be the Dominus, the Lord. They want to dominate.

Now, we've been through that in the Roman Empire, right? And they said so, they will immediately, first and foremost, go after religious freedom, because people of conscience and people of moral conviction and people of, of muscular religious faith, these are the ones that have the freedom and the integrity to speak out, and these are the ones that must be silenced. So, they will immediately work to curtail religious freedom. We saw that in the Soviet Union, did we not? And we see it today whenever we have theocracies or totalitarian regimes because they want total, total, total control of their people, not, not just their wallets, not just their brawn, not just their muscles, but their heart and their soul. And we say no. We say no. There's only one. There's only one who is our God. There's only one who is the Lord, and nobody else has absolute dominion. And if we give up on that freedom, we've lost it all, and I was bolstered that my brother Cardinals said, go home and keep at it. Thanks for letting me share that.

Attorney General Pamela Bondi

Chairman Patrick: We're going to take a brief break as the President arrives, and I believe the Secret Service wish you to keep your seats. I believe that's the, so just kind of sit there and we'll advise you very shortly. So, we'll take a brief break, gentlemen and ladies.

Attorney General Bondi: Thank you, and thank you, Lieutenant Governor **Patrick**. Our Founders believed every individual has the right to worship freely without fear of their own government. No one knows this better than President Trump. Under his leadership, we have dropped forsake cases against pro-life Christians, stopped the FBI from spying on Catholics, launched multiple investigations into antisemitism in schools, and we are aggressively prosecuting vicious crimes against Jewish Americans. President Trump is fighting each day for our parents, our students, and every American's right to live out their faith. There is no greater defender of the First Amendment than the President, and there is no greater President than **Donald Trump**. We all thank President Trump for protecting the God given rights of every American, and it is my great honor to introduce to you the 45th and the 47th President of the United States of America, Donald Trump.

President Donald J. Trump

President Trump: Well, thank you very much. Thank you very much. I said, we'll have to cut **Lee Greenwood** a little bit short. How good is, how good is he, right? He's been with us right from the beginning, and I wanted to stand and listen to the entire song but people would have said, "look at the ego of that guy. He just wouldn't stop. He just stood there and listened to the applause." But I appreciate it very much, and I want to thank you for doing an incredible job, **Pam Bondi**, the attorney general, has been unbelievable. Incredible job. Thank you. Thank you. Amazing.

And thank you to all of the faith leaders, pastors and patriots who have come to the Museum of the Bible for this historic meeting of the Presidential Commission on Religious Liberty. These are incredible people, and everybody wanted to be on this Commission, and I made a couple of people unhappy, maybe even enemies for life. I don't know, but they all wanted to be on the Commission. But we picked the right ones, and they've done a really a profound, an amazing job. But America was founded on faith, as we know, and I've been saying it for a long time, and when faith gets weaker, our country seems to get weaker. When faith gets stronger, as it is right now, we're having a very good period of time.

After some rough years, good things happen for our country. It's amazing the way it seems to work that way. And under the Trump administration, we're defending our rights and restoring our identity as a nation under God. We are one nation under God, and we always will be. The need for this Commission has never been more clear than it was last week, when the ineffectual senator from Virginia, man named Tim Kaine, stated that the notion "our rights come from our Creator" is, quote, "extremely troubling to him," very troubling. Isn't it troubling? Isn't it terrible, though, how he would say something like that and advocated really by a totalitarian regime. This is what they say. But as everyone in this room understands, it is tyrants who are denying our rights and the rights that come from God, and it's this Declaration of Independence that proclaims we're endowed by our Creator with the right to life, liberty, and the pursuit of happiness. The Senator from Virginia should be ashamed of himself for many things, for many things—for things even beyond that. But in his own way, nothing is more important than those words. It was terrible words.

As President, I will always defend our nation's glorious heritage, and we will protect the Judeo-Christian principles of our Founding, and we will protect them with vigor. We have to bring back religion in America, bring it back stronger than ever before as our country grows stronger and

stronger. Our country is now the hottest nation anywhere in the world. One year ago, our country was dead. And I say it, one year ago our country was dead. We had leaders from all over the world that talked to me. They'd say "your country is in trouble."

And I just left the Middle East, king of Saudi Arabia, Qatar, UAE, a lot of the big countries. Then I was with the heads of NATO, the NATO nations, all of them. Everyone said essentially the same thing that a year ago your country was dead and now you have the hottest country anywhere in the world. It's true. It's true in every way. But to have a great nation, you have to have religion. I believe that so strongly. That has to be something after we go through all of this, and that something is God. We go through all of this for a reason. It's not easy, believe me, but I want to thank the Commission's chairman, Texas Lieutenant Governor **Dan Patrick**. He's been the chairman of my Texas campaign from day one. He's been the chairman of my Texas campaign, and we went through six primaries, and we went through everything that we went through, and we won them all. We won everything, including three elections, got the most votes in the history of Texas three times. Can you believe that? That's pretty good. I heard that the other day. I said, "I like that." But I want to thank you, **Dan**, you've done a great job and very instrumental in the creation of what we're doing today, as well as a very special friend of mine, Doctor **Ben Carson**, so special that he's being honored. He's being honored in a couple of weeks, and I was absolutely not here.

It was a very important mission for the country. And because I usually take missions only for the country, but this was for the country. And I said, I can't do that one. I'm going to go back. I'm going to be with **Ben Carson** at Mount Vernon, I believe it's going to be. Pretty good place, pretty good location, right, **Ben**? But he's been my friend from the beginning. Right from the beginning. Shall I tell them the story about what you said to me, **Ben**? The famous words? He was a very tough opponent. We were fighting it out, and we had actually eighteen candidates, including me. And **Ben** came up to me right after the first debate. He said, "you know, you're going to win, don't you?" And I said, "no, I don't know that. I think I'm going to win, but I don't know it." The eighteen people and I had never done it before. They had all done it. They were all governors and senators, talented people. He said, "no, you're going to win it because God wants you to win it." Right? Yeah? But that didn't stop him. We went through. I said, when is this guy going to quit? You know, he gave, he gave me these words of beauty. Then he goes for weeks and weeks. He was tough. He was a tough one, but we love **Ben**. **Ben**'s special and we appreciate it. Thank you, **Ben**.

Thanks also to the Commission members, including Secretary **Scott Turner**, Pastor **Paula White**, who's been with me from very beginning, right? Pastor **Franklin Graham**, great great

gentleman, great gentleman. Thank you, **Franklin**. A man I've watched for years on television, but you're not supposed to admit it. You know, it's like with me, people don't like to admit it, but we all watch **Phil McGraw**. Doctor **Phil**, Doctor **Phil**. Thank you. **Phil**, great guy. He came out early for me. He did a piece on me before the election that was different than any interview I've ever done. He asked me the most personal questions. I said, this guy's really getting personal, but everybody that saw it loved it so thank you. Thank you very much. Cardinal **Timothy Dolan**, highly respected man. It's great. You come from New York. He was in his own right the king. He was great, and we worked together in the first administration so much and going through that horrible epidemic that we went through. A couple of epidemics, we had to go through, a couple of really bad ones, but we worked together and I helped, I helped financially with your church and your schools keeping your schools going, and it was an honor to do so. Bishop **Robert Barron**. Bishop, thank you very much. Appreciate it. Great job you've done. A man I watch on television a lot. He doesn't believe it, and I do. **Eric Metaxas**. Where is **Eric**? **Eric**, I do watch. He said, "you really don't." I said, "I really do." I said, "you have to have more confidence in this. Your show is excellent." And he's a great guy and he wants me to call it the super Centennial. He said, super centennial. And I think we're going to do that. Let's change it. I really like that idea because we call it the 250 Centennial, but it's really not. It's really just below the try, right? So, we're going to call it Super Centennial then. Okay? Let's do that. Will you please make the changes. All of my people that are all over the room, please make that change. A wonderful person who I've known for a long time, **Kelly Shackelford**. **Kelly**, thank you. Thank you very much. Great job. **Ryan Anderson**. **Ryan**. Thank you. Congratulations. **Carrie Boller** and **Allyson Ho**. **Carrie**. Two great people. And we're also joined by the chairman of the Faith and Freedom Coalition, **Ralph Reed**. Where's **Ralph**? **Ralph**, you helped so much. You know, **Ralph**, I think, hit more doorbells than anybody else I know, millions and millions. What was the number, **Ralph**? Ten million. Ten million. And it's true. You know, somebody else would say, well, was it really? And it was. People were saying he was all over the place. Thank you very much, **Ralph**, I appreciate it. We'll never forget it. Thank you.

Let me also thank everyone at the Museum of the Bible, including Steve and Jackie Greene. The job they've done is just incredible. It's, I want to say their entire family is here. I want them to all hear it, but they founded this beautiful museum to honor the most widely read book in history, and the job they've done is amazing. I ask, "which museum does the best?" You know, I always like to find that out, and numerous times they're saying the Museum of the Bible, that more people come here than anyone else. You probably won't read that in the newspapers or the media, but this is an amazing place and it does tremendously well, so respected. And they, they built it up and it was a labor of love. Well, it's nice that he's rich as hell too. It always helps. Where are you? Where are you guys? Where are they? Yeah, look at that. They don't even get good location okay. See, if I did the Museum of the Bible, it wouldn't be as successful, but I'd be sitting right here. No, I'd be sitting up here. You've done a great job. Everybody's talking about

it. It's, I got a little involved with museums, you know, because I had a little problem with the Smithsonian. We like a little more positivity. It was all about all the bad things in our country. I said, what about the good things we've done? So, I got a little involved. I got a little involved with that. And they're making honestly, they're making changes. You know, they were also told what to do by people that came before me, in all fairness., but they're making changes. Big changes are being made at the Smithsonian. But I just want to thank the Greene family, because what you've done here is incredible. Thank you very much. For thousands of years, the Bible has shaped civilization, ethics, art and literature, and it's brought hope, healing and transformation to untold millions and millions of lives. The Bible is also an important part of the American story. That's why I'm delighted to announce that just moments ago, I have personally delivered the Trump Family Bible given to me by my mother. I remember the time she gave it to me, but it was used in both my inaugurations and also a display at the museum, and I guess it will now be displayed right in the heart of our nation's capital, right here and it's an honor. That's an honor.

We're here this morning to discuss the grave threats to religious liberty in American schools, and you know what's going on. We all know what's going on. But I will tell you, a lot of progress has been made in the last eight months. Tremendous progress, more than I thought we could make in so many ways. Not only that, the woke agenda is practically gone. It's deep seated. We have to make sure it's out. It's very bad. It's like a weed. You think you killed it, and then it starts growing again, so we have to be careful. But it's very, very different than it was. You look at West Point how proud they are of their heritage. They did something this week which I thought was appropriate. Some of you know what that is. Does anybody know what that is? Yeah, I like it. I like it. Oh, look at who we have over here. We have your associate, **Pam. Leo 2.0**. Well. We have **Leo** here. We have, is he doing a good job, **Pam**? He's great. He's a DOJ. He's a great man. He's a great friend of mine for a long time. I'm glad I got to see him. I would have been in big trouble, **Pam**, if I didn't see him. But thank you, **Leo**, very much. I appreciate it. For most of our country's history, the Bible was found in every classroom in the nation. Yet in many schools today, students are instead indoctrinated with anti-religious propaganda, and some are even punished for their religious beliefs and very, very strongly punished. It's ridiculous.

Joining us this morning is **Hannah Allen** from Honey Grove, Texas. A few years ago, **Hannah** organized a group of her classmates to pray for an injured peer. The school principal declared that **Hannah's** generous act of love was prohibited from taking place in front of the other students, didn't like it. The principal didn't like it. Can you imagine? But **Hannah** very strongly stood her ground, and she won. And, **Hannah**, I just want to thank you for letting the light of your faith shine for all of those to see. We really appreciate it. And where is **Hannah**? Is **Hannah** here someplace? I think so. **Hannah**, stand up please. Thank you very much. Thank you very much. Thank you, **Hannah**. I know what you went through. I know what you went through.

It's great. Appreciate it. To support students like **Hannah**, I'm pleased to announce this morning that the Department of Education will soon issue new guidance protecting the right to prayer in our public schools, and this total protection. Thank you, **Hannah**. Great job. See what you did. **Hannah**. Who knew? Who knew that was going to happen, right? Thank you darling.

Also with us is twelve-year-old **Shea Encinas** from California. Last year in fifth grade, **Shea** was forced to read a book to a kindergarten student promoting a message of radical gender ideology that is contrary to his religious beliefs and ours. I'd like to have **Shea** come up and tell the story. It's an amazing story. **Shea**, please come up. I love your tie. I like that top. It's a great shirt. There you go, buddy.

Mr. Encinas: Thank you again, Mr. President. Hi, I'm Shane Encinas. I've been a Christian my whole life, and Jesus means everything to me. When I was in fifth grade, my school forced me to teach my kindergarten buddy about changing his gender using a book called *My Shadow Is Pink*. The book said you can choose your gender based on feelings instead of how God made us. I knew this was not right, but I was afraid of getting in trouble. After my family spoke up, the school treated us badly and kids started bullying me and my brother because of our faith and the school did nothing to stop it. It hurt a lot, but I kept trusting God. I believe kids like me should be able to live our faith at school without being forced to go against what we believe. I hope no other family has to go through what mine did. Thank you.

President Trump: Thank you, **Shea**. Great job. That was delivered well, wasn't it? On day one of my administration, I signed an executive order to slash federal funding for any school that pushes transgender insanity on our youth. We also banned the chemical and surgical mutilation of our children. Thank you. We got men out of women's sports. How tough was that? How could, but could you imagine? Seriously, I'm just thinking to myself, transgender for everybody, men playing in women's sports, all of the different things we talk about, it's insane. And if you were here 15, 20 years ago and if somebody made a speech about transgender for everyone, I always say trans because for everyone, transgender, we have some states that actually can force it upon you without the parents' notification or approval. It's not even believable. But can you imagine men playing in women's sports? So, you're up fifteen years ago, I guess probably ten years ago, but fifteen years ago, and somebody said, "we will not allow men to play in women's sports." People would look at the person and say, "what's he talking? Is he crazy?" It happened. And not only that, the Democrats don't want to give it up. I watched the congressmen fighting like crazy this weekend for men having the right to play in women's sports, and they don't understand, but I don't want to really fight them on that. I let them. I tell all the Republicans, let them go, let them go. Just, just bring it up about a week before the election because you don't

want to talk them out of it. They say it's an 80-20 issue. I say it's I say, **Dan**, it's a 97 to 3 issue, okay. And transgender is about the same. It's crazy. It's sort of a crazy thing. It's a world gone wrong, just a world gone wrong. And I made the official policy of the United States government that there are only two genders. You're going to hate this, male and female. You're going to hate.

And we got rid of a very sinister thing, the Johnson amendment, so that pastors can speak the truth that's in their hearts. You know, I'll tell you, I was in a board room early on. **Paula**, was there. A couple of people in the room were there, but we had about fifty pastors, some rabbis. We had people from a few different religions, and I was just running. I'd never done it before, so it was very early in the campaign. It was in early 2016, and Trump Tower was sixty-eight stories up in the air, a beautiful boardroom and places loaded up with these people, and they were all excited. And then at the end, I said, "I'd love to have your support," and the room went dead silent. Do you remember? It's like I said, "what happened? I know you like me. What happened?" Well, would like to talk to you about it later anyway. I said, "all right, but if we could leave and we'll have another meeting, maybe, but I would love to have your support." And there was, again, no answer. And I said, well, we'll figure this out, and I went to **Paula** and some of the others after, and I said, "could I ask you, I know when I'm doing well, when I'm doing poorly, and I was doing really well. And then when I asked for support, it was like stone cold silence." They said, we have something called the Johnson Amendment that if a pastor or minister or rabbi or imam or anybody says anything about politics, you can lose your tax-exempt status. I said, "you got to be kidding." So that's what happened and they were petrified of it. Remember that? Nobody even wanted to talk about it. They were absolutely, they became a different group of people. And I pledged to them at the next meeting, we had another meeting a couple of weeks later with a similar group of people, and I pledged to them that if I win, we're going to get rid of the Johnson Amendment.

This was Lyndon Johnson who had a tremendous fight with a minister from, I believe it was Houston, Houston or Dallas, and they didn't like each other. And Lyndon Johnson was a very powerful President. He had good power, good strength, good, he ended up being very weakened by the position, but he had tremendous power. He was a big dealmaker, and he got that done, which is pretty amazing that he could get that done. Everybody fought him, but he got it done. He pushed it through, pushed it through Congress where you lose your tax-exempt status if you even utter a word about politics, and that was amazing when I heard that. That, I never heard of that before. And I said, we're going to get rid of it and we got rid of it, you have got, because you're the people we want to hear from. We want to hear from you. I don't want to hear from a lot of people. I hear from too many people. You're the people we respect. Franklin is incredible. All of the people that are up here, I want to hear from these people, and they come from a different place than me. I come from a business place where there's a lot of rough people, bad

people, not really religious people. There are some, but you're the people that I want to hear from. That's why we go to church on Sundays, or we go to wherever we are to, to listen to people of faith.

And it was horrible, I said, you mean when I heard that, and I said to the other people, that means that you should be the most powerful people on earth in a sense, and yet you have less power. And I pointed down to Fifth Avenue, which was sixty-eight stories below, and I said, "that means that anybody on Fifth Avenue, in theory, has more power than you do. And that's not the way it's supposed to be. It's supposed to be the opposite. We have to give you voices back, and I've given you voices back." And that's one of the reasons that we see upticks now, I think, in religion, so it's very important, right? Remember that moment when I said, "I'd love to have your support, ladies and gentlemen" and it was like dead silence. I said, "there's something going on," and we figured it out. We did something about it, so thank you. Thank you very much to **Paula White** too. Thank you. But upon taking office, I also ended the weaponization of law enforcement against religious believers and pardoned the pro-life activists thrown in jail by Joe Biden for saying prayer.

And you know, people don't realize about the Biden administration. It was a very mean administration. He's a mean guy, actually, not a smart guy, never was, but he was a mean guy. No, he was a mean guy. And he knew enough about what was going on. He wasn't like some of the people that surrounded him on the resolute, the beautiful, resolute desk in the Oval Office. They were stone cold, mean. But Joe Biden and the Biden, they were mean people. What they did to people, what they did to J 6th, what they did to so many people. They were mean people. These were really radical, horrible people, and he wasn't that way twenty years ago. He was never the, the brightest bulb in the ceiling, but he was, he was a man who wasn't overly mean that I saw. But boy, he became really mean and his administration was one of the meanest we've ever had. And that's why they're out of here. and people, they, they're having a hard time getting jobs. And that's the way it should be because they are. They were bad. They did tremendous disservice to this country, including allowing million people into from jails, from prisons, from mental institutions, drug dealers all over the world. They were entered our country from jails. The prison population of Venezuela was emptied out into our country, and that's what we're doing now.

I spent so much of our time, Tom Homan and the, the people that have worked on this so, so hard, you know, Kristi Noem, all of them, they've worked on it so hard. It's just it's like an unforced error and to allow people into our country who are truly, there are evil people. We're all people of religion, but there are evil people, and we have to confront that. I just give my love and

hope to the family of the young woman who was stabbed this morning or last night in Charlotte by a madman. A lunatic just got up and started, it's right on a tape. Not, not really watchable because it's so horrible, but just viciously stabbed. She's just sitting there. So, there are evil people. We have to be able to handle that. If we don't handle that, we don't have a country.

And I created the first ever Department of Justice task force to eradicate anti-Christian bias. And for those people that are a little bit naive or not well read, there is a tremendous anti-Christian bias. We don't hear about it. We don't think about it. You hear about anti-Semitic, but you don't hear about anti-Christian. Now you have a strong anti-Christian bias, but we're ending that rapidly. I will tell you, it's a whole, we're in a much different world today than we were one year ago. This is like a different place. And to support parents' rights, we're fighting, as you know, for school choice, which most people want, most people want it. I'll tell you, **Dan** was responsible for getting it along with the governor of Texas. They got it in Texas and we helped you a little bit. They needed about twenty votes from the legislature. He said, "could you make a phone call," to the whoever they were, the legislators who I like a lot, but they were about twenty votes short and they have been for about ten years. I said, "all right, let's give it a shot." So, I gave a big talk to the, who are they? Senators or House members?

Dan Patrick: They were House members, but you also helped us defeat about fifteen anti school choice people.

President Trump: That's right. We defeated a lot of anti-school choice, but anyway he got it done. So, congratulations, that was a big accomplishment. But as part of our tax-cuts we've created a massive tax credit for school choice scholarships so that you can send your child to a school that shares your values, and you get tax credits and all sorts of good things happening. And I'm also taking action against anti-Semitic and anti-Christian bias in our institutions of higher learning. You've been watching that play out. They're making very substantial settlements, and **Leo** is involved and **Pam Bondi's** involved. We've launched.

You know, we're getting hundreds of millions of dollars in settlements. **Pam** and **Leo** called me up, "sir, you can do better than that." I said, "what am I going to do?" I'm going to get one where he really likes it, but he always says, everyone else says, "that's amazing," except for **Leo**. He says, "sir, you could have gotten more." Oh, good. Thanks, **Leo**, but we've launched sweeping civil rights and Title IX investigations into more than sixty colleges going on currently, and universities to stop their violations of civil liberties and First Amendment freedoms.

And, you know, we're involved very much in Harvard. That's one that people seem to be reading about more than others. We have many going. And other than having a radical left judge, you have a very radical left judge. But, you know, the appellate courts have been really good to us. So, you go before some of these judges, no matter how good a case you have, you can't win. But we've, we've had a lot of them, but we've done very well in the appellate at the appellate level.

And the case of Harvard, we have an absolute radical left judge. Disgraceful, should not even be there. But we have we're doing very well with Harvard, and we're doing very well with all of them. And where we don't win at the lower courts, which sometimes we do some in some states, we get a very fair shake. In other states it's not even possible. But we've done very well at the appellate level and at the United States Supreme Court. But this includes an unprecedented \$200 million payment from Columbia University. Columbia paid us \$200 million, essentially, in fines and penalties, but many more settlements are soon to follow, and they're going to be behaving because they understand we're coming back. They would not let you have your voice. They wouldn't let the people in this room, any of them have the voice, because that's not the voice they wanted to hear from. They wanted to hear from a very sinister voice, and we're not going to allow that.

In recent years, we've seen far too many violent attacks perpetrated against Americans of faith, beautiful Americans of faith, including in our schools and places of worship. And you know about it more than I do. Two weeks ago in Minneapolis, a demonic killer shot people and murdered the two precious children at a Catholic school. Can you believe that? Hard to believe. And time goes by and people say, oh, I sort of remember it, but I remember it. I'll always remember it. What a horrible thing, too many. Happens too much. Our hearts are shattered for the families of those beautiful children. And I've made clear that Attorney General **Pam Bondi** is working really hard, that we must get answers about the causes of these repeated attacks and we're working very, very hard on that. The Trump administration will have no tolerance for terrorism or political violence, and that includes hate crimes against Christians, Jews, or anybody else. We're not going to allow it. And there was also a horrible killing recently in Charlotte where I talked about and so many others, and we will, we're going to get to the end of it. And, you know, when you have horrible killings, you have to take horrible actions, and the actions that we take are nothing. We, this cashless bail started a wave in our country where a killer kills somebody and is out on the street by the afternoon in, in many cases going out and killing again, cashless bail. And you try and reason with people like in Chicago with the governor and the mayor. You try and reason with them and it's like you're talking to a wall. It's just doesn't, I assume it's just a political ideology. They're not stupid people. It must be an ideology that's just buried in their head, and you can't do a damn thing about it and we'd love to go into Chicago and straighten it out.

You know, Washington, D.C. you'll be happy to know, is a free and safe zone. It's so safe right now. It was, it was one of the most dangerous. Can you believe it? It's so, you know, you see the beautiful buildings, but we're going to also do an upgrade because a lot of the beautiful buildings have a little graffiti on them. They have roads that aren't proper. They have medians that are bad and falling down into the road, the dividers. We have things we have to take care of and beautify. We want to beautify it. Very little work will be done. I'm very good at that. That's what I really did the best in life, probably. I said, "was I a better builder or politician?" They said, "I think you were a better builder, sir." I said I didn't know if I was happy about that or not. But I was a really good builder, and I'll fix this place up for peanuts. I'll fix it up. We'll fix we'll put in new dividers, all the evidence. They're all rotted, rusting and falling down on the road. Potholes all over the place. We're going to have this place looking beautiful twelve within months. Even the little white tiles in the tunnels. You know, you go through the tunnels and there's little white tiles. They've been up for about sixty years. And like, there's pieces missing and you can't match them. Believe me, you can't. You try and match them. It never works. You can't. They've been up sixty years. You don't get the same match no matter what you do, but we'll take all those tiles off and you're going to have beautiful white tiled tunnels again.

And everything's going to be really the way it should be because when foreign leaders come, you know, I had to take down the tents. We had over fifty-eight tent cities that we took down right in the middle of our parks, right next to our great buildings. Supreme Court, you'd have a tent city right there, and nobody would ever tell them to, to do it. We had a blue tent right on Lafayette, and they seem to have a permit. And one of the fake news media was asking me the other day, "what about the blue tent?" What blue tent? Because all it does, somehow these people were very well connected with the communist cause. And I said, "there's a tent up there? Really?" Yeah, and he was a friendly reporter for a change. He said, "it's terrible that the tent." I said, "I didn't know that, I'm surprised." And I checked and there was and we got it down very quickly. It's down. It's down, wasn't easy. People chained themselves to a tree and this and that, but that's okay. They can chain themselves if they want. That was a tough one. That's been there for years. It's been there for many years. We took it down, came down very quickly, **Pam**. So, I hope Attorney General **Bondi** will be looking into some of these things, and I really know that some of them, she is, she's, she's done such an incredible job. You know, she's got a lot of pressure on her not to do these things by a certain group of people that I guess don't love our country, or there's some ideology that they're just indoctrinated with. But she's going to do a fantastic job, and we're waiting for a call from Chicago. We'll fix Chicago. And again, D.C. is right now so safe you can go out. Friends of mine called, one in particular. He's been in in DC for a long time, and he said, "I haven't gone out in four years for dinner with my wife."

The restaurants were all closing because people were afraid. Even if they were in the restaurant, it didn't matter. They were held up. You know, guys would walk in with guns into a restaurant and that's over. It's not happening. It's now safe. And this man said, "I've gone out to dinner in the last week and a half, four times, and I am so safe. My wife could meet me at the restaurant. She could walk by herself. There's zero threat." The National Guard, working with the police, working with the mayor. The mayor has, you know, that's not her ideology and now I think it maybe is her ideology. She's taking a lot of heat, too, from the radical left. You know, they don't like that she's allowing it. But, look, she's going to either allow it or we'll just do it because, you know, it's just. She understands it. Now she understands that. But I can tell you, the people of D.C. are thrilled. I have never had so many people. The other day I had a big scrum in front of me of the press, and I said, "you know, everybody here or many of you have been mugged, right?" And they're all going like, and these aren't people necessarily on our side. They're all going, "yes, yes, yes." What about you? "Yes. It's true. I was a couple of times," every one of them. It's crazy. Not going to happen anymore. So right now, we went from a one of the most in some people say the worst, the most violent city. Can you imagine our capital being the most violent city? But it was it was really bad, into a totally safe zone. It's called the safe zone city. There's no crime. They said crime is down 87%. I said no, no, no, it's more than 87%. Virtually nothing, and, and much lesser things, things that take place in the home they call crime, you know, they'll do anything they can to find something. If a man has a little fight with the wife, they say this was a crime. See? So now I can't claim 100%. But we are we are a safe city. You can walk to a restaurant. You can walk to the White House, if you work there You can walk to the Capitol, and even the Democrats say, I can't believe it, but they don't want to admit it. But I can't believe it.

We could do the same thing in Chicago, New York, Los Angeles. We did it. We saved. we saved Los Angeles. We saved Los Angeles. **Dan**, you know that. Los Angeles was a mess. If we didn't send our troops in, Gavin New-scum would have had a real problem. We sent our troops, the head police officer, the top person, said, "we could have never done this alone." We sent our troops right in at the beginning and we killed it. And it was nasty, but we killed it immediately, immediately. And I don't know why Chicago isn't calling us, saying, "please give us help." When you have over just a short period of time, fifty murders and hundreds of people shot, and then you have a governor that stands up and says how crime is just fine. It's, it's really crazy. But we're bringing back law and order to our country. And I began my remarks today by noting that the reverence for our Creator, I mean, we, we have reverence for our creator, and it's inscribed into our Declaration of Independence, a copy of which I have very proudly hanging in the Oval Office. An original copy, very old, beautiful copy. Next year we will celebrate 250 years since that declaration was signed as part of the grand, well, this is really a commemoration, like I think we're going to do. We're going to try and do a commemoration like nobody's ever seen before. But we've invited America's great faith communities to pray for our nation and for our people

and for peace in the world, and it's going to be an amazing, it's going to be an amazing time. We're going to have an amazing time.

We have the Olympics, we have the World Cup, and we have 250, okay, the super centennial, as our man would say. But and we're going to, it's going to be, it's going to be amazing. It's going to be maybe bigger than the both of those events. You know, when I was President I got, I got the World Cup, and I got the Olympics, I got I got them to choose us, Los Angeles, and I was very proud of it. The only problem was I wasn't going to be President because I would have served out my time. And then you had some very bad people who rigged an election, and look what happened. I end up getting the Olympics, the World Cup, and 250. It's amazing the way God works, isn't it? It's amazing. Isn't it amazing the way God works? That's true. I got the Olympics, you know, because I'm a little bit of a selfish person, I guess. I said, you know, I got the Olympics and Obama would not call. I'll never forget the head of the Olympic Committee called, and the mayor of Los Angeles called me. And he said, "sir, the President will not talk to them." You know why? Because he traveled to Geneva or wherever to make the presentation, and he came in fourth. Now, a President shouldn't do that. A President should say, I will do that. I will make that journey which has never been made before. But if I make that journey, you have to pick me. He didn't do that. That's why we had a country that was going to hell, because he didn't do a lot of things like that. So, he ended up sitting there and they announced that we're fourth. We were like almost last. And so, he didn't like the Olympic Committee too much, so he refused to talk to him. So, I get a call from the mayor of Los Angeles who said, please, sir, would you call? We're ready to get it. But and I spoke to a gentleman and I believe it was Geneva, whatever, wherever they are. And I couldn't get him off the phone. He was so dying for love. He finally got, he finally got something. Anyway, and he agreed that the Olympics would come to the United States, and I was so proud of it. And then I realized even then I said, I'm not going to be the President. And then the World Cup, we got the World Cup. I did that one too, with Gianni and got the World Cup. And I said, I can't believe it. Can you hold it a little sooner, sir? It's all given out, all these different places. So, I wasn't going to get that either. And now I got them both. And I can't say that I created 250. That one is, that one we have. I'd like to say I created 250 years. I can't say that, but we are going to create a great party and a great celebration, and I'd like to ask a very good friend of mine, Secretary **Scott Turner**, to come up and say a few words about some of the things we're doing. And, **Scott**, please take it away.

Secretary Scott Turner: Well good morning. Good morning. So grateful to be here. What an honor it is to stand with this Commission and with our President. Y'all, we're in the nation's capital. We're at the Museum of the Bible. We're together, and we're talking about faith. Did anybody else pick up on that? I wouldn't want to be anywhere else but right here, so thank you, Mr. President. It's an honor to serve under your leadership, sir, and to be a part of this

tremendous cabinet. How many know we have a godly, faithful cabinet and a cabinet that prioritizes prayer? On July 3rd, Mr. President, of this year, you kicked off the yearlong celebration of America's 250th birthday in Iowa. You invited America's faith communities to come together to pray for our country.

Well, Mr. President, America's faith communities are responding with overwhelming enthusiasm, as you can see here today. Today, more than seventy major faith organizations and churches have joined together to participate in what we're calling America Prays. In fact, many of you are here today, including leaders from Pray.com, Hallow, the National Religious Broadcasters, the Faith and Freedom Coalition, Intercessors for America and many, many others are here with us. And I want to take a moment, if you are here today and you have joined this faith movement, America Prays, please stand. If you're here this morning, please, if you're here, stand and let us see you. Amen. Amen. Thank you. Well together, we have our simple proposition. Think about this. What if one million people prayed for our country every single week between now and next July 4th? More specifically, what if believers all across this great nation got together with ten people, friends, family members, colleagues, work associates, ten people each week to pray for our country and for our fellow citizens. Let that sink in. One million people every single week. Ten people getting together to pray for our country and for our citizens. Think about the miracles that would take place over the next year. Think about the transformation that you and I could witness in communities all across the land. Sons returning to their fathers, daughters returning to their mothers, families coming back together, health being restored, financial needs being met, mountains being moved. Think about it.

If a million of us every week got together and prayed for this great country, how many know that God is well able to do it? Amen, Amen. We're a nation that has always believed in the power of prayer. During the Constitutional Convention, when our Founding Fathers, and many of you know this, were discussing the formation of our country, Benjamin Franklin stopped the debate and asked the delegates to pray for guidance from the Lord God Almighty. He famously said, "if a sparrow cannot fall to the ground without his notice, is it probable that an empire can rise without his aid?" How many are grateful that God put that on the heart of Benjamin Franklin on that day? Prayer brings restoration. It rebuilds what has been broken. It ignites an indescribable power of hope within you and within me. It's a light that's felt by all of those in whom we intercede and pray for. And you've all heard faith leaders across the country quote Second Chronicles 7:14, which says, "if my people who are called by my name will humble themselves and pray and seek my face and turn from their wicked ways, then I will hear from heaven, and I will forgive their sins and will heal their land."

On behalf of President Trump and ultimately the Lord God Almighty, who calls us to pray without ceasing, I'm inviting all Americans to pray with unwavering faith for the renewal of our

nation and our fellow citizens. Amen? Amen. All Americans. Will you all stand with me as we rededicate America to one nation under God? Father, we thank you for this time that we have together. Lord God, we thank you that we can gather together as faithful people, as faithful leaders, as denomination leaders, as religious leaders. Father, we thank you for our President, Donald J. Trump. Father God, whom you have anointed and appointed for this time, for such a time as this. Lord, thank you that the President prioritizes prayer, Father God, that he sees the power, the importance, the priority of praying together as a people, as a country, as a nation. Father, we in this place today in this great Museum of the Bible. Father God, we lift up our President. Lord God, we lift up his family. We lift up God, our Vice President and our cabinet and everyone God who serves in this administration through all branches of government.

Father, help us to be godly men and godly women. Father, help us to surrender to the power, to the presence, and to the will of God. And Lord, we pray this morning as we commemorate Father God, as we call our nation, to pray. Lord God, as we rededicate our nation to one nation under God, Father, we pray for your forgiveness. We pray, Lord Jesus, that you would, Lord, give us great favor and understanding. Father God, as we bow our knee before you, as we humble ourselves before you. Lord God, we thank you that starting even right now, the families will come back together. Sons return to fathers, daughters will return to mother's healing and revitalization will take place. New life will come to our nation. And father, we're so grateful that we can stand in the nation's capital as a people of believers in this great institution. Lord God, in the presence of God Almighty, by the power of the Holy Spirit. Lord Jesus, we humble ourselves. We thank you and God. We know that from this day until on that great day, July 4th of 2026, when we celebrate 250 years, that Lord God, from now to then and forevermore, you will be glorified and honored. And Father, we pray for a sweet celebration. And Lord God, that all people of all faiths, Father God, will come together. Lord, not just Democrats, not just Republican, but all American people will come together under the banner of Yahweh of God Almighty. And Lord God, we praise you and we thank you and we love you. In Jesus name, Amen. Amen.

President Trump: Thank you. Thank you very much, Scott. So, America has always been a nation that believes in the power of prayer, and we will never apologize for our faith ever, ever, never, never. We will never surrender our God given rights. We will defend our liberties, our values, our sovereignty, and we will defend our freedom. And with the help of amazing faith communities across the land, so many are represented with us today. We will truly make this the golden age of America. That's what we're doing. We're in a golden age. We're at the very beginning of a golden age.

So much progress has been made in the last eight months. Progress like nobody's ever seen before. They're writing about it. They're actually saying it. They've never seen anything like what's happened in the last eight months, and together we will make our country greater, stronger, more united and more faithful than ever before. Thank you. God bless you and God bless America. Thank you very much.

Chairman Patrick: As we get ready to, to break, our vice chair Doctor **Ben Carson** again is going to be honored very soon, and it's an honor to have you as our vice chair and incredible moment, right? Absolutely. Incredible moment in history. So, we're going to reset the stage. Why don't you give yourself minutes or an hour to take a break, grab something to eat, and we'll be back with the work of the committee. Thank you very much.

Miss Hannah Allen, Student

Miss Allen: Thank you. I'm **Hannah Allen**, and in 2019, I was a student at Honey Grove Middle School. Myself and a group of,

Chairman Patrick: Excuse me, let me get you to pull your mics a little closer to you or get closer to them so we can hear you.

Miss Allen: In 2019, I was a student at Honey Grove Middle School. Myself and a group of about students prayed for a former classmate who had been injured in a motor vehicle accident. We went to an unoccupied side of the cafeteria, out of the way of any other students, and said a short prayer. After our prayer, our principal addressed the group and said, "don't do that again." Myself and others were confused and some upset parents had called about the incident. The following day, our principal informed us that we could pray, but we had to do so behind closed doors or behind a curtain. By doing this, he violated our right to freely exercise our religion. After a little research, my mom found First Liberty, who quickly got to work on our case. A letter was sent to the school informing them that they needed to amend this rule and apologize for their actions against our rights.

While our principal was apologizing, he made the whole situation seem like it was a misunderstanding and I had blown the situation out of proportion. The principal at the school, at the school never accepted fault for what they had done. However, the only thing that mattered to me was the protection of students' rights. There was a sacrifice in standing up for these rights. I no longer felt welcome at a church I grew up going to. Teachers and parents stopped talking to my mom. I also felt as though I was treated differently from other students. Later on in January of 2020, I was invited to tell my story in the Oval Office. I told President Trump and did a pre-interview with Fox News. I shared my story because what happened at my school wasn't right, and I know that it is going on in other schools as well. I was extremely blessed with the opportunity and honor to be a part of something bigger.

The reaction of my community was not what I had expected. Before I had even returned from Washington, teachers and parents of my school district began saying very negative things about me on social media. My family was bombarded with messages and posts saying my story was not true, and that I make this school and community look bad. I was a freshman in high school at the time, and I even had seniors talking about me and staring at me as I walked down the halls.

They called me a liar and said that I just wanted my five minutes of fame. People that I had known my entire life said very hurtful things.

I went to, I went back to school despite the backlash I had received. I, not long after, my superintendent issued a letter to the entire school district stating the public and social media criticism of the district, and in particular, our administrators, has been unfair and based upon false information. I would ask that the members of the community refrain from repeating this false information on social media, as it distracts our focus from our students and our education. The day it was sent out, the superintendent went to every classroom except mine. He read the letter to every student but couldn't read it to me. When that letter was handed to me, I read a few sentences and walked out of the classroom. I called my mom and told her what was happening. She immediately came to the school and picked me up. When we got to the office to sign out, my superintendent was waiting for us. He told us that it wasn't a personal attack and that he would stop anyone who has said negative things about me.

My mom stated that people were already saying horrible things, and he just added fuel to their fire. They took my words as a personal attack on their image rather than what they truly were. My mom and I, my mom asked me if I wanted to move schools because of the backlash. I thought about it for a while, but then I realized that with God, I was strong enough to face these people. I felt like an outcast in my own school and my community. Some days were harder than others, but I knew that I had done the right thing. God gave me the strength to be a voice for those who didn't have one. I'm honored to be that voice.

Chairman Patrick: Members, if you want to ask a question and we'll do a few questions with each one if you wish, instead of like we did the last time till the end since we have multiple witnesses. If you hit the left button, you'll light will flash on though, or it will be red. I'll know you want to ask a question. **Kelly?**

Mr. Shackelford: Hannah, I think one of the cool things to know now is what are you doing now, years later, after all this persecution?

Miss Allen: Since this happened, I decided to join the military. I've been in for two years now, so that's what I've done.

Mr. Shackelford: Well, I just want to say, on behalf of a lot of Americans, that what the principal did and what the superintendent did to you as a young girl to send a letter attacking you because the President had asked you to tell your story. You didn't know the President was going to ask you to tell your story when you're in the Oval Office during Trump's first term and the disgrace of what they did, telling you you had to go behind a curtain to pray for your friend. I'm sorry, and that should have never happened to you. And we, we hope that the end of this Commission, we can stop that from happening to other young students across the country. Thank you for your courage.

Miss Allen: Thank you.

Chairman Patrick: Thank you. **Kelly.** Our next witness is **Shea. Shea**, we we got a chance to hear just a little bit from you a little earlier. Was that pretty cool meeting the President? And standing with him on stage? Yes. **Shea**, let us hear. Let us hear your story.

Parent Perspectives on Religious Liberty in Public Schools

Mrs. Jennifer Encinas and Shea Encinas

Mrs. Encinas: I'm his mom. Mr. chairman, members of the Commission, thank you for the opportunity to share our story. My name is **Jennifer Encinas**. My husband, Carlos and I strive to live out our Christian faith daily, not just in worship, but in raising our three beautiful children. We teach our children that God made them with intention and purpose, and that He created humans as male and female, a truth unaltered by feelings or social trends. Carlos and I have always supported our school community. We volunteered regularly and our oldest son, **Shea**, thrived academically, socially and in leadership roles until the 2023-24 school year at La Costa Heights Elementary School in the Encinitas Union School District. On May 1st, 2024, **Shea** came home visibly disturbed. His normal fifth grade buddy time with kindergartners was replaced by a reading, video and chalk activity of *My Shadow Is Pink*, a book on gender identity. Shea was forced to participate in an activity promoting the book's message and teaching his kindergarten buddy about gender ideology against his beliefs.

Mr. Encinas: As my teacher read the book *My Shadow is Pink*, I could tell immediately that the message went against my beliefs. It taught that gender could be chosen based on feelings rather than the way God created us. I didn't have any choice. I had to participate. We were then told to line up and head to our buddy class, where we watched a cartoon version of the book. I felt sick, I wanted to protect my buddy, cover his eyes even, but I didn't want to get in trouble. Then we went outside to chase our buddies' shadows with chalk. The teacher told each child to pick a color to represent him or her. I felt upset and confused, but I stayed quiet because I was afraid of getting in trouble. I didn't know this was coming. I wish I could have opted out. After school, my dad picked me up and I told him everything. He was shocked and promised to talk to the school. I hoped that would make things better. Instead, it made things worse, much worse.

Mrs. Encinas: School officials never notified us, even though we had just opted out of the schools' health unit for this very reason. When we brought the concerns up to his teacher, he claimed the book wasn't about gender. Yet, the author calls it a story about gender identity, and district documents show an effort supported by groups like Trans Family Support Services to promote this ideology without parental input or awareness.

When we emailed the principal and superintendent instead of responding to us, Principal Kristi K contacted several of **Shea's** closest friends and their families, suggesting we were trying to get teachers fired. Sorry, and that we were hateful and we wanted to remove books about kindness and inclusivity, but all we wanted was to opt out. We were told by several community members that Principal K coordinated with the PTA board room, parents, and others to plan a "pink out the hate day" specifically to shame our children for objecting to being used to promote this political agenda. I received a group text message from the room mom of our younger son's class that went out to most parents in third grade saying, I just talked to the principal and asked how we can help. She said, express your support for our school and teachers. Be a louder voice. Wear pink. Send messages to Mrs. West and Mr. Murphy, or if you see them, tell them we support them. And the message of equity and inclusion.

My husband, Carlos received text messages from someone who turned out to be the husband of the teacher who introduced *My Shadow is Pink*. He told Carlos to move to a remote island and threatened him. When Carlos reported this to Superintendent Gray, she offered no help. The PTA President and others posted on Instagram urging participation in the "pink out the hate" event. This was especially hurtful as the Instagram post spread quickly throughout the community. These were the absolute hardest days of my life as a mother. All the while I was at home taking care of our newborn daughter. I felt like I couldn't breathe, I couldn't sleep, all I could do was pray. How could this school and these people treat our family like this? Our kids have grown up together and instead of defending them, they were acting with such hate towards them. But beyond our circle of friends, why was the school spreading lies and promoting the bullying of my nine and eleven-year-old sons over their religious beliefs? For example, the daughter of school board member Tom Morton messaged me saying our family was a disgrace to the community, told us to pull our kids out and warn the teachers would know we were hateful hypocrites.

Mr. Encinas: On the "pink out the hate" day, I felt like the entire school, including teachers, administrators, and classmates I counted as friends were standing against me and ridiculing my beliefs. My little brother, who was also being bullied by that time because of our beliefs, refused to go to school. I cried that morning, but decided to try and be brave and see who would stand with me, but over half the school wore pink. I felt completely alone. The rest of the school year didn't improve. Some of my friends' parents even told them not to spend time with me, but I kept trusting God. I knew He was with me and would carry me through.

Sadly, my family felt we had no choice but to withdraw from the school district I had loved. We transferred to a private school where we now feel loved, supported and safe every day. Every day

I thank God for giving me a new place to grow, learn and be myself. Looking back, my experience at La Costa Heights still makes me sad, but it also reminds me how strong my faith is and how faithful God has been to me. I'm sharing my story not for attention, but in the hope that no other child or family has to go through what mine did.

Mrs. Encinas: With the help of First Liberty Institute, we filed a lawsuit to help make sure parents in the future have the right to know and opt out of situations like this. Still, even after leaving and successfully asserting our rights, the harassment continues. Our hope is that sharing our story today will preserve the rights of parents to direct their children's moral and religious upbringings, especially on sensitive topics like sex and gender. Thank you for your time.

Chairman Patrick: Member, members, if you want to make a comment or ask a question, hit your left button. Doctor **Carson**.

Doctor Carson: **Shea**, that's a very impressive display of courage, and I think that that's what's missing. When I was running for President, I traveled all over the country and discovered that from the smallest little hamlets to the largest cities, one thing that the American people shared in common was common sense, but I also discovered that what they shared in common was lack of courage, and you got to be brave if you're going to be free. What, what gave you your courage and what would you suggest for others?

Mr. Encinas: Well, I just I really wanted to stand up for my rights. That's what gave me the courage. Like, I knew that God was going to be with me the whole time. And that's, that's what gave me the motivation to keep going and to keep fighting for my rights, because I didn't want it to happen to any other family.

Doctor Carson: That's a great example.

Chairman Patrick: **Carrie**.

Ms. Boller: I just want to say you are a hero. **Shea**. You really are.

Mr. Encinas: Thank you.

Ms. Boller: I am so proud of, I would like Carlos to stand, the father, and we can all give him a round of applause for raising an incredible son. Thank you, Carlos, and thank you, **Jenny**. You two have raised an incredible son who is a hero to so many, and I want to say that this is in my district in California. This is a radical school district, and so thank you, First Liberty, for taking on this case. One of the other attorneys is here today, Rob Reynolds. Thank you, Rob, for being a part of this case, and I hope you take it all the way and you receive the justice you deserve. Thank you. **Shea**.

Chairman Patrick: Any other questions? **Jenny**, were there any repercussions for that principal and that school district?

Mrs. Encinas: She was actually promoted, and the teacher who was involved was promoted. Everybody has just been praised. There was a school board meeting after this event occurred where my husband tried to speak out, and the teacher's union came in full force with matching shirts and doubled down on their message of equity and inclusion. And it was so just, hurtful that they didn't realize, like they were attacking my son with that event. And the whole message of equity and inclusion was there for everybody except Christians. So no, there's been no repercussions.

Chairman Patrick: Not only was it a denial of your religious liberty, it was just mean and hurtful. And I think it's hard for America watching to understand why a principal, a teacher, an entire school system, and so many parents were so mean and so hurtful.

Mrs. Encinas: I agree, we, we still don't know it. It changed our community, our whole trajectory of our lives, but we're here today. And just thank you for this opportunity to share this story. I'm sorry it makes me so emotional because it was a lot to go through.

Chairman Patrick: Hey, a number of us could tear up on this story. **Shea**, I have a grandson, looks just like you. You could be brothers, your age, and I would hate to think that anyone would hurt my grandson like they hurt yours. And everyone should understand that can happen to your child, your grandchildren. Thank you for your testimony.

Mr. and Mrs. Encinas: Thank you, thank you.

Chairman Patrick: Our next witness, I hope I'm saying this right, **Alyza Lewin**. Hello. Do I have the right person on my list? Yes. No. Yes. Say that, yes. We'll go to **Lana Roman** and we'll see what's, okay **Lana**, you're next.

Svitlana Roman, Montgomery County Parent

Mrs. Roman: Chair **Patrick**, Vice Chair **Carson** and members of the Religious Liberty Commission, thank you for having me here today. My name is **Svitlana Roman**, and I'm here today as a mother and the Ukrainian Orthodox Christian. My husband, Jeffrey and I were among the many families in Montgomery County, Maryland, who were forced to go all the way to the United States Supreme Court to defend our constitutional rights to religious freedom. I'm here today to bring attention to the assault on religious freedoms that is being carried out in public schools around the country. My husband grew up in Montgomery County and insisted that we move to a very specific district within the county because of the renowned quality public education he remembered growing up. When we sent our young son to elementary school, we expected the school to educate him in reading, writing and math. While we as parents would bear the responsibility and duty to teach our faith and values and guide his spiritual and moral formation.

In 2022, Montgomery County first introduced storybooks focusing on gender transitions and same sex romance to the elementary curriculum. As Christians, we teach our son that every person is loved by God and should be treated with dignity and respect. We also teach him that sex is a gift from God and a natural, unchanging part of who we are. Many of these books introduce sexual concepts to children at inappropriately young age, putting the children into untenable position of having to question who to trust: their teachers or their parents. Rather than focusing on simple, basic civility and kindness, these books championed pride parades, gender transitioning, and pronoun preferences for elementary age children, elementary age children who are just beginning to learn phonics. Some books encourage students to discuss what it means to be non-binary. Other books told students that doctors only guess when identifying a newborn's sex. Teachers were instructed to tell students that they were being hurtful if they questioned these controversial ideologies.

In Maryland, as in most states, instruction about family life and human sexuality in health class requires parental notification and an explicit signed parental approval, effectively an opt in. Somehow, these books were receiving a different treatment, with no requirement for parental opt in. Parent concerns with the new curriculum were widespread, and at first, the school board honored opt out requests. Montgomery County is the nation's most religiously diverse county. Many of the school principals warned the school board that many families would be offended by the books, and concerned that they were not age appropriate, so, as a reasonable person might anticipate, a large number of parents look to opt out from these lessons. But instead of

reconsidering the curriculum, the school board was tone deaf to many concerns that were raised and revoked any notification and opt outs altogether.

This unprecedented decision by the board turned what should have been a conversation between parents and educators into a conflict that never needed to exist in the first place. Even though we never asked the school to remove the books, the board, the board suddenly disregarded a longstanding tradition, Maryland law, and the nationwide consensus on parental opt outs. We were denied the obvious and simple solution that would allow our children to not be exposed to content that directly contradicts our religious beliefs and teachings. In the name of inclusivity, the school board disregarded, alienated, and excluded faith-based communities from consideration. It took two years for the Supreme Court's decision, which agreed with us and affirmed that parents have the right to opt out their children out of the storybooks, restoring the status quo. In the meantime, most families had to make significant changes and sacrifices in order to not forfeit their faith. The court said that teaching these books without opt outs was an unconstitutional burden to our free exercise rights as parents, as the court put it, it is both insulting and legally unsound to tell parents that they must abstain from public education in order to raise their children in their religious faith, when alternatives can be prohibitively expensive and they contribute to financing the public schools.

As a mother, my love for my child compels me to guide his formation, to protect his young, developing heart and mind. Parents, not teachers, schools or the government carry the primary responsibility—I'm just thinking about your story—of how they raised their children. However, the school board's total disregard of reasonable parents, concerns that we experience in Montgomery County is only a symptom of a much more systemic nationwide problem in educational culture that is hostile to religion and historically Orthodox, Orthodox religious views. Our case should be the beginning, not the end, of building an educational system that is more responsive to religious rights and parental concerns.

As Commissioners, you have the opportunity to continue the work that families in Montgomery County started and thank you for everything you will do to make sure that schools across the country honor the Supreme Court's decision, *Mahmood vs. Taylor*. Thank you.

Sameerah Munshi

Chairman Patrick: Sameerah Munshi.

Ms. Munshi: Bismillah. Alhamdulillah Allah. I begin in the name of God, most gracious, most merciful. Hi, my name is Sameerah Munshi. I was born and raised in southwest Missouri where, as you can probably imagine, I grew up involved in a lot of interfaith conversations and these conversations led me to my work today as an activist and advocate for the Muslim community in America.

I'm the former executive director of the Coalition of Virtue, and I currently serve on an advisory board to the Religious Liberty Commission. I was asked to speak today because of my work with families and students in Montgomery County, Maryland, during the 2023 school district opt out protests. The efforts of these families ultimately led to the Supreme Court case, *Mahmood vs. Taylor*, that recently ruled in favor of their rights.

Today, I want to share more about what we experienced during that time in organizing, why it matters, and what I believe this Commission can do to meaningfully protect freedom of conscience and freedom of speech, especially in the classroom. To begin, I'll offer some background, as Svitlana probably already gave most of it, but in 2023, Montgomery County Public School System, while instituting mandatory classroom content on issues of gender and sexuality, stated they would no longer allow parents to opt their children out of such content when in the past they had. As a result, many families, including Muslim, Christian and Jewish parents and students were concerned, to say the least, and Muslims quickly realized as she mentioned, as religiously diverse community and with a lot of Muslims and the Muslim community there, realized that we needed to do something about what was going on.

So Muslim leaders reached out to these other faith communities to organize and make our voices heard, and we faced a lot of backlash. In that backlash, we were called things like white supremacists and backward. We were reminded that Muslims are not only marginalized religiously, but in every move we make, we are treated as outsiders whose rights are conditional or an afterthought. What happened in Montgomery County was not about Muslims and other people of faith trying to impose their values on others. It was about refusing to have others values imposed on us. It was about the right to dissent without being demonized.

Freedom of speech means little if certain communities are socially or legally punished for using it. On issues like how to navigate topic, the topic of LGBTQ Muslim community holds a wide range of views, and while these are conversations that are currently ongoing in our community, what is important is to accommodate American Muslims and other practitioners of religion within the law, regardless of their political affiliation or diversity of views, especially when they believe their religion to directly influence their views.

Religious freedom demands free expression of belief, even if it conflicts with the beliefs of others. We've seen so much suppression and demonization, specifically of Muslims speaking out on LGBTQ, but also on issues like Palestine based on the values of our faith. Take the example of when the Lower Merion School District forced a Muslim high schooler to remove her headscarf during graduation because it had a keffiyeh pattern, a symbol of Palestine, or when students were given the opportunity to paint their parking spaces in a New York high school parking lot with a design of their choosing, a Muslim student painted a watermelon on her parking space to represent Palestine with the words peace be upon you, and the school painted over it, similar to the case **Jeremy Dys** mentioned earlier on.

These are just a couple, but there are many examples of this kind of silencing. The values of all of our faiths teach us to speak up for humanity and morality, no matter who it is for or against. Whether a student says, I believe there are only two genders, or I believe Palestinians are, Palestinians are undergoing a genocide, they should not be silenced or punished for expressing their beliefs. If religious freedom is to have any meaning at all, it must provide people of faith the freedom to express their convictions, and Palestine, Masjid Al Aqsa and opposition to genocide are intrinsically religious issues for Muslims, not merely secular ones. We speak up for Gaza and oppressed people around the world, because our religion teaches us that these are our brothers and sisters in humanity and faith, that justice is non-negotiable, that human dignity is sacrosanct, and that genocide is wrong.

I'd like to offer some recommendations to the Commission. So first, opt out protections must be made clear, accessible and enforceable. Oftentimes, these policies are in place on paper, but can be difficult to actualize. Second, laws on religious liberty must be implemented with transparency and consistency. Public institutions need guidance and accountability to ensure that they're not silencing only a particular viewpoint or voices on one particular issue.

I sincerely hope and pray that your devotion to God and loyalty to this country, the Constitution and the vision of our Founders supersedes any external pressures or negative assumptions of our

faith that may push you to overlook the rights of American Muslims, and that you act to preserve our rights as Americans to freedom of conscience, free speech, and free exercise. Thank you.

Chairman Patrick: Paula.

Pastor White: Yes, thank you both so much. The First Amendment protects the right of parents to direct their children's education and upbringing, and the court has reaffirmed this and affirmed this truth many times, most recently in *Mahmood vs. Taylor*. So how can this administration ensure that the state and local governments protect parental rights and educational context? And how can we hold them accountable to follow the law?

Chairman Patrick: Anyone can answer that.

Mrs. Roman: I'll try to address the question. To be very honest and transparent, because the health and human Sexuality and Health curriculum is an actual opt in, I personally believe these type of materials just need to go into the health and human sexuality curriculum piece—that way every parent treats it the same exact way. Otherwise, these materials are embedded into educational system not only in your English classes. They're in math. These materials are just saturated through the curriculum, starting with elementary schools.

Ms. Munshi: And I would add that there needs to be clear guidelines in place and communicated very clearly to both the school boards, the school districts, and also the students and parents in those districts explaining exactly what they are allowed to opt out from, in what scenarios, etc.

Chairman Patrick: Dave, go ahead.

Mr. Cortman: I was just going to add two suggestions. One of them is there are certain states that have protections for families, rights and responsibilities in schools, and to have a federal act to encourage Congress and the administration to pass a federal act, because that protects all parental rights, not only to be notified of these things going on, but to also to make sure that there's opt out options that have some teeth to them.

Chairman Patrick: Dave, is this phenomena? This didn't happen, as we like to say, when we were in school. When did this begin? When did this shift begin?

Mr. Cortman: I think this is one of those things that it doesn't happen overnight, but it feels like when certain elite institutions, the media, academia, Hollywood, catch on to a particular theme, then they run with it and they act like all of us don't exist. And the majority of people everywhere accept all these transgender things they're doing to kids and to preferred pronouns and names, and the things that I think most Americans would object to, regardless of what your political or ideological stance. So, I think it sets its foot, and what they do is they shame us from speaking out against it by labeling us as haters and bigots, ostracizing us, pushing out of the schools, so we have no voice at all. And so, I think it's happened over a period of years. I think it's going to continue to happen unless all of us take a stand. This Commission is a great way to stop it, President Trump seeing this and doing something about it. But I think all of us need to be more vocal, not less. Don't be afraid of being shamed to stand for what you believe in, because it's one of the most important things our country is founded on.

Mrs. Jennifer Mead, Parent

Chairman Patrick: Our next witness is **Jennifer Mead**.

Mrs. Mead: Thank you for the opportunity to be here and to share our story today. There is nothing more precious to a mother and a father than their child, and there's nothing we wouldn't sacrifice to help them thrive. It is our God given duty to guide them emotionally, physically, and spiritually. And as a mother, when I place my children in the temporary care of others, like at school, I don't surrender my parental rights. Like most parents, my husband and I expect transparency and truth about how our children are doing in school to help, to help them along their way, but tragically, this was not our story. Soon after, our eleven-year-old daughter started sixth grade at East Rockford Middle School, we noticed some changes. She seemed anxious, sad, and withdrawn. We thought it might be the stress of middle school, which can be hard for kids, so we continued to encourage her, support her, and make sure that she knew how deeply she was loved.

As a school year went on, she started to fall behind academically, and I began working closely with her teachers and the school counselor. We wanted to do everything we could to ensure that she flourished at school. I wanted her to know that we are in her corner. We would help her navigate any problems she faced and that Jesus was right beside her every single day. Throughout seventh grade, we remained in close contact with the school, and I was especially grateful for the school counselor's help, and I valued the connection that she had made with my daughter. Still struggling, my husband and I took our daughter to see a psychologist who diagnosed her with autism. We shared that very personal information with the school counselor to ensure that she received the support and accommodations that she needed to thrive. It felt like a partnership with the school, and we even met up with the counselor for ice cream with both of our daughters that following summer.

So given the regular and transparent communication that Dan and I had with the school counselor, I trusted this woman wholeheartedly, until everything changed. In the fall of eighth grade, a school employee sent us an academic report with notes from my daughter's past and current teachers, but oddly, some of the teacher's notes talked about a boy, or at least referred to a boy's name and used male pronouns. I assumed this was a mistake, so I emailed the school employee to see if she had inadvertently included another child's information in the report, but she didn't respond.

My husband and I discovered that the school, including the counselor that we had put so much trust in, was socially transitioning our daughter and hiding it from us. We later found out that teachers and staff had been treating our daughter as a boy without our knowledge. They continued to, to use her real name and pronouns when communicating with us. I was shocked, betrayed and heartbroken. We met with the principal, hoping that he would be as shocked as we were, but he wasn't. He said it was school district and Michigan policy to treat our little girl as boy without telling us. Going into this meeting, Dan and I had hoped that the principal would be as concerned as we were, but we left feeling devastated and not sure what to do next. There really are no words to capture the traumatic impact of the school's action on our young daughter and our family, and in the days and weeks that followed, it was like she was emerging from a cult. Multiple times a day she would ask us if we loved her. She had been taught to not trust us, that we wouldn't understand her and that we wouldn't accept her, which is absolutely false. But what really broke my heart is that my sweet girl, she was led to believe that she was broken, and she is not. She was made in the image of God and she is beautiful, intelligent and kind.

And every single day since then, it has taken an unwavering effort to rebuild her fractured confidence in herself and to restore her shattered trust in us, her family, her protectors. We've dedicated ourselves to showing her that she is valued, she is safe and she is loved, and we are slowly mending the threads of her self-worth and the bonds that were so carelessly broken. Witnessing the devastating harm that our daughter suffered drove my husband and I, with the help of Alliance Defending Freedom, to file a lawsuit against Rockford Public School District. We, we asked ourselves, how could we ever face another parent, look them in the eyes, knowing that their child, like ours, might be undergoing a life altering transition without their knowledge or consent and we had remained silent?

We knew that we had to take a stand to protect not only our daughter, but other children in other families as well. And as a very private person, I was intimidated at first, but our Almighty God has given me the courage and the strength to take a public stand and hold the school accountable for nearly shattering my daughter's life. And no school, no school district has the right to make life altering decisions for a child without talking to their parents—let alone concealing those decisions from us, ever, under no circumstances. So today, I am honored to be here, and I thank the Commission and to President Trump for the opportunity to share our family's story with you, and I pray that it will help ensure that no other families suffer.

Chairman Patrick: Doctor Phil.

Doctor Phil: Well, I want to thank you for your, I want to thank you for your testimony, and, you know, there's a lot that we have to acknowledge in the consistency of what we're hearing from these witnesses, Mr. chairman. And the consistency that we're hearing is our society, we train our children to respect adults. We train our children when they go out into the world to, you, you respect adults, you, you mind adults, you do what adults tell you to do, and you respect authority. That doesn't seem to work anymore because we've had a narrative hijacked in this country, and we're in a religious and cultural war. And, excuse me, we're in a religious and cultural war, and supposedly psychology and faith are supposed to be mutually exclusive, and they absolutely are not. I am a Christian, I have a personal relationship with Jesus Christ, and have since I was thirteen years old, and I see no inconsistency. What I realize is that we are in a religious and cultural war right now, and every single one of us is a combatant. Nobody can afford to sit on the sidelines. Not one of us can afford to sit on the sidelines.

And make no mistake, not choosing is a choice. If you choose, "I choose not to participate," that is a choice. You're making an active choice to say, "I'm going to stay silent and, and cede my vote, my voice to those that speak the loudest and those that are shrill," and we cannot afford to do that. And family is in attack, is under attack in America. Your family, your family, your family, your family, your family. You're all saying that you've been targeted and attacked and it's terrible, what is happening. Because make no mistake, family is the backbone of this country and this society. It's about faith and family and country. And let me tell you, 99% of teachers will agree with that. It's, it's not the teachers. It's the teachers' unions who are setting policy and pushing this. 99% of the teachers want to teach reading and writing and arithmetic and history and, and do what they say.

And the problem on a societal level is if you look at every major medical association of America, the American Medical Association, the American Academy of Pediatrics, the American Psychiatric Association, the American Psychological Association, they've all signed off. They've all signed off on gender affirming care, which, by the way, is not a thing. It's a marketing term. It's not a treatment. There is no treatment protocol for gender affirming care. It's just a marketing term. And there are things such as the Cass Report, which was published in April, April 10th of '24 in the UK that has looked to see are there, can you say there are not long-term problems with the these testosterone blockers, hormone treatments, surgery? And the answer is absolutely no. There is no data to support this whatsoever. There are long term problems with this, even social transition as opposed to treating gender dysphoria with evidence-based therapies, which are available. And the answer is that you can treat these things without long term complications.

And, and so we have teachers in the classroom doing exactly what you were saying, conspiring with your child to lie to their parents. What are they teaching these children? They're conspiring that it's okay to lie to your parents, and then they're dealing with these issues in the classroom, and they are not trained or prepared to do it any more than they're prepared to take out a spleen. You know, **Ben**, would these teachers be qualified to take out a child spleen? No, and they're not any more prepared to deal with this. They're not trained to do that. It's not their fault, but they're not trained to do it. So, you've got children who can't decide which pajamas to wear, and they're going to pick to change something that's irreversible in their lives? It's absolute insanity. Enough is enough, and too much is too much. And we need to find our collective voice and stand up and say, enough is enough and too much is too much.

And when you, when you think about what has happened, the courage of you, witnesses that have come here today, because we have a President that has sat down who has looked at all the things to deal with in a world that is willing to go to war, a situation with economic issues, all of the things on the radar screen, but to sit down and thoughtfully say, "you know what? We need to deal with religious liberty in this country and to put all of this together to come here, and we need to be equal to the challenge." And God bless every one of you for coming here and sharing your story and challenging all of us to do something with it, so thank you. And we all need to be combatants in this war, this religious war, in this cultural war, we all need to be combatants in that and say, we'll not allow this to happen. We will not allow this to happen. God knows the truth and expects us to live it. Thank you.

Chairman Patrick: Thank you, Dr. **Phil**. Bishop **Barron**?

Commissioner Bishop Robert Barron: Yeah, Doctor **Phil** really said what I wanted to say. Been so struck by the testimonies this morning and this afternoon, and they bring things that are more abstract home and we really can feel what people are going through. The thing we're dealing with, the cultural war that Doctor **Phil** talks about began, it seems to me, in Europe, mid-20th century, critical theory. It begins in the Academy of Germany and France. It comes into our country by the 1970s, gestates there for a long time and then for a variety of reasons, kind of spilled into the streets and the mediating institutions of our country in fairly recent years and very quickly co-opted the, the mainstream of the institutions. And that's what we're seeing, that that expresses itself in these really horrific policies that you're testifying to, the abuse of children involved here. That's what strikes me.

When I was a kid, I think we the first sex ed class we had was with a doctor and a priest when I was about seventh grade and discussing the biological dimension, but the moral and religious dimension of it. But to be talking to a seven-year-old about gender and gender queering and changing genders strikes me as psychologically abusive, and then this physical business is physically abusive to children. And so, this is a problem that started in the high academy, came into our academy, came into our media and institutions. No God, no objective moral value, a fluid human nature, and it's just downright dangerous. And I think we do, thank God, I think, for the existence of this Commission.

But I agree with Doctor **Phil**, we have to really find our courage to stand against it, and I think at this point there has to be executive orders and legislation to deal with it, because it's reached a point where you see the, the harm it's causing in people's minds and hearts and bodies. So, I'm grateful for the testimony because it sort of steels me in my own conviction about this, so thank you for that.

Chairman Patrick: Carrie.

Commissioner Mrs. Prejean Boller: Jennifer. You're **Jennifer**? Oh my goodness. Your, your testimony really touched me as a mother. I have two children and I can feel the heartbreak from your words, and I want to say thank you for spearheading this. All of you mothers and fathers, thank you for your courage because it really starts with you. How is your sweet girl doing today?

Mrs. Mead: Thank you for asking. I'm glad that we're on the other side of it, because I wasn't sure what this was, what that was going to look like, and I don't, I don't know what's to come, but we are in a really good place with her. She is homeschooled. She is excelling in her learning environment. She is happy. She no longer asks me or my husband if she's loved or that she can trust us, so she's in a really good place and she talks about her future as a mother and getting married and yeah. So, I am just so thankful that, I'm thankful that we've gone over that hump and that we have just continued to love her and to let her know that she, she is made in the image of God and that she is not broken and she is perfect as she is, and that she cannot choose to be another gender. We just been straight up honest and talk about truth with her, and once we pulled her out of that environment, like I mentioned in my testimony, it really was like pulling her from a cult, so it's just, we're just continuing to heal.

Chairman Patrick: Doctor Anderson, Ryan?

Commissioner Dr. Ryan Anderson: Great. Thank you. I wanted to draw out three lessons, I think, from the witnesses that we've had so far, just to kind of underscore these points. Hopefully they can make it into the recommendations that we eventually make as a Commission. And the first goes back to the very first hearing we had during my opening comments, I said frequently religious liberty violations are a result of unjust laws in the first place. And I think if you listen to the witnesses just now, to have a child transition period, let alone behind a parent's back, that is simply unjust. It doesn't matter if the parent is religious or non-religious. It doesn't matter if that student is religious or non-religious. Right, to be doing this to minors at schools without parental involvement consent, that in and of itself is unjust.

And so, I think one, same thing is true for the Montgomery County school situation or the what was the book that you had to read to your buddy, right? Any student who is being indoctrinated with gender ideology is being mis-served by the school system. These are unjust policies with these book mandates, unjust policies with these secret transitions. And so, I think, first and foremost, rather than just asking for an opt out or religious carve out, we should be pushing back on the unjust policy, right? The secular parents in Montgomery County shouldn't be subjected to this.

And so, I was so grateful for what President Trump said this morning about, he went through the litany of everything they've done to combat gender ideology, and that's important. We can't just religiously, liberally opt ourselves out of this. We also need to directly combat it. So that was the first point, is that these unjust laws are frequently the underlying problem, and we need to fight on all fours there.

Second, and this really came out in this morning's witnesses. It seems that there's a certain type of public-school administrator who thinks that functional, practical atheism is neutrality. One of the students said that she was told by the principal, "well, not everyone believes in God," and therefore the school is going to make everyone pretend that they don't believe in God. We're going to practically be atheists at this school as if that equals neutrality. The Founders' vision was that Jewish students could be authentically Jewish. Muslim students could be authentically Muslim. Protestant students could be authentically Protestant. Catholics could be authentically Catholic. It would be pluralistic, theism and deism in in the public schools. We've now gotten ourselves in a place where we think the naked public square should now be applied to the schoolroom. Right, we should have naked schoolrooms. This is the imagery from Richard John Neuhaus, Father Neuhaus, who wrote that book back in the late 70s, early 80s. I think that's a huge problem here, is that we've allowed ourselves to think that secularism is somehow neutral and it's not.

And then the third thing, I was struck by the speaker this morning who said something along the lines of “my faith in Jesus, isn’t something added to my story. It is my story.” Almost everyone, I think, everyone who spoke today, I could see that through their body language, through what they said that they have. They’re living lives of integrity, where their faith is integrated with every other aspect of their life. And so, my challenge here for the Commission is I think we should make as strong of an argument as we can for why school choice itself should be a requirement of religious liberty. I really appreciated President Trump this morning. In his prepared remarks, he spoke about school choice. He spoke about parental rights. I think free exercise of religion, parental rights and education, school choice, these things all go together. My wife and I were blessed, we have five children. We live in Loudoun County. Loudoun County competes with Montgomery County to see which one can be more woke and which one can indoctrinate the kids more aggressively. We could never send our kids to the government-run schools. Thankfully, we have the resources to send our kids to a classical Christian school. Why should people in our county who don’t have those financial resources be trapped in the government run schools? That is the violation. I think we have to go on all fours.

Chairman Patrick: Reverend **Franklin**?

Commissioner Rev. Graham: I think, **Shea**, when you and your testimony, your, it was mentioned that the teacher and the administrators, principal were promoted, if I’m not correct. And when there was hearings, the teacher unions all showed up with their t shirts, all supporting the teachers that have done this. And if you want to fix a problem, we have to identify what needs to get fixed. And the one thing that, there’s a thread that kind of runs through all this, and it’s called the unions.

And we say cultural wars and we say, I don’t think it’s so much of a cultural war. I mean, I don’t, I don’t think most of culture understands what’s going on in these schools. It’s a, it’s a very subtle, demonic-type takeover of our children and is being forced down the throats of people by unions. And so, I don’t know, Mr. Chairman, there needs to be some thought about making these unions accountable.

Chairman Patrick: Thank you. I find it interesting in Texas, and Doctor **Phil**, you talked about “we’re combatants.” We’re seeing this move toward school choice more and more states—Texas is the latest—you see people quietly leaving the schools is what’s happening. So, they’re combatants but they’re quiet about it. So, this is what’s going on, but they’re not in the fight like all of you are.

We see homeschool in Texas. It was illegal to homeschool years ago, and now we think in the last three years it's doubled, somewhere around 700,000, students. We don't know exactly how many. There's also an interesting phenomena, that in 2019, in Texas, we had 5.4 million students in public schools. That's more than 26 states have people. 5.4 million. We add 1000 people a day, but today we only have 5.5 million kids in school. So how is it—now the lower birth rate is a part of that—how is it that we are now the second most populous state in the country and yet the school population over six years has only increased by 100,000 kids. It tells you people are walking away, but they're not telling enough people why they're, why they're walking away. So, your testimony has been really powerful today, and these are all great points that will be in our final report. And **Dave**, you're our last witness on this panel.

David Cortman, Attorney, ADF

Mr. David Cortman: Thank you Chairman **Patrick**, Vice Chairman **Carson**, and members of the Commission. I want to just jump right in because of all the comments we've had. Interesting, as Doctor **Anderson** was speaking, I thought he got my presentation and was actually looking at it. But I wanted to focus today on the two main areas where I believe public schools are failing American parents and their children, and trampling on religious liberty. One of them is, rather than concentrating on what we used to call the three R's reading, writing and arithmetic, schools are now pushing these radical social agendas that often violate religious beliefs of parents. We'll talk about some of those similar to the **Meads**, but second, even though it has presented no real impediment to the practice of religion for the last decade and a half, the Establishment Clause still rears its ugly head that we have to cleanse all religion from public schools, which is so far from the truth. I think these are the two, the two headed monster, if you will.

So just talking about a few instances of religious hostility. We heard from a cute, little **Lydia** this morning about her mask. What was interesting about it is her mask didn't say "Jesus loves you." It said, "Jesus loves me" on it. It was her own personal faith, and the fact that a nine-year-old has been brave enough in the courage to go to school with that mask on, regardless of what else she sees, and then go to her parents and say, "look, I think this is wrong. They told me to take my mask off. I think there's something wrong with that." What was interesting about that case was there was no policy that prohibited a religious mask. There was no policy that prohibited words on the mask. When they looked up the policy as her mom, she said she was curious. We've known them for years. She's her, both her great parents looked up all the research, researched all the policies. There wasn't anything that addressed it. When he finally gave them a copy of the policy, he actually changed the policy right before he sent it to him to cover his own tracks. And the only reason was, we can't let this little girl go to school with a mask that says, "Jesus loves me." In this country, that's incredible. I mean, all the things that go on in public schools that you should be concerned about, that certainly isn't one of them. So, it's one of these things where you see this reaction almost to anything religious in the public schools about the stories that we heard today.

Another one real quickly, is similar to the talent show story you heard this morning. We had a young gentleman, Brian Hickman, out of out of California. This kid was one of the most special kids you ever want to meet. He had cerebral palsy. He's been through more surgeries and physical struggles than almost all of us will in a lifetime. For an upcoming talent show, he wanted to perform to a Christian song called "We Shine." He was excited. He was practicing at his church for weeks. He was ready to do it. When he went to the auditions, school officials told

Brian's mother that the song was quote unquote, "too religious," and get this, "it said Jesus too many times." I'm not really sure what the school thought the right number of Jesus was in that song, but apparently whatever it was too many. But the school there similarly didn't have a policy that banned religion. It didn't have a policy that said anything about the songs that could be chosen. If you looked at some of the lyrics for what the other kids were choosing, you would want them banned from school. They allowed those to happen.

What the school said was the separation of church and state required it, and there have been Supreme Court cases for the last several decades that have taken care of that. That's no longer an issue in the schools, but we still have school administrators being taught by not only state school boards, by policies in the schools, by the unions. We still have this force that are teaching your average school official and teacher, which I think are good hearted to say, look, this is what the law is and they don't know any better. So, one of the areas I think we need to address is educating the teachers, educating school officials on what the actual separation of church and state is, which is not this, this ban on anything religious. It's basically the freedom of religion under the Constitution to allow robust exercise of religion regardless of your faith, and that's what needs to be taught to our officials.

Interestingly, when, when Brian and his parents filed that lawsuit, we got a good resolution. He got to perform in the talent show on that Friday night, which was a couple of days away, so we were kind of scrambling to get, get something filed. The coolest thing was when Brian did his song, we didn't know what the community reaction was going to be. Brian got a standing ovation at the talent show. And the icing on top of the cake was we got that policy changed that protected more than half a million students who are now allowed to exercise their faith at events at public schools, so really neat for Brian and his family standing up.

But one of the most chilling threats, I think, these days is what **Jennifer** talked about, and that is schools indoctrinating students in these current social issues where school officials not only decide they know better than parents about how to raise their child, but the fact that as, as Brian mentioned, that they're hiding it from parents. It's just truly egregious. This is not an isolated occurrence.

Chairman, in, in your state in Texas, we've got a situation in the Houston Area School District where they did the same exact thing. They were socially transitioning our client's daughter, and they were lying to the parents about it for months and months over certain, over two school years. And whenever the parents raised it and said, look, "we're, we're taking care of it. Please

don't, don't do this. Don't call her by pronouns that are the wrong sex." They said no. Not only did, they ignored it, but they said, we have a right under the law to do this to your children, even without your permission, and that's in, that's in Texas.

We have families in New York that are going through similar experiences, but one of the ones that's just as egregious is where public schools are passing these policies, where they're forcing young girls to share restrooms, locker rooms, and even sleeping accommodations on school trips with boys. In Colorado, we have a family that we represent, the Wales family that sent their daughter on a school trip here to DC, which I think we've all done when we were kids. It was great coming here, seeing all the monuments and everything in Washington. They found out on the night she was about to go to sleep that they, they scheduled her to room with a boy with, with two other girls, and then their daughter was supposed to end up in the same bed as this boy, never telling the parents or the daughter that this was going to happen. And when the daughter found out, it was only because the young man told her and they were like, no, it's fine. She could sleep in the other bed, you know, even in the same hotel room where they're changing and dressing.

And what was interesting when we challenged this, the school district is still defending their policy and saying that they have a right to decide under their quote unquote, nondiscrimination policies, that they get to room these young men who identify as girls with the young women at these young ages. So, these are the stories that I think are the most egregious and this is not education. This is not what the schools are for. This is not the three R's that we talked about. This is indoctrination. It's coercion. It's deception. It's cloaked in an arrogance that these school officials think they know better than all the parents that we've heard from about how to raise their kids, and I think it's one of the most serious threats that we have today to parental rights and religious liberty.

So how do we protect them? We talked about a couple of things already. One, I would recommend passing the federal Families Rights and Responsibilities Act. There are, several states have similar legislation, and it covers almost everything we've discussed today. It makes sure the schools disclose everything that they do and whether it's an opt out, whether it's field trips, whether it's curriculum—it makes sure it respects the parents' rights in the public school. Almost every single lawsuit, the response by the school district is, is that parents don't have a right to control the curriculum. That's their response, as their young daughter is supposed to sleep with a boy on a field trip. That's their response when they're teaching kindergarten students about how many different genders there are, and it's fluid. Their response is, you don't have any right to control the curriculum, and I think that's a major problem.

We talked about **Ryan**, talked about school choice. Educational freedom is so important not only for voucher programs, not only for release time education, but those parents who choose to stay in public schools, not to be vilified, not to be ostracized, not to be kicked out, but to have a voice and have a right to stay in that school so they could be salt and light to others. How many people are looking at these young boys and girls saying, “wow, look at how courageous they are. I wish I could do that,” but they’re too, they’re too afraid to take a stand. And last thing I would say is we need to educate parents and students about what their rights are. In prepping for this, I read a study recently that said only about one third Americans even know that religious freedom is in the First Amendment. How can you defend your rights when you don’t know what they are? So, I would recommend actually doing training both for parents and school officials on what actual First Amendment rights are, so that freedom of religion for all religions is respected in our public schools. Thank you for your time today.

Chairman Patrick: I only introduced him as **Dave**. It’s **Dave Cortman** with Americans Defending Freedom, so I want to do that officially. **Kelly?**

Mr. Shackelford: You know, one of the thoughts that came to my mind, both in the earlier testimony and the ones now, is when Jesus said, “better to have a millstone tied around your neck and thrown into the sea than to make one of these little ones stumble.” I mean, this is, we have to address this. And **Dave**, I appreciate your recommendations and I just want to add one to the list, I guess, because I know we keep track of all these, that what we say in this and we’re going to go back and look at all these later. But we had Department of Education guidelines on religious liberty that President Clinton put, put in place, but there’s been so many cases since then, including on parental rights, major, *Mahmoud*, and I think those ought to be updated and strengthened so that they’re accurate now. And then, the follow up to that is obviously the President has shown he’s willing to do this with universities. We need to make it that any school district that does not follow these has their federal money taken away from them. And then maybe we can add, **Dave**, your suggestion into that, that their training is responsible under those guidelines. And then that is something where we can begin to hopefully educate the school districts, and there’s a consequence, if you’re doing this to the people in your school district.

Chairman Patrick: I’d take the state money away as well. Some of that is constitutionally required, but we can work on that. **Allyson.**

Ms. Allyson Ho: Thank you, Mr. Chairman. I’ve really been struck today in the testimony by almost to a person, all of you all have said, you know, “I’m not out for my five minutes. I’m a

private person. I'm standing up so that others don't have to go through what we've gone through." And I just want to acknowledge and, and thank you all for what you're doing, because for each of you on this stage, there are other children and families and parents that will not have to go through what you have had to do for being our standard bearers, for being the first through the wall that gets bloodied. And I just especially, **Shea**, I just want to I just want to single you out if I can. We talk, we talk a lot about courage. We talk a lot about what that means and what that looks like. You and your mom, everyone on this panel, everyone that we've heard today are courageous, and you are standing. You're taking the heat. You're taking the arrows, so that no one else has to go through. And, and shame on us if we do not honor your courage and your tears and your agony and your sorrow by standing up and using the platform the President has given us to also stand with you in ensuring that no other child or family or individual has to go through the horrible stories that we have heard today. Thank you all so much.

Chairman Patrick: Bishop Barron.

Bishop Barron: Yeah, **Dave**, thank you very much for that presentation. I very much enjoyed it and found it clarifying. I think everybody in this room would agree that the anti-establishment clause has been kind of grossly overread, overinterpreted in an academic setting. But just for the sake of clarifying my own thinking and with our opponents in mind, give me an example of what would be a violation of the anti-establishment clause in an academic setting. So, we all know these are kind of gross violations of that principle. Can you, what's an example of where we say that really is a violation of it?

Mr. David Cortman: I think the easy example comes to mind is forcing students to pray outside of their religious faith.

Bishop Barron: Yeah. So compelling.

Mr. David Cortman: So, so compelling coercion. There's, there's different types of tests under the Establishment Clause. I won't bore you with them, but a lot of the justices say that the right test is, am I coercing you to violate your faith? Are you participating in some speech or act that violates your particular religious freedom? That would be a clear violation of the Establishment Clause. And don't forget, the Establishment Clause was meant to be a restraint on the government. It's not directed toward individuals, which it's been used as a weapon to silence religious speech, but it's meant as a restraint on government in the same phrase as the free

exercise of religion, which is meant to give the most robust religious protection for all faiths in our country.

Bishop Barron: That's helpful.

Chairman Patrick: Reverend **Franklin**, you mentioned the unions, and I was sitting here thinking that it really is a huge impact because we think of schools of education where our teachers come from, and so we also have to focus on those schools. But today in Texas and it's pretty much this way across the country, more than half of our teachers do not come from higher education. They come from the private sector. People who are in their 30s and 40s and 50s who decide they want to become teachers. So obviously they're not, they haven't been indoctrinated by universities, some liberal campus somewhere. They're actually coming in wanting to teach. They've decided they want to do that as a career, and they are then being indoctrinated by the unions, and very often the school boards and the school administrators. Those are very powerful lobbies—the Texas Association of School Administrators, the Texas Association of School Boards—very, very powerful lobbies, and each state is different. For example, in Florida you have a school district per county, roughly. I think there's 68 or 69 counties, so you deal with 69 superintendents. In Texas, we have over 1200 school districts, so that's 1200 superintendents and 5000 board members, and they have a tremendous political influence in elections and all along the line. And most, most parents don't really understand what's going on, so we have to focus on higher education. Those unions are really key, so I'm glad you brought that up. **Eric.**

Commissioner Metaxas: In listening to many of these stories, it struck me that they sound like stories that you would hear from the former Soviet Union or Nazi Germany. Both places of which share a spiritually dark ideology, and not just, certainly none of, there's no such thing as neutrality. It's ultimately a God hating atheism. It's, it's demonic. It's spiritually very, very dark. And the idea that this has entered America, we all, we all have to say is staggering. It's a staggering thing that the long march through the institutions over the decades has succeeded to where we have an elite class that dares to think that they know better than parents. You know, even if you do know better than parents, shut up. You're not the parent. Parents have rights.

But the idea that that idea, that that has crept into American life because there was a time in American life where everyone understood parents, family that is sacred and you have no business. So, the fact that through the sexual revolution which needs to be repealed, these bad ideas have entered, I remember in the mid 70's when I was in junior high school in Danbury, Connecticut, they introduced health class, and it's the same kind of thing. Why is some lesbian

gym teacher going to talk to a mixed class about sexuality? It at the time I remember thinking, this is this is absurd. Why are we, we are supposed to be learning history and math and so forth, why do we have to go to a quote unquote health class to hear about this? So, it has been, it's crept in over the decades that somehow the government in public schools has the right to talk to kids about stuff that they do not have the right to talk to about.

And so, I think part of the recommendation has to be, and maybe this goes to Linda McMahon, but public schools have no business getting involved in any of this. They have no business. They never had any business talking to, to kids about issues that that are fundamentally spiritual, that deal with the human person. They just have no business doing that, and that, that, that these worldviews are very, very dark. Also, you know, the idea of being able to opt out, you know, you kind of have to think, how pathetic is it that we're like, could I please opt out? My goodness.

And **Ryan** said it, Doctor **Anderson**, you know, forget about us because most of us maybe come from healthy families where the damage can be undone. But what about these poor kids whose parents don't know any better and they send them to the public schools and they're being indoctrinated, which, which with ideas that are now long, no longer just bad ideas, but they're satanic? To talk to little children about these things is child abuse. It is horrific. The idea that I mean, anybody, I speak as a Christian, you're supposed to care about the least of these. We're supposed to care not just about me and my family, but all the kids in America and all the families in America. They're trying to put food on the table. They send their kids to public school, they pay their taxes, and they're being indoctrinated with this some, in some cases, tremendously damaging information. To hear young **Shea** have to be the the buffer between this little kid hearing about this sick stuff that no child should ever have to hear about. We, we in the American church ought to care about those folks, not just about our rights, but about the idea that kids are being indoctrinated with these very, very bad ideas.

And when you talk about the Establishment Clause, there is clearly now religion has been established among the secular cultural elites. It is a secular, dark religion. They don't call it a religion. They pretend that it's neutral. It is not neutral. And that worldview is being forced on children across America with our tax dollars. That is a violation of the Establishment Clause. It needs to be called what it is. It's the it's the imposition of a worldview which amounts to a religion. And then I guess, finally, I want to say that what Doctor **Phil** said, that we are all combatants. The fact of the matter is that that that is right, and I hold churches and pastors most responsible. If you're going to a church that pretends like this is not our problem, we just want to preach the gospel, I say, by the grace of God, you need to get out of that church, because it is has been the abdication of the church in all of this, in disciplining its flock, that we are all to be

combatants. We are all to get in the game. We're to care about our communities, and we ought to speak very strongly against this. Even if it doesn't affect my family, it's affecting other families and the timidity and in many cases, the cowardice of so-called Christians ultimately has led us to where we need a religious Commission on this, so there you have it.

Chairman Patrick: Witnesses, thank you, and members, we're a little behind, but this was a great discussion. We have another panel coming immediately right after. **Shea**, I just want to tell you, I've been really fixated on your listening to, you listened to everyone else, not just give your testimony, and I could see you react to some of their testimony. You have soulful eyes, you have a soulful spirit, and I don't know what you're going to do as an adult, but you will be a great leader because you care and love people and you love God. Thank you. **Paula, Paula?**

Commissioner Pastor White: Thank you all so much. I can't over emphasize that. I'd just like us to consider, as a committee and Commission, here, to take a very holistic approach, perhaps as the parents and the community and the legal wheat, we focus a lot on the legal, and that's so important. But as a pastor for many years in a ministry for forty-two years, I'm thinking, what about the emotional support? I heard so many people say, "I'm lonely. I walk through this alone. What about the psychological, the trauma support?" The problem is when we're dealing with it, if we get great laws, we've got to get rid of the unjust laws and policies and everything, right? We look at government at a whole being anti-religious. We know, Chairman **Dan**, that as we're looking at the grants that are going out of the government, they're 99% going to the wrong place. It's not a level playing field. People of faith are largely discriminated against, and unfortunately, faith has 80%, this fortunately, 80% and higher success in almost every program, while pure secular, has 20% and less. Don't we think Americans deserve the best of everything? So, if I could get like a list of, we all think we know what it took to walk through this, I just wrote down legal emotional support, trauma care, family stress. How many families break up under this kind of pressure? We lost our daughter to cancer. It put a tremendous stress on our family, oppressed, social media, security. There were so many things mentioned. If we look and say all these things were needed for me to get through this. You were the brave ones, the perseveres, the ones with the backbone to get through this. I think, how can we help in a holistic way, knowing every part of government, what needs to be touched?

Chairman Patrick: Thank you, pastor. Thank you. Let's give them a hand if we can. Thank you, ma'am. We're going to begin our last panel of the day. If you can take your seats, please.

Higher Education Perspectives

Alyza Lewin

Chairman Patrick: Alyza Lewin. Forgive me, I introduced you in the last panel, so my error. Can everybody be seated, please? You have the floor.

Ms. Lewin: Sorry for that confusion earlier.

Chairman Patrick: All on the chairman. Chairman takes all responsibility for mistakes.

Ms. Lewin: Well, Chairman **Patrick** and Commissioners, thank you for inviting me to appear here today. My name is **Alyza Lewin**, and I am President of the Louis D. Brandeis Center for Human Rights Under Law, a nonprofit legal advocacy organization that's headquartered here in Washington, D.C. whose mission is to advance the civil and human rights of the Jewish people and promote justice for all. In addition, I have a law practice together with my father, Nathan Lewin, where we have handled numerous religious liberty matters and where I had the privilege to argue the case of *Zivotofsky vs. Kerry* before the U.S. Supreme Court. That case, which involved the right of an American citizen born in Jerusalem to list Israel as the place of birth on his US passport, paved the way for President Trump's recognition of Jerusalem as the capital of Israel, and I'm honored to have been appointed by President Trump to serve on the legal advisory board of this Commission.

I've joined this panel to share with you how K-public schools are not immune from the severe spike in anti-Semitism afflicting this country. At the Brandeis Center, we hear almost every day from students and parents who have been targeted on the basis of their actual or perceived shared Jewish ancestry. For example, in Massachusetts, Jewish students were subjected to repeated bullying and harassment, including by students who gave Nazi salutes in the hallways, divided themselves into teams called Team Auschwitz and Team Hamas during athletic games. They drew swastikas on notebooks and on school property, and they used anti-Semitic slurs including, kike, dirty Jew, and go to the gas chamber.

At a public school in North Carolina, a middle school student who was not Jewish, but who wore an Israeli baseball jersey, team jersey to school one day and was thereafter perceived to be Jewish, for the next two years, his classmates persistently taunted and degraded him, referring to him as, quote, “dirty Jew” and “filthy Jew.” They invoke classic anti-Semitic stereotypes about Jews and money by calling the student, and I quote, “a penny picker upper,” and they invoke the Holocaust by telling the student to, and these are quotes “get in a gas chamber, go back to your concentration camp, go to your oven, Jew, the oven is that way, and go die, Jew.”

And in California, a six-year-old first grader at a public elementary school overheard older children on the playground say that Jews are stupid and then went home visibly distressed and told his parents that he wished he was not Jewish because people don’t like Jews. I was also reminded earlier when we heard the testimony of another client of the Brandeis Center, also in California, a high school Jewish Israeli high school student who was reprimanded after singing a song in Hebrew in her school’s talent show. An administrator told her that she was, quote, “in big trouble” and that “there will be consequences because her song allegedly made students feel unsafe and uncomfortable.” Never mind that other students at the talent show sung songs in other languages, including Spanish and Korean, and that the song that she sang was a love song, but the fact that she sang it in Hebrew, her native language, and the ancestral language of the Jewish people, the language of the Bible, made it something to reprimand and punish her, potentially punish her for.

So, these are just a few of the many stories that the Brandeis Center has heard and included in complaints that we have filed on behalf of K- parents and students, and I should say that in both the Massachusetts and the North Carolina stories that I described, that bullying went on for a couple of years, and the school did nothing to address the anti-Semitism. And at the end, both students felt compelled to leave the schools and had to transfer to other schools. This increased hostility towards Jews has not happened in a vacuum. It’s facilitated by a deliberate, systematic effort to erase and deny the Jewish people’s religious, cultural, ethnic and ancestral history in the Land of Israel. In a growing number of K-12 classes today, Jews and Israelis are portrayed as colonizers and oppressors, guilty of a litany of evils, but it’s not possible to colonize a place that your ancestors are from. You cannot call Jews colonizers without first erasing the Bible and centuries of Jewish history. There is a term for this, and it’s called invasive anti-Semitism. This anti-Semitism ignores evidence of the Jewish people’s ancient and continuous presence in the Land of Israel, including evidence exhibited here in the Museum of the Bible. A race of anti-Semitism erases and denies who Jews really are and creates a false, evil narrative in its place, indoctrinating students and the school community to hate Jews.

So how should we address this? Well, first, we must develop a zero tolerance for erasive anti-Semitism. We have to push back against those who rewrite history and deny the Jewish people's ancestral connection to their biblical homeland. Second, we need to hold the bullies accountable. Far too often, schools seek to address the situation by removing the Jewish students from the hostile environment, rather than by ending the harassment that the Jewish students have endured. For example, schools have offered to take Jewish students out of a particular class, or arrange for private tutoring, or even permit a Jewish student to study from home. These, however, are not solutions because they isolate and ostracize the Jewish students while failing to address the underlying Jew hatred. Third, we need to institute effective training to educate the school community to recognize contemporary manifestations of anti-Semitism. We need to teach students, faculty and staff that it is never okay to demand that Jews disavow their history and heritage in order to be accepted.

We have seen the wave of anti-Semitism sweeping across college and university campuses, particularly in the aftermath of the Hamas attack on Israel on October 7th, 2023. If we want to turn that tide, we must ensure that our elementary, middle and high schools are not teaching our children to hate. We need to empower our students to recognize the myths and seek truth. So let me close with a quote from the late Rabbi Lord Jonathan Sacks, the former Chief Rabbi of the United Hebrew Congregations of the Commonwealth, which includes the United Kingdom. Rabbi Sacks once noted when commenting on anti-Semitism that "irrational hate does not die." But then he continued, and he added, and I quote, "but neither does the Jewish people, attacked so many times over the centuries. It still lives, giving testimony to the victory of the God of love over the myths and madness of hate." Close quote. And so, I suggest to you that Rabbi Sacks' words sum up the task of this Commission and our task today, which is to help ensure the victory of the God of love over the myths and madness of hate. Thank you.

Chairman Patrick: Doctor **Phil**, Doctor **Phil**.

Commissioner Dr. Phil McGraw: Thank you so much for what you were saying. You probably know that I'm very focused on this. I've spent most of my life since I was 10 or 12 years old, focused on why people do what they do and don't do what they don't do. Probably pretty weird looking kid at the time for doing that at that age, but I'm really interested in what you think in this country, the motivation is behind this anti-Semitism. I know how it expresses itself. You just gave us horrific examples of it, but I'm curious what you think the motivation is that makes young people invest this kind of energy in this sort of thing against their, their Jewish contemporaries. What do you think is motivating this?

Ms. Lewin: So, when it comes to, when it comes to the young children, I actually think when it comes to the young children, I think it's part of what they are now being taught by the older people. But I, I think that the way anti-Semitism has historically worked is that whenever a society is unhealthy and it looks for someone to blame, the Jews become that scapegoat. And so, I think that when you have an unhealthy society and that's what's happened now, again, the Jews have become the scapegoat.

Commissioner Dr. Phil McGraw: But why, why, why the Jews instead of some other group? Is it because of this hard work ethic and success that?

Ms. Lewin: I think that historically, it's because the Jews have been the ones who've been courageous enough to maintain difference, and people suspect those who are different. And so, throughout history, Jews, whether through their faith, through their religious practice, have not have been actually different from the rest of the of society, right? They have, they keep their own strict dietary rules. They'll, they in some communities will dress a certain way. They have their Sabbath. Right, and so the Jews are different, and if the Jews are different, it's always easier to scapegoat the group that's different.

Commissioner Dr. Phil McGraw: So, fear motivation.

Ms. Lewin: I think it's fear, and I think that what happens now is, I don't think I actually think that you have some who really do believe and engage in the Jew hatred, but you have an awful lot who are just kind of surrounded that group. And because of the way it's been messaged right to these students, as I say, there's this false narrative of what a Jew is and so these students are actually being taught that the Jews are evil. And so, if the Jews are evil and you want utopia, you want a better world, then let's push the Jews out of society, and then we'll have that better world, because they're the ones making it bad, and that's the problem. They don't understand the truth, and they don't realize that what is being taught to them is an anti-Semitic stereotype and mischaracterization of who Jews really are.

Commissioner Dr. Phil McGraw: Because of late, it's oppressed and oppressor. Everybody's either oppressed or oppressor, and so they're cast in that light, but the fear of the difference and the unknown, that's helpful. Thank you. Thank you for that.

Chairman Patrick: Thank you. **Eric?**

Commissioner Metaxas: I'm going to disagree. There are a lot of people that are different. It's not just the Jews are different. What makes the Jews particularly different and despised throughout history is because God loves the Jews, and the hatred of God focuses on the hatred of those whom He loves, so in history, that's been mostly Jews, also sincere, devout Christians. It is a spiritual issue.

Chairman Patrick: Thank you, thank you **Eric**. Miss **Lewin**, the reason this this rest of this panel is higher ed, but it was important to bring her because there's a sense in this country today that anti-Semitism is only at higher education. No, it's through K-12 through also, and Rabbi **Soloveitchik**, who is a member of our committee, couldn't be here today, but we are going to do a broader panel on anti-Semitism at one of our future hearings. So, thank you for being here today. Let me go to **Maggie**. Do I say **DeJong**? Is that **DeJong**? All right. There you go.

Miss Maggie DeJong, Art Therapy Student

Miss DeJong: Thank you. Well good afternoon. Thank you so much to this Commission for holding this hearing and for all your work on religious liberty. I'm deeply grateful and very humbled to be here. I never expected that pursuing my dream to help hurting children would lead to a legal battle for most basic freedoms. I graduated from Southern Illinois University Edwardsville with a master's in art therapy and counseling in May 2022. I chose this path because God gave me the passion to both fight for and preserve the innocence of children, especially those who experienced deep, complex trauma. Through art therapy, I witnessed how expressive means can calm both body and mind, and provide a mode of communication when oftentimes words are too difficult to even access. But while I was studying how to help others heal, I found myself betrayed by the very institution that was supposed to equip me for that mission.

My, my program was small. It was just 11 students, and we became very close. We would talk about being in each other's weddings and we cared for each other like family. But about a year in, something shifted. I came to Southern Illinois thinking that I was there to become a counselor, but I soon realized that the university expected me to adopt and promote a specific ideology, one rooted in Marxism and critical race theory.

When called on in class, I shared my perspective respectfully, asking whether these ideas served the best interest of our future clients. Instead of respectful dialog, my Christian and conservative beliefs were met with hostility, not only from classmates, but even the professors. But I didn't expect what came next. The university issued three no contact orders against me, and if you're wondering what these are, so did I. Essentially, these are restraining orders and they apply to on and off campus. It meant that I couldn't talk to, sit near, or even be in the same coffee shop as these three students. I was shocked. I asked what I had done, and the university said that I hadn't violated any policy, but without any communication or investigation, I received a threat of disciplinary consequences if I violated the no contact orders, and they even copied university police officer on each order to drive this threat home.

After this, I stopped speaking in class. I was isolated and scared like I was in a relationship with abusers, trapped in a system that punished me for having different beliefs. I thought back through every conversation I'd had with these classmates. I couldn't think of anything that I'd done that could be taken as offensive, let alone aggressive, and I became afraid. And with fear came a sense of powerlessness. I started having trouble sleeping. I lost my appetite, and I began to worry

what might happen if my professors, who clearly disapproved of my views, decided to block me from graduating or finding a job. I reached out to ADF and they sent the demand letter to the university. Five days later, they rescinded, they rescinded the orders. Two weeks after that, they finally told me what my accusations were.

Three classmates had complained about some social media posts where I'd expressed my Christian and conservative views on current events. They claimed the mere expression of my views were microaggressions. One student said I was threatening because I couldn't embrace critical race theory, which I had said failed to treat people with dignity regardless of their race. She told the school I was threatening, even though in the same conversation I had with her, I praised her for having a beautiful heart and a deep compassion for children. Sadly, even after the no contact orders were lifted, the attacks continued. The university officials refused to tell students that I hadn't broken any university policies. Instead, they emailed faculty, students and alumni, implying that I had engaged in oppressive acts and misconduct. The university held a community meeting where students publicly attacked my faith and accused me of being racist, oppressive, and creating a toxic learning environment.

But one of the most painful moments came when an art display titled *The Crushing Weight of Microaggressions* was displayed in our department. It featured a personal text I sent to a friend where I shared that even if we might disagree on some things, that I cared about her, but that my personal held beliefs were grounded in objective truth by the gospel of Jesus Christ. I was heartbroken to see my words so misunderstood. I loved my classmates, including this girl, and to this day, I wish we could have shared our diverse beliefs with mutual respect and kindness. But that was sadly not my experience.

I wasn't punished for harming anyone. I was punished for having a different perspective, for being a Christian and for asking honest questions. At a public university, which is supposed to be a marketplace of ideas, I was silenced for mine. I knew I couldn't just walk away. I live by Dietrich Bonhoeffer's quote "silence in the face of evil is itself evil. God will not hold us guiltless. Not to speak is to speak, and not to act is to act." I could not be silent, knowing that what happened to me could happen to future students. Our freedoms are too precious not to defend. So, I filed a lawsuit, but what weighs on my heart to this day is I should have never had to sue. Public universities have a duty to protect open dialog, not punish it. They should welcome differences, not erase them, and no student should be shamed or silenced for their faith. Looking back, I can see how what was meant to break me, God used to shape me. Through the fear and betrayal, He gave me the courage to speak even when my voice shook and He taught me to love even those who misunderstood or maligned me. I'm so grateful to President Trump and this

Commission for your bold work to protect our First Amendment freedoms, freedoms that belong to all of us, regardless of faith, race, or creed. The truth is, freedom is fragile. Silence is costly, but courage is contagious, and I want to thank you all for being so courageous.

Norvilia Etienne Cain

Chairman Patrick: Our next witness is **Norvilia Cain**.

Ms. Cain: Thank you all for the opportunity to speak here today. I am truly honored to be with you. Proverbs says that the tongue has the power of life and death, but that's not just a verse from the Bible. It's my story. Words saved my life. When I was 16, I learned just how close I came to never being born. My mother was 17 when she found out she was pregnant with me. Already raising my brother alone, she was scared and overwhelmed. She felt she had no choice but to end my life through abortion, but God intervened through the voice of my grandmother. She empowered my mother to know she wasn't alone. Because of my grandmother's faith and my mother's yes, to my life. I am alive and incredibly privileged to speak to you today.

My family's story ignited a passion in me to empower other young women, and instilled in me a desire to use my story to share God's truth: that every person is created in the image of God and has intrinsic dignity. From the moment of conception, God opened the door for me to share this truth during my studies at Queens College in New York, by inspiring me to start our very own students for life group. I knew God was calling me to be that voice, to walk alongside young women facing what my mother faced so they would know "you are not alone. There is hope. You can choose motherhood and live a fulfilling life."

My college campus became my mission field. With the help of Students for Life of America, several classmates and I began the process of forming an official club to support pregnant women and parenting students on campus by providing resources, baby showers, scholarships, and community. To my dismay, we faced opposition at every turn. The Student Development Office discouraged us from even applying, but we persevered and carefully crafted a constitution and submitted our application. When we met with the Campus Affairs Committee, we shared that we wanted our club to promote women's health, offer support to pregnant women and parenting students, and cultivate a community that celebrates the dignity of every life. After cutting our presentation short, the committee said we'd hear back by the end of the day. We did not. A week passed, other student groups were approved and we heard nothing. Finally, I reached out to the head of the student development office and without explanation, she told me that the college would not be recognizing us as a student group.

I was stunned. This meant no meeting spaces, no access to campus resources, no student activity funds, which our tuition helped pay for and no ability to host speakers and freely dialog on campus. Public universities are supposed to be places where all students are free to share their beliefs, opinions, and worldviews. Queens College approved a wide variety of student groups every year, including pro-abortion groups. It was hard experiencing such blatant discrimination against living out my Catholic faith. Queens College wasn't just silencing our student group, they were silencing help and hope for pregnant women. They were silencing our voice. As I considered what to do, I remembered the circumstances that surrounded the dawn of my life. I recalled the difference my grandmother's encouraging voice made for my scared mother, and I knew I had no choice but to speak up for women and their unborn children.

So, with the help of Alliance Defending Freedom, I filed a lawsuit against Queens College not out of anger, but out of a conviction that every student deserves the right to speak, to serve, and to stand for what they believe. It wasn't easy being a college student taking on my alma mater, but the incredible gift of life is worth standing for. Eventually, Queens College changed its policy and officially recognized our club. When I graduated, our group was changing lives, and we had even launched a scholarship fund for pregnant women and new parents. This scholarship fund has now become its own foundation, the Kathleen Mullally Foundation, run by the young woman who succeeded me as president. Today, all across New York State, many women have been awarded funds to help care for themselves and their families while maintaining their studies. It stands as a beacon of hope that every life has inherent dignity, and that women deserve better than abortion.

I pray that my story will inspire college students to courageously live out their faith, and I hope that President Trump and this administration will continue their bold efforts to protect free speech and religious freedom at college campuses across our country. We know that words have the power to end a life, but they also have the power to save one. And it is up to us to speak up for those who cannot speak for themselves. Thank you for the blessing of speaking here today.

Chairman Patrick: Thank you. Sir, you're going to have to help me get your name just right. All right?

Mr. Uzuegbunam: Yes.

Chairman Patrick: Would you please introduce yourself?

Mr. Uzuegbunam: It's **Chike**. And the last? The long one is **Uzuegbunam**.

Chairman Patrick: I thought it was **Chike**, but I wasn't sure if I could say **Chike**, go ahead, so there we go.

Chike Uzuegbunam, Student, Georgia Gwinnett University

Mr. Uzuegbunam: No worries. I first want to thank Almighty God and my Lord and Savior Jesus Christ, amen, for the goodness of making all of this possible. I appreciate the opportunity to share my story with you guys this afternoon, and for those, for each of you, in doing what is right to protect religious liberty. As a child, my parents often spoke of the great freedoms America offers. These freedoms and the opportunities that they provide are why my parents moved here from Nigeria. They taught us that freedom is a precious gift, one to be protected at all costs. That's why I'm here today.

In 2013, I enrolled in Georgia Gwinnett College in Lawrenceville, Georgia. It was during my time there that I embraced Christianity, a decision that brought me profound joy, and I felt compelled to share it with others. I'm convicted that this message is the greatest message that we could ever hear, that Christ came into the world to save sinners, and I know that "sinners" is not a politically correct term, but without sin, there is no need for a Savior. I was captivated by the glorious message of the cross of Jesus Christ, and His ultimate sacrifice for humanity's redemption. My campus offered plenty of opportunities for this. Students were often out in public areas, sharing their public views and advocating for causes or handing out literature on topics that were important to them. I did the same, respectfully speaking about my faith with interested students. It was a chance to meet new people and share how Jesus had changed my life.

But one day in 2016, a college administrator approached me and told me to stop. He said if I wanted to share my faith with those who stopped by, I need to reserve one of the schools to quote unquote, speech zones. And these zones made up 0.001%, hold on, 0.0015% of the campus, about the size of a sheet of paper on a football field, and they were only open 10% of the week. But still, I honored the policy. I made my reservation, showed up on time, and began sharing my faith, but within a few minutes, campus police stopped me again. They said someone had complained under the college's speech code and I had to stop or face disciplinary action. I was surprised and confused. Here I was in the free speech zone, quote unquote, following all of the rules, and yet officials silenced me.

At this moment, I realized I could not speak outside of the speech zones, or I cannot, and I cannot speak in them either. I contacted Alliance Defending Freedom and learned that my experience sadly wasn't unique. Many public colleges and universities use similar speech zones and speech code to silence students in violation of their constitutionally protected freedoms.

I was deeply concerned. I thought back to the stories my parents told me about the unique freedoms that United States offers, the promise that every American is free to speak without fear of government censorship. I knew I had a small part to play in preserving this legacy of freedom, so I made the tough decision to sue Georgia Gwinnett. The college first said that my speech sharing the words of scripture i.e. qualified as quote unquote “fighting words” and therefore wasn’t protected by the First Amendment. Later, the school switched its strategies and tried to avoid accountability altogether. It revised its speech policies and asked the court to dismiss my case, insisting that it should no longer be held accountable for silencing me.

Even though the college had censored me under its previous policies, both the District Court and the 11th Circuit said that the college could escape accountability simply by changing its policy after the fact. “Justice delayed is justice denied” suddenly took on a new meaning for me. If the government officials can violate our rights and then walk away with no consequences, the Constitution is an empty promise, and I knew that that wasn’t the legacy I wanted for my future kids. So, I persevered to make sure no other student on any other campus would be silenced by school officials for sharing their faith. My, my case went all the way to the United States Supreme Court, and Georgia Gwinnett actions were so troubling that people from diverse political, religious backgrounds Christians, Muslims, Jewish, Jews, atheists, liberals, conservatives, all of them alike supported my case and the right to speak freely was at risk. Thankfully, in a resounding to decision, the Supreme Court ruled that public university officials must be held accountable when they violate someone’s constitutional rights. And for me, this victory was deeply personal. When I heard the court’s decision, I thanked my Lord and Savior Jesus Christ. I also thought of my parents and how they believed the promise of this country, and how they sacrificed for us to grow up with this freedom.

But we still have work to do. Many students today feel the pressure to remain silent about their faith. Many are afraid of being labeled, canceled, or punished simply for speaking the truth and love. That’s not the America that I want for my two kids, which is why I’m so grateful that President Trump and this Commission is working to. to preserve our cherished freedoms. Free speech should not depend on the popularity of your views. Religious liberty should not be confined to zones, and the First Amendment does not end where a college campus begins. Almost 250 years ago, our Founders declared that our freedoms come not from the government, but from God, and that government exists to protect those freedoms and not restrict them. That’s the America that I came to. That’s the America that I love, and that’s the America that I want to help preserve. Thank you for the privilege of speaking today.

Chairman Patrick: Doctor **Phil**? Another combatant, yes general of combatants and Reverend **Graham**, another soldier, another soldier for you. **Chike**, we will not forget your passion, your voice, or your name ever again. All right? Okay. Any comments or questions? We'll go to our last witness of the day, **Kimberly Colby**.

Kimberlee Colby

Ms. Colby: Oh, following those people. Thank you, Chairman **Patrick**, Vice Chairman **Carson**, and Commissioners for having these hearings on troubling but extremely important issues. For four decades at Christian Legal Society, or CLS, as it's called, I've worked to protect religious students' right to meet for prayer and Bible study on their campuses, just like other student groups meet. CLS student chapters, meet at law schools nationwide. All students of any faith or no faith are welcome at CLS meetings, and like many other faith groups, CLS chapters require their leaders to agree with their religious beliefs. Colleges allow hundreds of student groups to meet as recognized student groups for all kinds of speech, as Norvilia was explaining. Recognition allows a student group to reserve empty classrooms for free, to communicate with other students through the college website, and to apply for student fee, sorry, student fee funding.

In the late 1970s, college administrators began to discriminate against religious student groups, claiming that allowing a student Bible study to use an empty classrooms' heat and light violated the Establishment Clause. In 1981, the Supreme Court rejected this notion, instead ruling that freedom of speech protected religious groups right to meet. It reaffirmed this right in 1995, and Congress protected high school groups in 1984. That should have been the end of discrimination against religious student groups, but deprived of the Establishment Clause as an excuse for nondiscrimination, for excluding religious groups, some college administrators turned to their school's nondiscrimination policy.

Administrators claim that it is religious discrimination for a religious group to require its leaders to agree with its religious beliefs, but it is common sense and basic religious freedom for a religious group to want the leaders of its Bible studies and prayers to agree with its religious beliefs. I want to share two recent examples of this problem, one from Iowa and one from California. In 2017, a student group at the University of Iowa called Business Leaders in Christ, or BLINK, interviewed potential leaders. One candidate disagreed with BLINK's religious beliefs. He was welcomed to remain a member, but not a leader. In response, the student formed his own religious group. That's good. The university recognized his group. Again, that's good, but then the student filed a discrimination complaint against BLINK, and the university took away BLINK's recognition.

The university then launched an inquisition into other religious groups on campus. When two groups sought court protection, the university informed the court it would derecognize 32

religious student groups if it won. Jewish, Muslim, Sikh, Baha'i and Christian student groups all would be excluded from campus. The student groups won, but only after four years of negotiation and litigation. Turning to California, a student group called Fellowship of Christian Athletes, or FCA, had met at Pioneer High School in San Jose, California for over a decade. FCA student leaders, but not members, are required to agree with FCA's religious beliefs. In April 2019, a teacher posted FCA's religious beliefs regarding marriage and sexuality on his classroom whiteboard. Next to FCA's beliefs he wrote, and I'm quoting, "I'm deeply saddened that a club on Pioneer's campus asks its members to affirm these statements. How do you feel?" End quote. The two FCA student leaders sitting in his class felt deeply hurt to see FCA's religious beliefs disparaged by their teacher in front of their class.

The school climate committee decided that FCA's beliefs clashed with the school's values of inclusiveness and open mindedness. The school revoked FCA's recognition. In other words, inclusiveness requires exclusion. When FCA students again sought recognition, the request was denied on the same day that the school recognized the Satanic Temple Club. FCA students continue to meet unofficially, but student protesters and the school newspaper disrupted their meetings. The harassment made the FCA leaders dread going to school. A district court sided with the school district, but on appeal, the FCA students won. Again. it had taken four years to regain recognition. I want to finish with a third case. In 2010, in *CLS v Martinez*, a closely divided five-four Supreme Court sidestepped the issue whether a nondiscrimination policy could be used this way to exclude religious student groups from a law school campus. The court focused solely on an all-comers policy, not the nondiscrimination policy. The all-comers policy had first appeared during litigation.

The school claimed that no student, excuse me, no student group could have belief-based leadership requirements. Justices, Justice Ginsburg, joined by Justices Stevens, Kennedy, Breyer, and Sotomayor, wrote that an all-comers policy was constitutionally permissible, but only if it were uniformly deprived, only if it uniformly deprived all student groups of the right to choose their leaders. Justice Alito, with Chief Justice Roberts and Justices Scalia and Thomas dissented. Neither a nondiscrimination policy nor an all-comers policy, they explained, could override a religious groups' right to choose its leaders. *Martinez* conflicts with past free speech law and current free exercise jurisprudence, and but its confusion is creating great harm for religious students on campuses both at college and high school. Our democracy depends on schools teaching and modeling the essential lesson that the First Amendment protects everyone's free speech and religious beliefs, especially the speech and beliefs of those with whom we disagree. Excluding a religious student group because of its religious beliefs is precisely the wrong lesson for educators to teach the students.

Chairman Patrick: Thank you. **Kelly?**

Commissioner Mr. Shackelford: Kim, it's great to see you. It's been a long time. I wonder if you have any recommendations of something we could do? Not. And even if you don't, I would love to hear from you later because I consider you a bright legal mind for many years, and I'd love it on what you addressed. But then also, maybe this will you can think about this. A big problem we've started to address that's come up like Kay's case and other people's courts create all these gimmicks to avoid deciding the issue, and that is a huge harm to religious freedom. We understand human beings would rather avoid difficult decisions. And so, I'd love ideas on that as well. Again, you might not have an answer on that today. But I'd love any answers you might have on *CLS v. Martinez* or any of these other decisions where these religious clubs are clearly being discriminated against.

Ms. Colby: Well, a big one is that—soon there will be introduced as piece of legislation into Congress by Sen. Lankford and Sen. Tim Scott and Chairman Walberg—that would do for college students what the Equal Access Act in 1984 did for high school students. I was part of that effort, and at the time, we thought the college student problem was solved. And so, we just were approaching the high school problem, but now, we need to circle back and provide federal legislation to protect the college students. It's called the Equal Campus Access Act.

A second thing, and maybe this is more inside baseball, but the Department of Justice, especially the Solicitor General, needs to take every opportunity to seek the overruling of *CLS v. Martinez*. It's a narrow decision. You can get around it often by telling colleges you can only exclude the religious groups if you also exclude the sororities and fraternities because they are allowed to discriminate in their leadership and membership on the basis of sex. And they usually back off then. But they don't always. And it causes a lot of—a lot of—unnecessary conflict on campus to have *Martinez* there. And *Martinez* partly rested on *Employment Division v. Smith*, which I know the commission has heard repeatedly needs to be overruled. I heard someone mention the Clinton Administration Guidelines, which had been revised in Bush II, revised in the first Trump Administration and again Biden—and probably need to go back to some Trump Administration guidance there. But, you know, I've been listening today... I almost think we're at a point that somehow that school superintendents need to understand that in orientation for teachers they need to make very clear to their teachers what their guidance says because much of it is very helpful and is very stable since the Clinton Administration, quite honestly. It's gotten better in some ways, but religious speech should not be excluded from campuses. And one of the things I didn't go into with the University of Iowa case is the administrators there were actually held personally liable for the costs of the students, and I think that happened also in the FCA case. I

think if teachers, even the hostile ones, understood they might need to pay out of their pocket that would be a helpful thing for them to know. A lot of these teachers are working very hard. They're good people. They just get things wrong. But there is a lot of hostility that could be addressed if they were educated every year at the beginning of the school year.

Chairman Patrick: Members, that's our last witness. We said we would wrap between 3:15 and 3:30 PM, and as Chair, it's my job to get the train to the station on time for the benefit of those who travel and come as well. So, I want to thank all the witnesses for the day, thank this panel, and Rev. Graham, you're going to close us with a prayer. You know, members, our first hearing was terrific. This topped the first hearing because we really saw the impact to the people that we want to protect, and I think this really underscores we all didn't quite know maybe what we were in for when we started. This is serious business for the country, and serious business for the families and individuals. Rev. Graham, please close.

Commissioner Rev. Graham: Heavenly Father, we thank you for the time you have given use today to hear from these witnesses, their stories, their struggles, their fights to live out their freedom. Their religious freedoms. And so, Father, we pray that—this commission—you'll use us to hear and to learn and to be able to give counsel to our President that he can do something about it. And blah, Father, I believe he can. Father, I believe you've raised up for such an hour as this, so Father, we thank you for your Son, Jesus Christ, who shed his blood on a cross for our sins, whom you raised to life. And Father, we thank you. We thank you. We thank you. In Jesus' name, we pray. Amen.

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Presidential Religious Liberty Commission

Third Hearing Transcript

September 29, 2025

Museum of the Bible

Washington, D.C.

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Third Hearing Transcript

Mary Margaret Bush: Thank you very much for being here for the fourth hearing of the Religious Liberty Commission. I'm Mary Margaret Bush, the commission's designated federal officer and director, and it's my privilege to announce the official opening of our proceedings today. I'd also like to introduce the commission's chairman, Lieutenant Governor **Patrick** of Texas.

Chairman Patrick: Thank you, Mary. Good morning. Thank you for being with us. Well, we had a great plan. We were going to show a video of Charlie Kirk. Unfortunately, it was working fine last night, and we were just informed by the booth that the video isn't working but the audio is working. So, we are going to play about a two-minute video and then a five-minute video, so we'll listen to the audio.

This is our third hearing for the Presidential Commission on Religious Liberty and it's a continuation of the hearing we had earlier this month on education. But because of what's

happened in the last month, we decided to start with a discussion of the ultimate taking of religious liberty and that's when you take someone's life or you attack a school as in Minnesota or you attack a church as in Michigan. That's the ultimate denying religious liberty when they take your life just because you're speaking out on your faith or you're an institution of faith where believers can gather and feel safe. So, we're going to begin after this audio and maybe the video will appear. After you hear the audio, the screen will come up and we will begin our hearing on this topic and a discussion of it and then we'll go into our hearing as scheduled. So, with that, I guess we don't really need to dim the lights, but we can do that and we can listen to it quietly. Thank you.

Charlie Kirk (video/audio): Aristotle wrote that all men seek to know and I find that when I go to these college campuses, that students deep down, they want to know and it's time that we teach them something. We must steep our children in wisdom. How do you do that? You read the great books. You study Socrates, Plato, Aristotle, Aquinas, Augustine. You guys should be here to read really old good books to understand ancient philosophy to become a well-rounded citizen of what is good, true, and beautiful.

Religious freedom in the United States Constitution is unlike anything else. The more I study the Framers and the Founders, the more thankful I am to God that we live in this country. I can't tell you how profoundly I believe, divinely inspired. Freedom cannot exist without virtue, and so freedom will come after and it's happening right now. People go to church and give their life to God. You cannot have a free society if you do not have a society that values God. My kids are my most important thing in my world. My wife and my kids, my relationship with God, top three things, right? God, wife, kids in that order. The necessity of virtue was fundamental to the American Founding. The ability to pursue virtue without somebody getting in the way. The Founding Fathers designed this system of self-government believing that only with a moral and religious people this was possible. The paramount issue of our time is the question of what is a human being? Is it an image bearer and something worthy of protection and dignity that has rights or did it come into existence because of a splendid accident? Your answer to that question dictates your politics, your morality, your government, your actions, all of it. We still have speech. We still have the ability to assemble and spread ideas. I think that a revival is not just, you know, likely. I think it's inevitable. Courage is the ultimate virtue. Without it, there are no other virtues. Courage is committing yourself to the correct course of action regardless of the cost associated to it. I want to be remembered for courage for my faith. And we're just going to kind of raise them with reading, writing, and arithmetic. We'll give them skills, but not values. This has penetrated so many schools including supposed Christian schools in this country and itself is actually a contradiction. Because saying that you will not teach values is a statement of value. There is no such thing as a valueless statement. Everything has values laced into it.

So, to say that we're not going to do morality or ethics is basically saying that itself is a statement of morality and ethics. Now, understand how silly this is. And any environment when you're raising children, any environment when you have human beings, morals will always come through. So, imagine if you're running a fourth-grade classroom and a kid steals a pencil. Does the teacher say "That's perfectly fine? We don't do moral judgments around here." If the kid starts bullying somebody else—you know, we have anti-bullying campaigns across the country while simultaneously we're told that the education system is only about reading, writing, and arithmetic. Now, here's the problem. Is that we have successfully pushed back on the left and the secular movement on DEI and wokeism and transgenderism mainly because when you when you create a vacuum, when you get rid of God, Christianity, biblical truth, western values and you say we're just going to be a value agnostic education system, that's how you get DEI and you get CRT because some viewpoint is going to fill that vacuum. Nature abhors a vacuum. And so, we have, we have been led by the, you know, the whole idea of modernity that these kids are just going to kind of figure it out for themselves, and so then this this other side fills, fills the void rather quickly.

How did this happen? It happened because in the modern world, God is just a guess, judgment is the greatest sin, and self is God. So, think about it. Judgment is the greatest sin of the modern world, and incorporated in biblical Christian moral teaching is an idea that there is a right or a wrong and a good and an evil and a standard of ethical and moral behavior. That bothers some people because they're saying, "Well, who are you to tell a fourth grader how to act?" That is the purpose of education, which is to tell a fourth grader how to act. It's not a byproduct. It is the mission statement. It is the primary thing. And so, what you found in the secular west and it's finally changing is we have skilled graduates with no values. We have graduates that can write codes of AI but they have no character. They—some of them, not all of them—know stuff, but they have no idea why they're actually here. They went through education and they could tell you how but they can't tell you why. They can tell you what they can do but they don't tell you any of the implications behind it. That is not education everybody. That is something completely different. And far too often we as Christians get very apprehensive because we feel as if we do not want to be judgy or we don't want to tell other people how to live. Everybody, we should bring everybody to the truth of the Gospel. We should bring everybody to the scriptures and that starts in Christian education. So, the three questions and you guys know all of these questions and education should be talking about them all the time. How did I get here? Why am I here? And where am I going? That's it. If you accomplish those three questions, it doesn't matter if they are struggling to be able to, you know, do the quadratic equation. It's fine. We could teach them that eventually. But if they know, how did I get here, why am I here, and where am I going? You have done a phenomenal job as an instructor, as a parent. What I find on campus is they can't answer any of those questions.

Chairman Patrick: Meeting will come to order. Again, our apologies, we lost the video somewhere between 11:00 and we tested it last night and this morning. The words of Charlie Kirk resonate, so much wisdom in someone at 31. Amazing, and he delivered those comments without notes, without a teleprompter, just from his heart. Rabbi **Soloveichik**, would you open with a prayer for us? Thank you.

Commissioner Rabbi Meir Soloveichik: Thank you, Chairman. Please join me in prayer. Tikkun olam b'shalom. Almighty God, at the very beginning of time, you spoke to the darkness and the deep the immortal words "yehi ohr," "let there be light." We gather God in gratitude for the United States of America, a beacon of faith and freedom. Avinu malkeinu, our most merciful father, in this moment, as the forces of darkness rise up against people of faith, we ask for your light. We pray especially this week for the Latter-Day Saint community in Grand Blanc, Michigan, and ask that you share with them the radiance of your consolation for those that are suffering and those that are in sorrow. Help all of us, as Americans, to be worthy of your radiance, and may America continue to be a beacon of faith and freedom for generations to come. Amen.

Chairman Patrick: Thank you, Rabbi. we have two witnesses to begin our hearing this morning. Again, we, we will continue with what was originally planned on education as the next panel and throughout the day as we continue. But with this are Dr. **Hutz Herzberg** who leads Turning Point Education and is their chief education officer and Pastor **Jentezen Franklin**, senior pastor of Free Chapel and a spiritual brother and mentor to Charlie Kirk who will open up with reflections, and then we will begin a discussion, members, with our witnesses and between ourselves to talk about where we are at this point in our nation and once again, the ultimate denial of religious liberty is to take one's life or to attack a house of worship. Dr. **Herzberg**, we'll begin with you.

Violence against Faith Leaders

Dr. Hutz Herzberg

Dr. Herzberg: Thank you so much.

Chairman Patrick: Please hit your green button there on the, there you go. They got you. I think you turned it off one more time. No, don't touch it again. There you go. You're on. That green light tells you you're on.

Dr. Herzberg: Thank you so much, Lieutenant Governor **Patrick**, Director Bush, distinguished commissioners. It is a privilege for me to be here to give public testimony and speak about my boss and also my dear friend Charlie Kirk who impacted and influenced so many in life and now maybe more in death. My background is over two decades in Christian higher education and I began to see something very interesting in those decades that the students more recently were coming to college already indoctrinated with woke ideologies and I was not the only one seeing that, of course, and so I made the conscious decision that I needed to go upstream to go younger if I was going to have the greatest impact and to reach kids at a, a younger age.

So, I accepted the position as president of a K-12 school, Christian K-12 school in the northern suburbs of Chicago. And shortly after I arrived in 2017, there was a young man on our staff who started telling me about this man by the name, it was very young man at that point, probably about 22, 23 years old, by the name of, of Charlie Kirk.

And he started telling me about all the wonderful things that Charlie Kirk was doing, and he said, "Do I know him?" And I said, "No, I, I don't know him, but he sounds like a remarkable young man. I, I would love to meet him sometime." I said, "How do you know so much about him, Jack?" He said, "Well, he was a classmate of mine right here at our school." And I said, "Really? He was a classmate of you here at our school." Yeah, he said, "Yes, he came to our school, third, fourth, and fifth grade."

And so, some of his teachers were still there. I began to, to learn about Charlie. It was no more than, than, two days after I had that conversation with Jack that I got a, a text from Charlie Kirk

and the text was something like this. “Congratulations Dr. **Herzberg** on your appointment as president. This school means a lot to me. Christian education means a lot to me because in fifth grade is where I committed my life to Jesus Christ and has set the trajectory of my life.” And that, that started my connection and relationship to Charlie. Charlie became a donor of our school. He became a generous donor of our school and he even was talking to me about endowing a civics chair at our school which is true to Charlie’s heart right up to the last moment. Charlie had a great passion as we’ve already given testament to about his love for this country. So fast forward five years later, it’s now 2022, and as all of you know, Charlie has spent, really his whole career, all 13 years, so much of it on college campuses. No one had a better pulse of what was happening on college campuses than, than Charlie.

And he began to see the very same thing that, that I was seeing independently and that is kids today were coming already indoctrinated with all kinds of woke ideologies plus an absence of any kind of real understanding of the importance of civics, of American exceptionalism, and any kind of patriotic pride. In fact, in a lot of case it was just the opposite. They were coming with a disdain for America and all that it represents and the religious liberties that we enjoy and the freedom. So, Charlie took the initiative and started a new division called Turning Point Academy three and a half, four years ago and reached out to me and asked if I might be interested to lead this new division.

And so, one conversation led to another and in July of 2022, I accepted the, the great opportunity and challenge—to lead this new division, Turning Point Education, which is what we’re called now. the K-13, actually, we do have a prep year program as well—to lead this this new initiative of Turning Point. And then just fast forward just two and a half weeks ago, on September tenth, a day that changed everything for us at Turning Point and changed nothing for us at Turning Point. And what I mean by that is when your Founders and when your CEO and when your board chairman is assassinated, really martyred if you will, how can it not change everything? But on the other hand, I can tell you that it’s changed nothing in terms of the resolve, the commitment, the passion, the resolve to continue the great work that Charlie has begun. And for those of you that have heard and seen Erica, you know that she embodies that. That’s true across the board at our staff at Turning Point, that 100% resolve that we are going to multiply and continue that great work.

And let me just say as I conclude my, my remarks here, that to think of Charlie only as a social conservative spokesman or a political activist is not really understanding who Charlie is, really understanding what motivated the man to do what he did. Charlie was a, a man that was strongly motivated by his relationship to the Lord and all that he did and it obviously gave him the courage

to with constant death threats to continue to do what he was doing with boldness, with courage, with commitment and so we're so thankful for that. And I can tell you that, that was, that was true in in the years that I worked with him privately. I saw Charlie's faith on display. Often times you see somebody in the public up on front, you think, "is this guy for real?" And after working very closely with Charlie, I reported to him for the last three and a half years, I got to know that this man was even more so in private and in person than he was in public.

In the last couple years, I cannot remember a talk that Charlie gave where he did not speak about his personal faith in the Lord. Doesn't matter the setting, he always talked about his relationship with the Lord. And that day, September 10th, on the flight from Utah, from the flight from Phoenix up to Utah, where Charlie was to speak that day and did speak and answer the questions, as you know, he spent the two hours on that flight reading his Bible and texting his pastor with questions. I know that for a fact. My colleague was sitting next to him and I said, "Are you sure Andrew?" He said, "Yes." I saw Charlie do that. And then, as you know, the very first question that Charlie received that day was, "Charlie, I, I'm a Mormon. You're a Christian, evangelical Christian. You know, help me to understand the the difference. Why is that so important for you?" And so, for 15 minutes, Charlie patiently, poignantly, powerfully laid out the gospel with respect to this person, this student who had asked that question. And then as we know the second question was about transgender violence and that's when Charlie was shot.

So let me just say that Charlie and, and as you also know Charlie was wearing the shirt that day that said freedom. Charlie was a man that so appreciated the freedoms and the religious liberty that we enjoy here in the United States, and in the end, he gave his life for that freedom and religious liberty that we enjoy, which we're also very, very grateful for.

Pastor Jentezen Franklin

Chairman Patrick: Thank you, Dr. **Herzberg**. We, we have a pastor and a Reverend Franklin on the stage today, so, now to you, Pastor **Franklin**.

Pastor Jentezen Franklin: Thank you so much, **Patrick**, Commissioner **Patrick**, and to this committee that is historical. It's an honor to be here. I met Charlie Kirk the first time in Las Vegas of all places. The evangelical group for Trump was having a rally and a single tall skinny guy showed up at that rally. The police were trying to come in and under orders shut us down. It was total chaos. It was there was several thousand people there, and right in the middle of it was Charlie Kirk. He was dating a beautiful girl with blonde hair and blue eyes. Her name was Erica, and they would ultimately get married, and that was when I began to develop a relationship with him. I was amazed at his boldness. I was encouraged by his youth and his zeal, but his knowledge, he had zeal and knowledge. He, he could he could stand with the best and debate, and through the years we kept in touch and would be together in places.

And then just November of last year, he called me or his assistant called me and said, "We have a problem." And I said, "What is the problem?" And they said, "Well, Charlie is wanting to come to the Atlanta area and no church will let him use their building and no, we can't find a building big enough to rent." And he said, "Can we use your building?" And I said, "No, you cannot. You" He said, he said, "Can we rent it?" And I said, "No, you cannot, but you can have it."

And so, they came and there were over a thousand pastors that came, and that's why this group is so important because pastors are feeling the pressure in every way. I'm, I'm just in the trenches. I'm a pastor. I pastored the same church for thirty-four years. Me and my wife have been married thirty-eight years, so, we were kids. We didn't know what we were doing. My knees weren't knocking. They were missing. That's the only church I ever preached or pastored at, and God has blessed us exceedingly abundantly, but we took a strong stand and Charlie flew in.

He had been on the road. This was your leader. He had been on the road for three weeks every night working up to the election. He believed in his core that if America lost that election that that it was the it was the Rubicon of the point of no return, and he flew in and he had—these little things matter I think as you said—he flew in and had a migraine headache, a terrible migraine headache. He, he, he would, I understood, he would, he would have those occasionally and he was not seeing out of out of one of his eyes, that severe. And the lights in the green room were so

bothering him, we had to find a room in in the church where he could lay down before he went up to speak to these thousand pastors. And so, we ended up in the nursing room. Of course, we ran all the nurse ladies out that needed that and we, because it had no windows. And I guess it just matters to me these are some of the memories that he laid back there for minutes. He was sick. He was nauseated, but he got right up when it was time. He walked out on the stage. You would have never known that the man had a problem. He was brilliant. He was outstanding, and as soon as it was over, we said goodbye and he jumped on a, had a plane waiting and went to the next place.

And I said all of that to, to, say he was a Christian leader, and I'll close with just a few quick parallels. The first Christian martyr was Stephen, and he was not an apostle. He was not a preacher. He was a Christian leader. And Charlie was not a pastor or preacher or an apostle. He, he wasn't a bishop. He was a Christian leader. He was in a public gathering outside, Stephen, outside in a public arena, and the Bible said in Acts 6 and 9, they were disputing. Another translation said debating with him and going back and forth when Stephen was assassinated, and the same was true for Charlie Kirk.

But this is the verse that really got me into parallels. Stephen, the first martyr, the Bible said, "spoke with such wisdom that they could not resist the spirit and wisdom by which he spoke," and if that's not a description of Charlie Kirk, I don't know what is. The Bible said that while Charlie or while Stephen was dying and being assassinated, there was an observer who held the coats of the assassins. As they were throwing the rocks, they took the robes off, and the Bible said there was a man standing there by the name of Saul of Tarsus who would become Paul the Apostle and he carried in him fourteen books, epistles of the New Testament, and he was as lost as he could be. But when he saw Stephen die and say, "God, don't let these charges be on these people. Forgive them." is what he heard a man say as he was being assassinated. It touched the Apostle, Saul of Tarsus and he would encounter Christ on the road to Damascus and he would become the great apostle Paul the Evangelist and the writer of fourteen epistles.

And when I sat at the funeral the other day and I was so moved when Erica got up and said what the first martyr of the Christian church said, "I forgive. I forgive the assassin." And I was like everybody else, the people who were there, it was amazing, the speakers. I've never been more proud of America. I've never been more proud of religious freedom as politicians. not pastors and preachers, just good Christian leaders and faith leaders. And by the way, we don't have the luxury of disunity anymore. If I don't speak up for the Mormons that died yesterday, and I don't speak up for the Catholics that died, their precious children, as a Christian pastor, we, we are all needing to stand together as never before.

We just spent \$1.2 million, and I'm, I'll close, I'm done, but we just spent \$1.2 million. We have eight campuses on detectors. We're under attack. We had two, I need to be careful because they're still in prison now, but we had two men four weeks ago stand up in the middle of our service and my in the sanctuary where I preach and we broadcast out to our other campuses, but there's thirty-three-hundred seats in that room and they stood up and they began to scream out and they began to threaten our congregation that death was coming, destruction was coming. They resisted the officers. There was a fight that broke out. They had to be tasered. People just coming to church to worship God and terrified, terrified. And I thought, will we have anybody next Sunday? But like in the Bible, the more they afflicted them, the more we grew. On the Sunday after Charlie Kirk's assassination, just in the one campus, we had over two thousand, people than we had the same time that Sunday a year ago. We had people in the overflow out in our chapel. We had people out in the amphitheater, and we had hundreds and hundreds and hundreds of people, and it has continued. Yesterday was incredible. We had over a thousand more than we ever had before, but I said all that to say this, in conclusion, that we're under attack. It's not coming. It's here. Our family and, and my loved ones, my children, we've had to deal with this, and I know all of you understand that.

But this commission is so important. I've said in every session and I want to thank you and if ever we needed to stand together and stand up for what we believe and the faith, it's time for pastors and preachers to do that. And my prayer is as Charlie fell and the Apostle Paul stood up, the church and, and ten thousand preachers will stand up and say where he where he fell, we will stand like never before, and thank you so much.

Chairman Patrick: Thank you, pastor.

Commissioner Eric Metaxas

Chairman Patrick: We're going to open up for discussion now about what's happened, why it's happening and where we are going. And I wanted to open up with, I know you were a close friend of as many of us were friends at some level with Charlie, but **Eric Metaxas.** Eric, hit your button there.

Commissioner Eric Metaxas: Thank you, privileged to be here. Yeah, I was a friend of Charlie's and I knew and loved him and I knew I was going to have talk about him today and I wasn't sure. There's so much to say. I could talk for days about Charlie and about the ramifications of his murder, and you know, if I don't know exactly what to focus on, I ask the Lord. And this doesn't happen to me ever, but last night I dreamt of Charlie. I almost never dream of anyone, and it was not I cannot tell you that it was a dream from the Lord. I've had a couple of those. I don't know, but it was vivid.

And in the dream last night, I just said to him, "Charlie, there's just so much that I wanted to do together with you," and, and that's true. I figured, you know, as we all do, like we're going to have years, decades to do things together. And in the dream, I got choked up, and I get choked up now thinking about it because Charlie and I did a number of things together, but I bring that up because we have to deal with the conundrum at the heart of human life. We are in a in a sin sick world and God allows evil and we have to deal with the sovereignty of God, and when Charlie was murdered, you have to deal with the fact that here is a young man.

If you're not horrified at that, you know, if you've got some religious band-aid, you go, "Well, praise God. God is sovereign." Well, yes, but at the same time, the human response is to be horrified at his early death. There was so much that I believe he was yet to do and that so many of us wanted to do together with him. So, on the one hand, you it is appropriate to be horrified at it, but then you have to deal with the sovereignty of God. How can the same God who allowed who, the same God who, who miraculously preserved the life of Donald Trump allowed this? That's the conundrum and we all have to be honest about that. And if you don't know really know the God of the Bible, there is no answer to it. It's too much basically and you have to either say God is not good or there, there's no answer to it. But I think we have to deal with the fact that God is sovereign and that we have to know whom we worship. The God of the Bible is sovereign. He is infinitely good, but He allows evil. He allowed the Holocaust. I think so many times my colleague here, Franklin Graham, was on with, with Larry King and we'd say, "We just had a tsunami and all these people died. Franklin, how can a good God allow, you know, that?" And the point is there's, there's

always been evil and we have to we have to deal with that. That's the ultimate paradox of, of life, and I think that the murder of our friend Charlie, it, it, it, just, it, it, puts that front and center in our lives. What kind of a world are we living in? What is going on? How does this relate to religious liberty? Well, of course it relates to religious liberty in the sense that you can't make a law preventing what happened to Charlie because there already are laws. Murder is illegal and it doesn't matter to, it ought not matter to you why somebody was murdered. Murder is illegal. If you kill them for this reason or the opposite reason, doesn't matter. Murder is illegal. But the climate in which we live, which gets beyond legislation, we live in a climate that is hyper secular, that the mainstream media has fermented hatred of people who love God and who talk about God publicly. And so, I think that it's incumbent on those of us who are Americans to understand what does it mean to believe in liberty. If you believe in liberty, religious liberty is at the heart of, of liberty. You cannot have a free nation in which people don't understand that or which, in which people are confused to think that secularism is not a kind of religion. Secularism is the establishment of a religion which is prohibited in our constitution.

I wrote a book called *Letter to the American Church*, speaking to pastors in a sense about this issue, that if you think you can avoid politics, you're a fool. Your theology stinks. You're wrong. It's unbiblical. And with Charlie, we made a film called *Letter to the American Church*, and I just want to say we made that film together. Charlie's prominently featured in it. You can watch it, *Letter of the American Church*, but the, the amazing thing to me was that we offered it free to any church in America to screen it. And Charlie was gung-ho on wanting to get this out there. He was gung-ho. He he said to me, "We want to get this everywhere." So, we offered it free to every church that wanted to screen it, and most churches refused to do that because they're cowards or perhaps they're not cowards. Perhaps they're just theologically ignorant or they're ignorant of civics. Everyone in America ought to know how this stuff works.

But when pastors don't understand what religious liberty is or the link between faith and freedom and virtue, and Charlie was just talking about it. Every time Charlie spoke, it drove me crazy because I, I agreed with every syllable he was saying. It's like he got this stuff like crazy, but when you have pastors that say, "We won't screen this because it's too political or we don't want to get political." That is the problem, and it's because the cowardice and the ignorance of American pastors, evangelical American pastors, it is because of that, that it made Charlie Kirk look like a radical and put a target on him and it's because of that he was murdered.

So, I lay the blame for the murder of Charlie Kirk, not just at the secularists, but at all of the pastors who were complicit with the secularists in putting faith into some kind of theological corner when the Founders in our Founding documents and in the culture that gave us this nation, they put faith

front and center—so it is not a faith that can be imposed. That's why we have religious liberty. Just as you cannot impose atheism, just as you cannot exclude Christian faith, neither can you impose it legally. But if you don't have a culture that understands the centrality of faith to our liberty, you cannot have liberty. and people will be murdered. And so, I, I lay the blame for this at the foot of the pastors in America that decided to do what the German pastors did in the 1930s and say, "Well, that's not our problem. We're going to look the other way." All, all of these things at the very center of them is what it means to be an American, what our Founding documents say, and what our Founding documents say without equivocation is that even though we cannot impose faith, if faith is not robustly encouraged in the public square, we will lose the liberties we have, voices will be silenced, and the voice of Charlie Kirk was silenced in the ultimate way. That is an expression of the ignorance and the cowardice of many leaders in the American church, and the American church has to lead the way in this. Amen.

Chairman Patrick: Thank you, **Eric**. Members, as a reminder, if you want to speak, if you hit your little button to the left, that will give me a cue. I'll see the light on your microphone. **Kelly Shackelford?**

Kelly Shackelford: There we go. You know, I'm just thinking I, I already miss Charlie. We talk every month or so and I remember the young kid with the disheveled hair before he met Erica when he would speak. She cleaned him up pretty good, and just I don't, I don't think we've ever known anybody like Charlie and I'm not sure we ever will again. He was a gift to our country, and when you look at why, I mean I, you kind of goes to the, the core of what Eric's talking about. The, the answer also tells us what the problem is. The answer is nobody that, that's doing these types of things can know God. They are filled with something very different, and so the answer is people need to know God. And you know, the last time I was with Charlie about four months ago. Yeah, we'd been winning a lot of major religious liberty cases, changing fifty-year precedents, and I was asking myself, "God, why are you doing this?" And, and Charlie and I had both come to the same conclusion without talking to each other. We'd both come to the conclusion that there's a, a great awakening starting in our country. That's why God's doing this. There all these young people are coming behind us. Our job is to open the gates, and, and that is you know so crucial, right, and this the answer, you know, because we can look at tactics or whatever about the violence that's rising up. The answer is for people to know God and so this is why religious freedom is so crucial.

And I guess one of the things I'll say, Pastor **Franklin** thank you for your leadership. You're one of the leading pastors in the country and you've been very outspoken and you're the kind of pastor that **Eric's** talking about that we need. My question to you is how can we have more pastors like you? What, what needs to happen for pastors to wake up? I mean, especially with what is

happening. I don't know if you saw the stats, but just a few weeks ago before Charlie's assassination, Barna came out with the data that right now the millennials are the leading church attenders, the millennials and the Gen Z, not the older people. I don't know if that's ever happened, right? For the first time, more young men going to church than young women. I mean, I think a 300% increase in church attendance by Gen Z's. There's something happening. and what, what can we do to help more pastors speak up and stand up like you have?

Pastor Jentezen Franklin: I think it begins with an understanding that, that all of the biblical characters that we preach on were biblical and many of them were political. Daniel was biblical, but he was political. Esther was biblical, but she influenced politically. The Apostle Paul was biblical, but he was political. He, he affected the whole government, and we can go on and on. And so, for me, the reason that I stood up beginning in 2016, I can, I can thank Paula because she reached out to pastors all over the nation, pastors who never talked to one another, pastors of different denominations who would never cross-pollinate. We did our things, they did their things, of different denominations, even different faiths, Christians and Jews.

And I'm one of the I'm one of our ministry supports Israel 100%, and yet I knew no rabbis. I knew no Catholic priests. I knew no not many Southern Baptist preachers, and I knew them from afar, but I did not know them. and when she asked us to all get together and I had no intentions of supporting Donald Trump, but after I met with him and, and some of even up here were with us, I didn't, I'm still not political. I just preached the Bible, but I refused to not preach the whole council of God. And when I saw men like Charlie Kirk and others, they were, they were doing more preaching on their podcast than, than I was hearing in the pull pits of America. They were standing up for pro-life when the pull pit was silent. They were standing up pro-Israel when the pull pit was silent. They were standing up for religious freedoms that that we hold near and dear in our schools and all of these things that you have wonderfully talked about. They were quiet, the preachers, the pull pits. And as the pull pit goes, so the nation goes. And so, it's been one of the greatest joys of my life to get to meet with different people, and we don't have to agree on everything, but when we when we begin to just go back to the Bible and proclaim the truth that we know and not worry about and, and we lost hundreds and hundreds and hundreds of people. It was a painful thing. So, I'm not going to lie, it it it will get, it will get, it, there will come a, a separating, but the rest of the story is a lot of those churches that went through the pandemic and stuff, their people never came back. Our people, maybe the ones that left needed to leave and the ones who came back are multiplied far beyond anything we could have ever imagined, so stand for what's right and God will stand for you.

Kelly Shackelford: Amen.

Chairman Patrick: Members, we have about ten or fifteen minutes for some more questions. I'm coming to you right in a moment. First, Dr. **Carson**, our vice chair.

Vice Chair Dr. Carson: Well, thank you gentlemen for those stirring presentations. You know, we live in a country that is the envy of the world. We're the only country that has a dream, and there's a reason for that, and people are much better off here than where their ancestors came from, no matter where your ancestors came from. But with all that going on, obviously there are people who are trying to fundamentally change this country into something else, even though it's a very successful country. Who do you believe is behind the indoctrination of our young people? And to what purpose?

Dr. Herzberg: Dr. **Carson**, there's probably no one better to speak to that than yourself, actually. And by the way, the clip, the second clip that we heard today from Charlie was actually at our educators summit just a couple of months ago, almost exactly two months ago in Tampa, Florida, and **Dr. Carson** was one of our outstanding speakers for that time. You know, many would trace it to the social progressive liberals around the turn of the century in the early 20s, the Deweys and Lockes and others that had a, an agenda to change, fundamentally change the nature of education of our children in our country, so we're going back over a hundred years. And that we, we saw the seeds of that progressive social kind of critical thinking and theory being worked out in the schools throughout these last many decades, but it's only in these most recent decades that we've seen the fruit of that being acted out and lived out and we've seen it on college campuses across the country.

And as I was saying earlier, it's happening at an earlier and earlier age—not just high school, not just junior high, but that indoctrination is beginning even in grade school. My division is based in Illinois. I led the school, as I just referenced, in Illinois. I see all the stuff coming from the Department of Education in the state of Illinois, and it is nothing short of pornographic in some sense. It's certainly an ideology and an agenda that is antithetical to everything that the Bible teaches. I mean, it, it teaches, basically teaches students to hate God, hate themselves, hate others, and hate, hate respect for authority. And so, when those seeds are being sown at the earliest ages, it's no wonder that we have a nation that has moved so far from God and that children have been really abused and victimized, and it is it is absolutely sobering and it's tragic.

And so, I'm so thankful that there are efforts like many of you are a part of to stand up and say no, this, this is not right. We're drawing a line in the sand, and I do believe too it begins with the church and with pastors. And if pastors are not willing to take the stand, then the people in their churches, the Christians in their churches don't realize how absolutely serious and critical this is. If my pastor

is not talking about what, what just happened with Charlie Kirk, I mean, how can you know, they're not in touch with reality, but that's where most of the people live—and so these are parents of children. And so, Dr. **Carson**, it's a profound question, but it's, it's been a hundred years in the making and thankfully now there's more and more that are willing to speak against that.

Chairman Patrick: Thank you. Rabbi, I remember something you said in the first hearing, “let us not be trapped in freedom of worship because that, that means those who tolerate, those who believe, whatever faith it may be, as long as you keep it inside your doors, you're okay, but don't take it out in the public square like Charlie did. I remember you said that that day. You're, you're recognized.

Commissioner Rabbi Meir Soloveichik: Thank you so much, Chairman. I was, I was very struck and, and moved actually by the pastor's reference to all the work now and funding that has to go into protecting houses of worship—struck me because synagogues have had to focus on that especially in the last couple years to a great extent. And of course, Charlie Kirk was a great friend to the Jewish community in America, and therefore it struck me as a bit odd even after, after this horrific murder of Charlie Kirk that for some reason discussions about Jews and the Jewish community made its way into the discussion. Exceedingly odd, of course, because we know what sort of ideology is behind this terrible violence that we are seeing and certainly has nothing to do with the Jewish community and especially because Charlie Kirk very movingly and eloquently warned his audiences about the danger of anti-Semitism and what it can do to destroy a society. I, I just thought I'd be remiss if I didn't ask both of you for your thoughts in, about this, in your role as a pastor and in your role as, as a leader and Turning Point and thank you both for the good work that you do.

Chairman Patrick: And to our two witnesses, if you can be brief in your response because we have a few more questions and please.

Pastor Jentezen Franklin: Concerning the support of Israel from Christians, I think it's more important than ever. We all know what we believe, and the Apostle Paul said, "Can the, can the can the fruit and the tree's limb say I don't need the roots?" That's a teaching in the New Testament that the apostle Paul said, you, he cannot say as the branch “I don't need the roots.” The roots of my faith as a Christian pastor are impossible. My message is impossible without my Jewish roots to the land of Israel and just as important the people, the Jewish people. Therefore, we need to stand with one another, and that is why that is what we teach and what we believe.

Chairman Patrick: Paula?

Commissioner Pastor Paula White: Thank you so much. Thank you so much, Commissioner and thank you to all our witnesses. Outstanding. The word I continue to hear over and over is “stand up,” and I think Charlie embodied that. Having known him for over a decade, I’m going to go back to you, Pastor **Jentezen**, of the Vegas trip. We were all sent out there to hold this wonderful amazing event and Charlie was full of vigor and life, but what the backside of that was, was they were coming to arrest us all and we had six times the police came sent by the governor and Charlie was like “fight this.” I gathered the team together including you, Charlie, everyone else, and I got the president on the line who was in Air Force One and I said, “will you back us? Should we go forth with this?” The owner of the venue said “go for it. but we’ve got you all the way.” We knew we were up for a battle. They kept going saying we don’t want to do this. They’d turn away, come back and I’m up on the stage and I’m watching it. My, my husband John is playing the keyboards, and I just say this, John plays in Vegas a lot. He’s with Journey, and I didn’t know till later he had already had an escape plan out the side. He goes, “Well, all you were getting arrested, somebody would have to come bail you out.”

So, side note, but we stood and it was a very real threat against all of us, recognizing I could lose my position if I got arrested, legal was on, etc. Well, it didn’t just stop there. Of course, when we looked at COVID and, and our churches and our synagogues and the religious violations over vaccinations and my home state of Mississippi arresting people and putting fines on their cars for watching videos out in a square, Louisville, Kentucky, Michigan. We can go on and on. It didn’t stop there. In fact, research family research council identified, 1,384 incidents of hostility against churches in from 2018 to 2024. Of course, in ’18 it was 83. In ’19 it was 55. It dramatically increased beginning ’22. No coincidence Dr. **Herzberg** of the necessity and Charlie was a brilliant entrepreneur, leader, Christian of all things, but he embodied this “stand up,” and I think this is important for our commission. We see just thousands, but it isn’t just here because America shapes the world. 7000 Christians are massacred in Nigeria alone every single month. We just saw raids on all the large churches in South Korea, a place of law and order. In fact, Charlie had just come back. I was just briefing POTUS. There’s so many, this is not just anywhere. It’s everywhere, and if we don’t get it right in America, oh God, help us. And it’s not only Christians, our Jewish friends and Jewish community, the stories that we hear, the hostages, the, the Northwestern students over and over, the tears, the fright, the trauma, the harassment, the isolation, the death threats, the Mormons.

We were on with the elders of the Mormons yesterday. They lost their president the day before. They had the horrible, horrific shooting and going in and burning down the building by driving

your car into it. It continues, our Catholic brothers and sisters. What we're fighting for is truth. We're fighting for our values because in my opinion, and this wraps up for the question, and **Kelly** and all the other brilliant ones and our witnesses, they're trying to redefine it is a hundred-year plan. We're, we're, we're late to this game, but we're hard and thick in it. But they're trying to redefine the foundations, the freedom of our nation. A Supreme Court justice during her hearing could not define what a woman is. We're in trouble. That's not that difficult. My three-year-old grandson can define that. They want everything sacred, holy, and right to be redefined. I think this commission is absolutely God sent by our president who is the greatest fighter for all people of faith and we cannot thank our Chairmans enough. What do we most need to do? And this documented, here, because this is all going to be documented to make sure that truth is defined, people are educated, and how do we preserve the truth of our values for generations to come, not just four years.

Dr. Herzberg: Thank you, Pastor **White**. That was excellent. I, I go back to what we say in Turning Point education that unless we are breeding or birthing the seeds of truth and understanding in the earliest ages, helping students understand American exceptionalism and the Founding values of this nation and, and why patriotism is important and why freedom is important and why justice for all is important, we're going to lose a generation and, and some would say we already have. And so, we're, we're committed to that, but it has to start there and it really incumbent upon parents. We can't abdicate this role and responsibility to government schools. God has given parents the responsibility for raising students and raising their children in the fear and admonition of the Lord. It's not a responsibility to be offloaded. And I just saw a percentage I think it was something like 19% of Christian parents send their school, send their, their children to some school other than the public school. And so, you know Voddie Baucham, the late Voddie Baucham, has said that if we send our children to be educated by Caesar then how can we not be surprised when they come out like Caesar, and you know people of, of the worlds of secular humanists. And so, we have to recover the role of the church being primary, the family being primary, but also and you've said that so well Pastor **Franklin**, the involvement in government as Christians—and so we're committed to all of that.

Chairman Patrick: Members, we are, we went through the break. We're not going to do that, our ten o'clock break. We have five minutes here. **Carrie**, you have a question and then Reverend **Franklin**, I want to ask you a question if I may after **Carrie's** question.

Commissioner Mrs. Prejean Boller: Thank you, Chairman. **Paula**, I think you're over the target. What we're experiencing right now, I think, is an attack on objective truth. What is truth? I feel as though everyone especially young children they're told "find your truth," lowercase t, but I think

it's this attack on there is one truth and it's defining what that truth is. So, my question to you, Mr. **Herzberg**—and thank you for what you're doing. I, I would love every school to implement Turning Point education—how can we engage in culture speaking capital T Truth, mindful of other religions, mindful of everybody's religious freedom, but simultaneously boldly, courageously standing cap, for capital T Truth, in a society that tells people that truth is subjective? I think that's really the question that we really need to answer, and really who we want to be as Americans, how our nation was founded, those Christian principles that we are founded on, and really Charlie said it perfectly. Number two, why am I here? Thank you.

Dr. Herzberg: Yeah, great question. Thank you. You know, Charlie was committed to little T truth, but he used little T truth to get to big T Truth, the very thing that that you're saying. And so, as I said earlier, there wasn't a talk that I heard Charlie give the last couple years that he may speaking about, he maybe was speaking about political things, but he always got to the source of truth, which is God Himself. But even more precisely, it's God's word. God's word has got to be the plum line. The Holy Scriptures has got to be the starting point. And unfortunately, we're woefully ignorant of God's word. One of the things that I, I did in our school was that we wanted to mandate inductive Bible study, so kids understood how to study God's word for themselves. And unless scripture is seen as the absolute authority and that is the source of all truth then we are going to error and there, your truth is interesting, your truth is interesting, but as you just said so well there is one source of truth and we have to help young people, students understand that and it's not just in the schools—certainly in churches that understand God's word is absolute authority. It's an errant. It's authoritative word over every area of life and practice, and so we're very jealous for that. We, we, we talk about that all the time in Turning Point education.

Chairman Patrick: Thank you. Reverend **Franklin**, if I may, your family has been on the front lines of faith in this country for, you know, eighty, ninety, one hundred years, your dad, your life work. Have you seen it in this time, your father's time, and your time of these attacks on institutions, attack on faith, attack on those who stand up for their faith and speak out—whether it's behind the pulpit or out in the public square—have you seen it? Or is this a new phenomena that has great concern as I know it does for you?

Commissioner Rev. Franklin Graham: My father's pulpit was bulletproof. He had, he constantly had threats, but I think Dr. **Herzberg**, can come back to you. It is, it's God's word is the authority. Jesus said, "I'm the way, the truth, and the life. No man comes to the Father but by me." The embodiment of truth is in Jesus Christ and this is, this is what I believe and I believe the Bible from cover to cover. I don't understand it all, but I promise you I believe it all, and I believe that what we're seeing, it's an attack against God and His son, and for those that claim the name of the

son, those that worship God. This is an attack against God. So, I see, I see the world, Mr. Chairman, between black and white, good and evil—and what we see is just evil. Every demon in hell seems like they've been let loose, and we see it all throughout our society, and it's not just here. It's around the world. You, you stand for your faith in God and His son Jesus Christ, you're going to be a target.

Now, I didn't know Charlie Kirk, didn't know him, but I already missed the guy. I, I miss what he stood for, the impact that he had on our government, the impact that he had on our president—praise God—the impact that he had on so many of the cabinet. When our secretary of state got up there and gave the gospel and not just the gospel, but the resurrection and not just the, but the second coming, and I'm thinking to myself, praise God. And they said that a hundred million people somewhere in that were watching that live. I don't know how many people watched it since then. I've watched some of those clips over and over and over again, but it's the word of God and that, that's, and that's where many churches are failing to teach the word of God. They, they're great at worship and they have a great worship experience, but when it gets time for the word of God the pastors many times are short and I would encourage and I thank you for what you said Dr., you're, you're exactly right. It's the word of God and we need to encourage the church to stand on God's word, to teach His word. And yes, my father had threats, but that didn't slow him down for one second.

Chairman Patrick: Thank you, Reverend. Members, as we wrap up this panel—and thank you, thank you members for your insight and questions and comments—I think it's important that we remember what our mission is and that is to recommend to the president about seven or eight months from now on what we can do as a nation to ensure religious liberty so that all of the things that we talk about here in our schools and in our churches and on our street corners that people have the right and the freedom of religious liberty. And as long as we as a government can get out of the way and guarantee that, then it's up to the pastors and it's up to the people and it's up to the parents. So that's what we're all about. Thank you for this discussion. Thank you. Thank you, members. Thank you, witnesses.

Dr. Larry Arnn, President, Hillsdale College

Chairman Patrick: President of Hillsdale College.

President Dr. Larry Arnn: Good morning. Thank you all for doing this important work. I know some of you, I'm glad to see you. Glad to be here. Proud to be here. I'll tell a story in three parts: how America reached its peak—the hallmark of which is the bonding of civil and religious freedom under the laws of nature and nature's God—how and why it has receded from that peak, and how it can return.

The United States gets started in the early seventeenth century. A bunch of Christians came from America. They had not been favored in the practice of their faith, and they came here with the intention of establishing communities of enforced religion, religious conformity, and they did that. They thought it would work because the continent was really big. They didn't know how big. In fact, most of them were dead by the time Lewis and Clark came back to give the news how big it was, but they were charmed by its size, and they thought there'll be room for all of us. And that went on for quite a long time and they found out they couldn't make it work. They failed to fight it. You know, the Quakers were not welcome some places and nearly everybody was a Christian as has been true for most of American history, but they also are understanding the principles of liberty better as time goes on.

There were some great milestones. Roger Williams, who was expelled from Massachusetts Bay Colony, founded a state more or less that where you could worship the way you wanted. This realization that came to them was latent in Christianity itself. They came to see that more clearly than they ever had before. Jesus says “my kingdom is not of this world” and He means something specific there, I think. A kingdom is a certain kind of thing. It has a king, an earthly king. There are courts. There are laws. There are enforcements. If you read the Bible that Rabbi **Soloveitchik** is one of the leading experts living in, you will see that all that apparatus is there, in the what we Christians call the Old Testament for the chosen people. Turns out it was hard duty for those chosen people to get chosen. still is today. The New Testament doesn't have that, and that has to do with the fact that you can see this in the great Christian fathers from the very first church fathers down through especially the Medievals, Thomas Aquinas. Christianity requires an act of will. C.S. Lewis writes beautifully “if you will not say Thy will be done with a capital Thy, God will eventually say to you therefore, thy with a little, with a little T be done.” You have to choose it, can't be compelled.

On the other hand, a certain kind of society is necessary for the Christian faith to propagate and for all faith, all decent faith to propagate, and that requires the obedience of the moral law. And I'll say a word about what where that comes from in a minute, but they're working all those things out in the literature of it which led to the American Revolution and to the proclamation of the laws of nature and nature's God is a beautiful achievement, one of the greatest achievements in human history. I'll come back to that a little bit. We receded from that and that was an act of will. If you look at the year 1915, a document was published partly under the hand of John Dewey called the general report. It's the Founding document for the teachers' union, the American Association of University Professors, and it says in there that colleges that are founded with religious purposes are duty bound to identify themselves as propaganda institutions.

At that time almost all colleges the first colleges from around the year 1100 – Bologna, Paris, Oxford, Cambridge—all of them were religious, all of the original American colleges. The college where John Dewey worked at the time was founded with religious purposes, but that is to be upended now and the reason for it is we have discovered some new truths and those truths are what we called the fact value distinction. Values are not real things only facts and facts can be measured, and so we count them and this opens the way for us to use what's going on in the world at the time is the industrial revolution and the great, you know, the substitution of steam power for muscle power was the first thing that happened and that was amazing and it held out infinite possibilities.

And so, if we can take those tools that are in the scientific method that make technological progress we can remake everything. There's a discovery in the middle of all this that we are victims of our circumstances. We think the way we think because of the way we live, because of the way we work. This is in Marx, but it's also in John C. Calhoun, the philosopher of the Confederacy. And because our production circumstances are changing, they dominate us and we can get control of all that now. We can take over everything. Religion is a problem because God pretends to be or it is pretended that God is eternal and fixed and gives laws that do not change. Well, that's going to bind us now. All of a sudden, freedom is no more the freedom to live well, serve God. It's now to remake everything.

My favorite is Frank Goodnow, who was a teacher all his life, John's Hopkins, the founder of the American Political Science Association. He says, "We teachers take ourselves too seriously sometimes because we think that the things we teach them in the classroom will lay out the course of their lives. Whereas in truth, the economic conditions that prevail in the future will determine what they think." So, we're not free, but if we can get control of all of those conditions, if we can remake the society, if we can manage everything in it—I remember today the government of the United States is about 51% of the gross domestic product, and at any time before 1930, it was

never more than 12%. We can become our own creators. We can with exercise our will upon everything, but God is in the way. How do you get back? The answer is apparent in the life of Charlie Kirk. He was a splendid young man. I knew him for what, twelve of his thirty-one years. He's a really remarkable kid, but in another way unremarkable because Aristotle says the human being stretches himself out to know.

I said at the memorial service of Char, Charlie that he's the only person I know who didn't get a formal education with, in a college. Today colleges are not a very, most colleges are not a very good place to get such an education. He's the only person I know who put together the most beautiful argument that's ever been put together. The argument stated in that expression, the laws of nature and nature's God, and it just goes like this. First of all, we all want to know. We're the only things that can know, and when we look about us, everything we see, we can see what kind of thing it is and that means we see some good in it. And then we see that the goods are arranged in a hierarchy and they point up toward God. And the evidence of God is everywhere on this table in front of me in every one of us in this room. This is a particularly beautiful room. The evidence of God would be in it if it were not a beautiful room because it's a room. It has the goodness of the room. It provides shelter, but we need shelter. What do we need it for? To live. How are we to live? Those questions are on our minds, all of our minds. This ladder, this recovery of the thing that every college of any age was founded to teach the young is the path back to God and the path back to freedom, and it is the only path. And if we do not tread that path, we will lose our freedom, and worse than that, we will deserve to lose it. Thank you.

Chairman Patrick: Thank you Dr. **Arnn**. So hit your lights. Let me go to **Ryan**. Go ahead, **Ryan**. I didn't see your light. Go ahead.

Commissioner Dr. Anderson: Thank you. I'll just start by saying I'm proud to have married into the Hillsdale family after having been miseducated at one of those Founding era universities. I just wanted to underscore something that I think is implicit in your talk that connects with the prior panel. The prior panel had kind of concluded that part of the crisis of truth right now is that we have given up on revelation—and faith and revelation—as a way of knowing objective Truth. I take part of your comments to be we've also given up on reason and the ability of the rational animal made in the image and likeness of reason itself. You know, God isn't rational, but God is reason—to know Truth with a capital T. Could you reflect on how that crisis of both faith and reason is at the heart of what's going wrong today? Because it strikes me that something that was unique about the Founding was the harmony of faith and reason, the laws of nature and nature's God and the biblical God going together at the Founding, and we've kind of given up on both aspects of that Founding tradition.

President Arnn: And they, and for the same reason—I used to know a little Greek, still know a bit. John 1:1 begins, “En archí ín o lógos,” “in the beginning was the word.” That’s what Jesus is. The word “logos” is the Greek word for reason and speech, and so to understand—I mean first of all you can’t understand what God is until you know what man is and also what a dog is because you could just see when you see them. You can, you know, you don’t have to look at vocabulary cards with pictures. We can do that. It’s how we talk. And so, you see a dog and then you see a man and a man has a greater dignity. And then you see the imperfections in man and you see what would it be like if it was perfect? It might live forever. It might know everything all at once, not one thing to the next. It is our deficiencies in us compared which we can do irresistibly alongside our excellences, that other beings on earth do not have, that let us see what God is. And if you give up like—John Dewey is, you know, first of all he’s unreadable almost, but, you know, I have read him and if students are naughty, I make them read more of him. It’s painful right because on the one hand these values are nothing on the other, he’s up on his high horse indignant about religion. It’s ridiculous. And, and but the point is, remember, we have been seduced by power which is what happened in the garden. And so, we want, we could be like God. See we, we can remake everything, and, and that and see by the way what does it do? I mean you know I will tell you I knew Charlie Kirk very well. He went around the he went around the world styling me his teacher. I, I did, you know, I’m a teacher. I love young people and love to watch them grow. He was a growing fool and just such a wonderful young man, right? And it was love, love to know. But that, that’s right to claim that God talks to you is a rational claim. To give up the one is to give up the other. That’s what we’ve done.

Chairman Patrick: Rabbi?

Commissioner Rabbi Soloveichik: Thank you, Chairman, and thank you, Dr. **Arnn**. It’s so wonderful to see you and such an honor to host you today. I want to follow up directly on Dr. **Anderson**’s question to ask you a bit about very briefly about pedagogy and how you think about the balancing of faith and reason. Struck me as he was speaking that actually if you go to the celebrated elite institutions the sort of which Dr. **Anderson** and I received my doctorate, you, you’ll see that so many of the original mottos of these universities are about both the light of, of, of reason and the truth of revelation. Yale is “urim and thummim” in Hebrew, “lux et veritas.” Colombia is is the Psalms in Hebrew or “uri el” or in Latin “in lumine tuo videbimus lumen,” “by your light, Lord, we shall see light.” So how do you think about faith and reason being joined in education and the role of freedom in fostering the engagement between the two?

Dr. Larry Arnn: Well, they’re necessary to each other, so, you know I happen to teach Aristotle, which is a great joy.

The first line of Aristotle's *Ethics* says that every choice, inquiry, action and art seem to aim for some good. That's every voluntary thing we can do. That's the first logical step in Aristotle's corpus. Then on the same page—the book's a little dense. It's very worth reading—he says that if there's not some ultimate good, then we're involved in an infinite regression. He says, you know somebody made that he doesn't use this, but somebody made this glass. The glass called the activity of making it into being. glass is higher than glass making, but the glass is for drinking and drinking is for health, and so you're going up, you see, but if there's not something at the top, he says, then it you'd never be able to arbitrate between the time spent making glass and the time spent nurturing a child or something, you see?

So right there on the first page, everything we do is for the good and there needs to be some highest good. Now the last thing in Aristotle's *Corpus* is in the *Metaphysics*, and there he describes God, and he describes God as you can know him from reason alone, and, and what is he? He doesn't move. He doesn't need to. He is intellect. He doesn't have matter in it. What's He thinking about? If there were two things that were pure intellect that knew everything. No, he doesn't go into knows everything. If there are two things that are pure intellect and eternal—and the mover, by the way, the, the unmoved mover, the source of all movement in the universe, right?—If there were two such things and one of them was thinking about something low then the one that was thinking only about the highest thing which is himself would be the high the highest right? And that means that from reason alone you'll end up with a god who doesn't who knows only about himself that's what Aristotle comes up with. Right now, it's speculative, right? And also, it's unsatisfactory because in the end we feel in us the need to sacrifice for the good.

John Dewey, you know, who was destructive human being in my opinion, right? He did that for what he thought was the good, and that means that something purely good and you're called to think about that. And then come to find out that, you know—so I'm a Christian and all of my great teachers in life were Jews, and so I've learned a lot about those Jews and gosh, they're awesome. And you know, because in 2000, 2500 years before Socrates, God is recorded to have said to Abraham, "At a time when religion was tribal and local and familial, I will be your God and you will be my people, and this will be a blessing to all the peoples on the face of the earth." That's like lightning striking from nowhere. That's like the voice of God. And if, if you if you can't see the charm of that, if you can't, you've lost your sense of wonder and it's wonder that leads to philosophy. And remember, that's what these progressives were doing. They were crushing wonder. They started out knowing the answer. There is nothing to know. There's only things to make. And that's why you get these kids—I worked for a great historian named Martin Gilbert and helped him write the history of the modern Middle East and the Founding of Israel and the biography of Winston Churchill, another great fellow, and it turns out that story is not that old. Modern Israel, late 19th century, most of the guys were not really all that religious as religious as

Israel is today. But they thought, you know, we keep getting these pogroms. We got to make a place somewhere. Got to go somewhere. Israel was not the only thing on the list. But then, you know, it got worse, right? And then it culminates in Hitler, but in the First World War, now I'm not going to go through the whole story. I'm out of time. But I

Chairman Patrick: And Larry, I'm going to have to -

President Arnn: Okay. So, I'll shut up now, but I'll just say this last thing. There's something to know here and that is the set of facts that gave rise to the birth of Israel is precisely the same set of facts that gave rise to several Arab countries and that is not that hard to know and I can tell you the countries if you want. And the point is those kids demonstrating and working violence on those campus against Jews do not know that story and they have not been invited to learn it and that means utter failure of learning as well as human decency.

Chairman Patrick: Thank you Dr. Arnn. Thank you for, thank you for being with us today. Thank you. We will continue with our panel—and we're almost on time members. We're almost on time—of teachers and coaches and this was the original panel we would have started with at the very beginning before the tragedy yesterday and in Minnesota and and the assassination of Charlie Kirk. We thought it was important for this commission to talk about that and to share thoughts and hear from those who knew him and those who knew about him and his teachings. so our our witnesses Coach **Joe Kennedy**, **Monica Gill**, Mrs. **Marisol Arroyo-Castro**, and **Keisha Russell**. And Coach **Kennedy**, we are going to begin with you as we talk about how religious liberty is denied on, on campuses still. Coach?

Teachers and Coaches

Coach Joseph Kennedy

Coach Joseph Kennedy: Thank you very much for having me, and I know **Kelly's** over there very nervous about what I'm going to say because I you have my written testimonies in front of you and, of course I can't read really well and I'm, I go off the cuff anyway. So, a little bit about myself. I'm a simple guy, high school football coach. I was a former Marine. I was, I'm a husband to four kids and, and married to my wife, so I was just an average, really an average just kind of guy. And then all of a sudden God thought it'd be cool to put me on as a poster boy for prayer in school, the praying coach. And I don't know the Bible. I, I don't know all of this stuff, and I was a brand-new Christian and I didn't know how to navigate these systems. And it was absolutely ridiculous that I could not understand that I was being I was being prosecuted and persecuted for a 15 second prayer on the 50-yard line after a football game, and this was this was everyday America football. This is nothing new.

So, we worked with the school. We, we tried to work with the school. They said, "Stop praying with the kids," and I did. I never prayed with the kids again. But me, by myself, out there in public where people could see me, that still caused a bunch of heartache and problems for everybody, and it costs, let me tell you what it cost me. This is the part that I wanted to really talk about, is it cost me really everything. I think about Charlie Kirk and we say what a sacrifice he did, but he actually is up partying with God right now and we are still here fighting. So, we are actually the ones that are still suffering here. He's not suffering. He's up in heaven smiling right now and cheering us on, but we are down here. I had to sue my wife who was the HR director for the school district. Sue your wife and see what happens. See how that feels. We almost got divorced over it. It came down to where she asked me. She said, "Is this worth it? What's more important, your marriage or this fight?"

And I had to look her in the eyes, and I had to tell her that this fight was more important because without this fight, I wouldn't have my marriage. I wouldn't have my faith. I wouldn't have gone with what God has asked me to do, which was to pray after every game and be thankful. That was my covenant, and if I wasn't true to my word, I would have been the biggest hypocrite in the entire world and I didn't want to be known as that guy. The hardest part of it, you think that that was hard, just suing your wife and, and almost getting a divorce. I don't know what it feels like to lose a child, but I do know what it feels like to lose sixty of them all in one shot. I had to give up the team that I loved. I was with these kids day in and day out. Some of them I've married. Some of

them I have buried. I've seen their kids. One of them named their kid after me. I mean, how crazy is that? This was, we were doing such great things, and it in the end when all of us were were doing the prayer, it was everybody in our entire league praying, and it came as a compliment. It wasn't because somebody complained, but the enemy took notice because it was going so well and started kicking us in the shins.

And now that we won, you sit there and say, "Well, well, coach, you won your case." Well, so, so why are you so passionate? Why are you so, you know, gung-ho about this?" Well, it it's really simple. I got people sitting right beside me right now. I get, I get pictures every single week, every single week during especially during football season of kids kneeling on the football fields after football games and it makes my heart just pound. I love it. It's the greatest thing I see.

But then I get a phone call from a guy in Tennessee, a coach, Trey Campbell, and that's why I'm wearing my Tennessee high tops is for that simple fact because people are still being persecuted and prosecuted for their faith in public. We won. We fought for seven years. We, we went through me and **Kelly** went through, went through the court systems twice to the Supreme Court. Yet, nothing has changed fundamentally, not on the ground, not in on, on our level.

So really in in just finishing it up, I, I actually wanted to read one thing. It it says literally I'm a simple guy, average Joe—playing on my movie and my book, **Eric Metaxas**. I wanted to get, I wanted to give back to the schools in the community that I once made very difficult. After the game, I took a knee to say thanks. That's all. That could be turned into a national controversy. It says more about the confusion in our country than the conduct of the person performing it. So, thank you very much. God bless you guys.

Chairman Patrick: Thank you, Coach.

Mrs. Monica Gill, Teacher, Loudon County

Chairman Patrick: Members, we'll hear from all four witnesses as we have in previous hearings and we'll come back for questions. **Monica.** They'll get you. There you go. Got it.

Mrs. Gill: First of all, just thank you to President Trump and this commission for your commitment to ensuring the next generation is free to live their faith. I am absolutely humbled to be here today. For over thirty years, I have had the privilege of serving as a high school government teacher, the last twenty-one in Loudon County Public Schools, Virginia. Being a teacher has been one of the greatest blessings of my life, and God really gave my heart a mission right at the beginning to show all of my students every day that they are loved. No matter what they're going through, no matter what their grades are, no matter what their status is with their peers, I love them, and so every day I do tell my students, "Mrs. Gill loves you." I have a banner in my classroom that says, "You are loved." Every test I give them one bonus question that says, "Mrs. Gill loves me. True or false?" and they have to put true to get it right.

Over the years I have really built wonderful relationships with my students. I've walked with them through their struggles, through victories, and my goal has always been to equip them, not just with facts, but with truth, not just for tests, but for life. Because if we can root the next generation in truth, we can help them live full and flourishing lives. But in the summer of 2021, I encountered a cultural battleground that I did not expect or feel equipped to take on. Loudon County Public Schools adopted a policy that forced teachers to deny the foundational truth of what it means to be human, created as male and female, and this policy forced teachers, said they must affirm all transgender students and treat boys as girls and girls as boys. So, Loudon County Public Schools, my employer, gave teachers a choice: deny truth or risk everything.

At first, I was afraid, but I knew that I could not stand in front of my Father in heaven one day and say, "My pension plan was more important than your truth," and I also knew that if I say that I love my students, the only right choice would be to stand in love and truth for them. So, in the words of Pastor Billy Graham, "courage is contagious. When a brave man takes a stand, the spines of others are stiffened." So, with the help of Alliance Defending Freedom, I took a stand. I filed a lawsuit against Loudon County Public Schools for their unlawful policy, and the journey was hard, but God really met me time and again. One story that I'll never forget, the year that I filed the lawsuit, I got an email from a young lady who was going to be in my class, and she said she didn't like seeing me on TV. She didn't like the things that I stood for. She said I was ignorant, our culture was toxic, and I was part of that toxicity, but I knew that no matter what this young lady thought

of me, the Lord's mission for me was to love her. To be salt and light means pressing our love into hard places, and so I put her desk right in front of mine and I made a deliberate effort all year to build a relationship with her.

And what started off as awkward and really uncomfortable over the year grew to be a really beautiful relationship, and as school wrapped up in May that year during teacher appreciation week, I didn't get any notes or any thanks that year like I had in past years—no gifts, until the last day of teacher appreciation week where I got one card from her and it said, "Mrs. Gil, you are a really great teacher and I'm glad that I was in your class this year." And the following year, she elected to take another one of my classes and she asked me to write her recommendation letter. God used that opportunity to help me press love into hard places and really illustrated the power of building relationships on love and truth. Thankfully, this past July, after a very long legal journey, my lawsuit resulted in victory for all teachers to freely speak truth and love when Lowden County finally agreed not to require teachers to use pronouns inconsistent with the students' sex. So, to my fellow public-school teachers around the nation who find themselves discouraged, I would say don't ever doubt your calling to equip the next generation with truth and love. I personally was reminded of this a few years ago when I was feeling very discouraged.

That year I was cleaning up my new classroom right at the start of school and I discovered a book kind of tucked away in a dusty corner and I picked it up and I dusted it off and this is the book and it read I read the cover and it said Holy Bible and I remember looking at it and thinking "what are you doing here?" And I opened it and on the inside it says in beautiful penmanship "presented by the senior class of 1955," and I was cynical at first and I thought "look at how far we've fallen. You'd never see something like this today." But I tell you the Lord got a hold of my heart immediately and he just said to me, "Monica, I did not give you this gift for you to judge this place. I gave you this gift so that you would know I have not abandoned this place and I've placed you here to be salt to be light to stand, so stay," and I have stayed and this is our calling. It is to be salt and light and to realize God has not abandoned our schools. He has not abandoned this generation and we cannot do that either.

We can't let our children fall victim to lies, especially the lie that says that they're born in the wrong body. We have to give our students love and truth, and we have to hold our public schools accountable when they fail. And we're at what I pray in Charlie Kirk's honor will be a turning point because for us to win back our country, we have to take a stand for truth without fear of the consequences, and so in closing, I just want to speak directly to any young people who are watching today or listening and say this.

You are deeply loved and you have a choice. You have a choice today on how you're going to love God, how you're going to love others, and how you're going to love this country, and you have a choice to be courageous. You have a choice to stand for what is right and true and beautiful, even knowing that it might cost you greatly. And my prayer is that your generation will remember that courage is contagious. Look beyond your differences to what unites you, that you are each fearfully and wonderfully made in the image of God. And in closing to this commission, and again to President Trump, thank you. Thank you so much for initiating this conversation. for pursuing dialogue, for really working to preserve a foundation for every young person in America to come to know the truth, the truth that will set them free. Thank you.

Mrs. Marisol Arroyo-Castro, Teacher

Chairman Patrick: Thank you, **Monica. Marisol Arroyo-Castro?** There you go.

Mrs. Arroyo-Castro: Good morning, Buenos Diaz. First of all, I start with saying I'm not a public speaker. Thank you so much for inviting me here to speak today. I am grateful for this opportunity. Thank God for all of you for being here. My name is **Marisol Castro** and I teach seventh grade. I've been a teacher for thirty-three years. I have a master's degree in education with an, with an additional sixty-two credits in child psychology. I have been blessed to work with children from kindergarten all the way to the eighth grade, and I'm proud to say that it's been the joy of my life. All my years of service, I have never received a negative or developing rating in any of my performances or my evaluations. I am a God-loving and God-fearing person. It was my Father, God who motivated me to get an education.

You see, I grew up in Spanish Harlem in New York City, "el barrio," what they call. There, I learned early in life that God was and is still my official caretaker. My grandmother taught me to respect God and by extension the crucifix, which served as a reminder that Jesus died to save us. I share this with you to help you understand why the crucifix is so significant to me and why I will never hide it from anyone's view.

On December 14, 2024, I received an email from my newly hired vice principal. He wanted to meet me about a complaint that he said he received regarding a cross by my desk. My crucifix, my crucifix was hung in an area where teachers hang professional items like cards, photos, baseball team pennants and the like. At the initial meeting, the vice principal told me that the crucifix was a religious nature, so against the Constitution of the United States, and that it had to be taken down by the end of the day. When I asked, when I asked what would happen if I didn't take it down, the vice principal explained that it could be considered insubordination and that it could lead to my termination. I asked if I could have time to pray on it and he told me that I could pray on it, but that it wouldn't change anything. I was later called to the meet to a meeting with the district chief of staff, the principal, the vice principal, and union representative. The chief of staff suggested that I put the crucifix in a drawer. I knew I couldn't do that since my grandmother has instilled in me the meaning of the crucifix and how it should be treated with respect.

But the chief of staff said that the Constitution says that I had to take it down. My principal told me that we were to worship no idols. He said that I should take the crucifix down to stay true to

my Christian faith. That felt offensive to me as a Catholic. Still, I wanted to appease them and avoid more threats or conflicts. Therefore, I reluctantly agree to move the cross. So that, knowing that immediately, they walked me to my classroom so that they could tell me where I could and could not put the cross. In my classroom, I knew something was terribly wrong. When someone asked if the crucifix could go under my desk, all I could do was give a quick nod. I just wanted to get through the entire process so that I could feel normal again. I wanted to be it, I wanted it to be over before I actually fell apart.

I felt physically sick. They were all talking at the same time, telling me it was for the best. As I reached down to put the crucifix under my desk, I became aware of how much it actually weighed, and I became aware of how strong the wood was. Then I remembered the scripture that says we should not hide our light under a bushel. While still partially under my desk, I got a glimpse of Jesus, crucified there on the cross, and I realized the irony of how He had died on that cross for me, for all of us. I started to cry, unable to stop. I asked whether I should also take down the Yankee sign. They responded, "The Yankee are just a sports team, but the cross is a religious thing, Miss **Castro**. We must, we, we can't have our students looking at things like that." I told them it was Jesus that they were offended by. The next thing I knew, they all had left me alone in my room crying. I went home and I cried all night. I felt that after all this time with God as my Father, after sixty-two years, I had let Him down and He knew it.

I had actually put the sacred crucifix of Jesus Christ under my desk and I had let my papa God down. I felt His, His disappointment in me and I knew that I had to make it right. So, the next morning I did the right thing and I put the crucifix back. That's what I did. Later, when they got my email telling them that I put it back, the principal told me that if I didn't take the crucifix down before they, before leaving that day, I shouldn't go back to my classroom in the morning, that I should go straight to the office. So, the next day at the office, they told me I was getting a two-day unpaid suspension and that maybe not getting paid would help me reflect on what was best for my interests. They said I wouldn't be allowed to return to the classroom until I hid the crucifix. So, the year that I never went back, thankfully, First Liberty Institute and WillmerHale, love them, agreed to represent me. They put together an army to defend me, and I'm grateful to God for their help because I didn't even know I could get a lawyer. Since I sued the district, the officials had continued to treat me badly. They reassigned me to the administrative building, far from the students, they have lied about me in the media, and they are destroying the reputation that I spent thirty-three years building. I have given you a small glimpse into my life since my crucifix was taken down and put in a cardboard box for me to take out of the building. Seventh grade was actually my favorite grade to teach. They are old enough to get the jokes, yet they're young enough to want to have lunch with me.

I miss showing them what they call the old G games like jacks and pickup sticks and marbles. I even miss them not wanting to stop playing. Every day I wonder how they're doing, how they're doing now. Please do what you can to educate American, the districts, and American schools about the true meaning of the establishment clause and the free exercise clause. How, how can we do our jobs well when many education leaders today don't understand the Constitution themselves? We must understand as Americans that freedom of religion is a right that benefits all Americans. Thank you and may God bless you. Gracias, y que Dios la bendiga.

Chairman Patrick: Marisol, you're a pretty darn good public speaker.

Mrs. Arroyo-Castro: No.

Chairman Patrick: And just always know—oh, yes, yes, yes, yes, more powerful than most, and by the way, we always have a job for you in Texas. I just want to let you know there's always a classroom. Seventh grade, you pick it, wherever you want to go. I can make a call today. So, **Keisha**, I'm going to ask you from First Liberty to be—I've got the sniffles, too so, go ahead—to be a little brief, so we can I want to have plenty of time to ask them questions. So, if you can just kind of give us a two-minute kind of overview, then we can also ask you questions.

Ms. Keisha Russell, Attorney, First Liberty Institute

Ms. Russell: So, my name is **Keisha Russell**. I'm senior counsel at First Liberty Institute. I have the high honor of working with **Kelly Shackleford** to defend religious freedom in America. I started my career as a teacher, so I taught special education in Atlanta public schools and I taught behavioral disorders my first few years of teaching, which is a very challenging assignment and I needed God for that assignment for sure. I taught a lot of students who couldn't read at grade level. I, I one girl in particular stands out. Her name is Ruth and she was a fourth grader who was reading at a kindergarten level. She still didn't know all the letter sounds, and God used to give me dreams sometimes about these kids and about the trajectory of their lives if someone didn't intervene.

And so, I was convicted by my faith to teach these students and make sure that when they left my classroom, they were in a better place than they were when they got there, and it was on my faith that I that I had to rely on. I, I because I was new and because I worked in a school where the administrators were so busy, they didn't have time to really show you the ropes.

And so, it was really me and God in that classroom teaching those students and I was very successful. I ended up, those kids that were once way behind had the highest reading increases in the entire school my first year of teaching and many of them passed the state tests for the very first time, so I'll just say that, you know, our kids are our most precious assets that we have in society and right now we're just giving them over to people who don't love them. They don't love our country. They don't love religion. They don't love morality, and they're training all these students to grow up to be leaders who feel the exact same way.

And so that's why we have a lot of the issues that we have right now in on college campuses. And, you know what, what happened to Charlie Kirk is a result of indoctrination, bad education, and we really need to do what we can to teach our children the foundational principles of our country, and the way we do that is being very selective about the people we allow in the classroom with our kids. The fact that our, you know, a lot of religious people send their children to private school is totally great, but we have 90% of students going to public schools. We can't just give all those kids away, and so, we have to take back those schools. and we have to do so deliberately and intentionally and I think we all have a, a role in that. I'll go on forever, so I'll stop so that you guys can ask questions.

Question and Answer

Chairman Lt. Gov. Patrick: Thank you, **Keisha**. We'll open up for questions. Dr. **Reverend Franklin**, is your red light there?

Rev. Graham: Yes, and this is for Coach **Kennedy**, and thank you for your stand and your witness. I would like to know what, how did the lawyers that advised the school board what effect do they have over school boards?

Coach Kennedy: All right. What effect we have is absolutely none right now. The, everything is cloudy and muddy and nobody knows and, and that's exactly what Monica said is that we, we suffer because we don't understand and the lawyers we, we go around the country. That's why I'm still passionate about it and I go around the country all, everywhere I go and try to educate people on what we can and cannot do in schools I think that's a common theme across here, and you as a panel, I mean I, I mean I know I've been to your guys' birthdays and you guys are my friends and I know the power that you have, the healing power that you guys have for, for, people when my wife and I were going through to spend time with us in Alaska—so, you guys have the power to clarify that. President Trump absolutely wants transparency in his, in his administration and that's what you guys could do. You could clarify this stuff down at the lowest levels. You guys are working at high levels. Linda McMahon, oh, let's get her to make it where the Supreme Court has ruled, "Thou shalt, you can do this." They made it very clear what we could do, but down at the school level, there's nothing that is written in policy still. Nothing has changed and people are still losing and fighting because of it.

Rev. Graham: Did the lawyer, if I'm not mistaken, when we, we've had time to get to know one another for a few days in Alaska. The chairman of the school board was your friend.

Coach Kennedy: Yes.

Rev. Graham: And most of the school board members were your friends, but they had to fire you and that was advice that came from the lawyers.

Coach Kennedy: The lawyers. Yeah, correct. So, I found out after we started doing going through all of the legal mumbo jumbo that **Kelly** does that, that the school board or actually all the schools in Washington state are controlled under one pool of lawyer groups, and if you look underneath the cover of that, that's where the separation of church and state is. That's the ones that constantly pick on schools that if they hear about anything, they instantly send them a letter. They're the ones that throughout the entire time we fought, the seven years that we fought in legal battles, it was a separation church and state groups. These, these people that are just ugly and want to remove it completely out, they're the ones representing our school districts. Yeah, now, I I don't know about a lot about law and liberty and all that kind of stuff like that, but I know that you're supposed to advise people on the truth and the facts and they're not. They have an agenda and their agenda is well set and in place and is working very well keeping prayer and everything out of the public square. They're still doing it. So that needs to be exposed and those lawyers need to be held accountable because like you said, the superintendent, still a good friend of mine. I cried horribly when he gave his, his deposition but he felt like he could not do it because of what his lawyers were telling them because there was no guidance. There was nothing written. It's terrible.

Reverend Franklin: Thank you.

Chairman Patrick: Dr. **Phil**, that would have been an interesting show when he asked his wife "divorce or faith," even for you, even for you, Dr. **Phil**.

Commissioner Dr. Phil McGraw: Uh, yeah, that that might have been a, a week-long series, and I think that was courage at two different levels. And I'm glad you actually brought that up because, you know, the courage of you three is astounding. And I, I did want to make this a comment and a question here. You know, we, we talk about psychology as being on the secular side of this and that there's often a conflict and it's not really in in my opinion. It's not necessarily nor is education. It's how you do it. You know, there's not necessarily, there doesn't have to be a conflict between faith and science, certainly not between faith and and psychology because of free will and helping people find a moral compass, and that's what we have to do. And you know in psychology we talk about finding evidence-based treatments and that's where you get to the truth, you know, the capital T truth as we talked about. And what I want everybody that's paying attention to this commission to understand is that our children are a blank slate. I mean there be. there's some genetic things that come with a child, but they're basically a blank slate that will be written on. It will be written on, and the question is who's going to do that writing?

And we can delegate some of that but we cannot abdicate it. We cannot abdicate it particularly as we, as we have these teachers' unions and we have these lawyer groups representing these teachers' unions, and there has been a tremendous shift that people don't know about. If you look at the colleges and universities right now, particularly in the humanities, social sciences, and education, some surveys nationwide show that there's a 42:1 ratio between left liberal professors to conservative professors that acknowledge religious beliefs. 64% of students say they've been in a course where a very liberal agenda was run vs. being in a course where 12% say anything conservative or with a, a spiritual underpinning was run. I mean it's, so we're creating a whole generation of graduates that are coming out that are going to be going into the schools, and the oldest battle ever is between good and evil and there has to be a call to action from this community inspired by the likes of you three. There has to be a call to action.

And I, I often tell people, you're not going to be the only voice in your child's ear, so you better make sure you're the best voice in your child's ear because they're getting so much from the internet. And when, when you look at this wokeism that Charlie Kirk talked about so much, they blatantly reject universal truth. They blatantly reject religion. They blatantly reject a path to God and, and shape this based on their individual experience and truth. There is no single path to God. and the most common way to lose power is to think you don't have it to begin with. And we do have power and we need to rally with that power and you can avoid criticism by just becoming wallpaper. And it's estimated that three hundred sixty-five million Christians have been persecuted and discriminated against worldwide in the last year. And we need to reach out of our bubble and we need to get involved in our schools. We need to, and the way you do that is you don't run up the stairs with your hair on fire accusing everybody of doing something wrong. The speech you give in anger will be the best speech you ever regret. You've got to go in and get engaged and find out how can I help? How can I become part of the narrative? And, and passion is not anger—there's a big difference. And one of the things that the biggest mistake Charlie Kirk did not make is to assume that he had time. We don't have time. We don't have, we don't know if I will finish this sentence. We don't know if we will be here at the end of this sentence. We have to understand and act now.

Children in America right now are at epidemic levels of, of mental health crisis and that means spiritual crisis. There has been a 62% increase in depression with older teens in the last ten to fifteen years. There's been a 189% increase with pre-teens in depression in the last ten to fifteen years. There's been a 70% increase in suicide with older teens and 151% increase in suicide among pre-teens. Why? Because they have an existential crisis. They have not found their way to God. And it when, when you I've, I've been in private practice. I've been working with people in America. When people find God, their health improves, doors open, relationships blossom, everything's, everything changes and all of a sudden I seem like the greatest therapist in the world

because they found God. And we can we have to recognize our young people are in crisis right now, and all of you three standing your ground will solve that. You will solve that. God bless you for your courage. God bless you for standing up and the call to action from this commission needs to be for every parent, every teacher to stand up and lead people down that path. There is one way to solve this and it's by finding the way back to God and there is one path and we need to speak that with clarity and courage whether it's popular with everybody or not.

Chairman Patrick: Thank you, Dr. **Phil, Allyson?**

Mrs. Ho: Thank you, Mr. Chairman. **Kelly Shackelford**, you spoke about the great victories that your organization has achieved in court and I've been privileged as an attorney to have the opportunity to serve groups like Alliance Defending Freedom and First Liberty. The lawyers who take y'all's cases, the lawyers don't win the victories. The courts, the judges who rule in your favor, they don't give you the victory. That's not the victory. The victory was won, Coach Kennedy, when you took a knee. The victory was won, Mrs. **Gill**, when you loved your students enough to tell them the truth. And the victory was won, **Marisol**, when you brought your crucifix out into the light. Thank you each and every one for showing us today the cost of those victories. your courage in standing up for our children, all of our children. So, I just like to ask each of you or whichever one of you would like to say what, what do you, what would you say to people who find themselves put in positions like you were and forced to make a choice, tough choices about standing? What, what would you what would you say to people?

Chairman Patrick: Yes, Coach **Kennedy**.

Coach Kennedy: I actually have that answer. It's tattoo, tattooed on my arm. 2 Timothy 4:7. I tell everybody, you just got to fight the good fight, you finish the race, and you remain faithful. We worry about too much about what if I do this, what will happen next? And all of us did that. What if I leave my crucifix there? What if I take that knee? What if I do this? It's always the what if? What, it doesn't matter about the what if. God's got the victory, so nowhere in that in this verse does it say about winning. We don't have to worry about that. God has already won that. Only thing we have to do is show up, fight the good fight, and finish the race.

Mrs. Gill: Yeah, true. I would say, you know, for me it was that moment where I just realized that I couldn't stand before my father in heaven and say to him, "My pension plan was more important than your truth." I mean, that question put before me just said, "I, I couldn't do that." And I think

everyone who walks in faith at some point in their life has that question before them, and maybe it's not their pension plan. It's some other question, but there's at some point God's going to ask you, "What are you willing to give up for me?" And I don't think that we can look as Christians at our savior on the cross and say no when He has never asked us to do anything that He wasn't already willing to do. I made this sacrifice for you and so I can't say no.

Mrs. Arroyo-Castro: Well, I think that it's finding out, getting the information that you need because when they told me that it was a constitution thing, you know, that it wasn't written on any policy that they had in the district or in the school, but that the Constitution said I was I'm not a lawyer, so I'm not 100% sure that they were right. So, I said I'm to, I'm 100% sure that they're right. Then I'm not taking it down, and if they are right and the Constitution does say that then we need to change that. That cannot just happen. You cannot just do that, so and I think that what's going on is that they really don't, they really believe that that's the constitution because how can you be a board of education person? How can you be the superintendent of schools of New Britain and, and not know that?

Dr. Phil: They know better.

Mrs. Arroyo-Castro: Yeah, that's a big problem, right? We got to let them know. I mean, I feel like people need to know because otherwise we're going to keep having these lawsuits over and over again because when people find out that I mean, these are, are kids who are like you said, they don't have a moral compass and, and we need to do something about that. There's no playing around here. This is this is our future.

Dr. Phil: I know we're, I know we're at break time, so just real quick, I just have to ask you three, how did your colleagues respond to you privately, you know, behind the scenes? I, I know publicly they may have had one role, but how did they respond to you guys behind the scenes?

Coach Kennedy: Yeah, for me it it was a mix. We were split and it, it was a huge wide gap between us. It was like fifty fifty. People couldn't understand that, why it was so important to, to exercise my right. They said you could pray anywhere and then they could not understand. My wife even couldn't even understand, so this split a lot of friendships. This affected everybody in my family, my community, my school, my team and all the parents everywhere, so it, it was huge, huge battle.

Mrs. Gill: Yeah, I would say a big divide as well. You know and I had teachers who supported me but they would not come out and say so publicly. They were very afraid and they would come to me and say “you’re so courageous. I can’t believe you know that you’re able to do this. I could never do this. I can’t afford to lose my job.” And you know, my response was, “I can’t afford to lose my job either.” But again, God’s truth is more important than my job, and so, how can I not stand for that? How can you not stand for it? But they just, they’re so terrified, and especially on the transgender issue—it’s so hostile to anyone who takes a stand against that and they just couldn’t do it. So, they would quietly support me, but none of them would come out and stand with me. It was, you know, it, at my school. Now, other teachers in the district did stand with me and there were other teachers in the lawsuit with me originally, but it was hard.

Mrs. Arroyo-Castro: Well, for me, the district told the teachers not to talk about it. They were not supposed to mention anything about the case that they were handling it, so that the teachers were afraid to talk. They were like, I have a lot of friends in that school and I would say only a few dared to call and they sounded like they were scared and they would say to me, “I’m, you know, I just want to say that I support you, but you know I don’t want to get in trouble or anything because they told us not to say anything to anybody to talk to anybody about anything,” so the ones that are talking to me are doing it in hiding because they don’t want to get into any kind of trouble.

Chairman Patrick: Carrie?

Commissioner Mrs. Prejean Boller: Thank you, Chairman. I have so much to say and I know we are limited on time. One, I want to talk to Coach **Kennedy**. Not only did you win your case, but I think it’s very important for people to understand the justices actually decided that *Lemon* was bad law—that *Lemon vs Kurtzman*, if I’m correct—that that was bad law. So, where all the, you know, crosses that were up and nativities that were up or that were, that bad law told to take down, now we are able to put those back up. So, not only did you win for yourself, but you won for our grandchildren. You won for our great grandchildren, and I want people to really recognize that it was bigger than just Coach **Kennedy**. And a huge thanks to First Liberty because without First Liberty and their brilliance in arguing at the Supreme Court, *Lemon* would not be dead, and so, now is the time to build. Now is the time as Christians to put those crosses back up, to put those nativities back up. Now is the time that we have more rights as Christians than we’ve ever had, and so that’s what I wanted to say to you. So, thank you, had it not been for your courage, coach, we would not have *Lemon* dead, and so now is the time as Christians to build.

And my second thing that I want to say to Mrs. **Gill** is I just want to ask you because I would like for you to clarify. So, after they asked you to basically deny your faith, what was the next step for you? What did you do? Did they say you must call the kids by you know the pronouns that they, kind of walk us through briefly of what you did next.

Mrs. Gill: So, they came out with the policy, at that point, I actually had a colleague who spoke out at the school board meeting just before they were voting on it and he said, "I won't do this," and I watched them try to fire him. Thankfully, Alliance Defending Freedom came in, they were able to take his case and basically got him reinstated within a couple of days, but at that point, I was already speaking at schoolboard meetings and kind of had a target on me. But when I saw what they did to Tanner Cross, I said, "He can't stand alone on this," so that was, you know, that was the moment when I joined the lawsuit with him and it was, you know, it was a no-brainer at that point. The Lord had just put a fire in my belly and as soon as He removed all my fear and that courage was there, it was like, you know, here we go. This is going to be a long haul. But I remember walking around the backyard of my house praying, anxious, and just saying to the Lord, I didn't think this is what we were going to do with my life, but okay, whatever door you open for me, I promise I will walk through it, and that's been my covenant and what I, and what I've done.

Commissioner Mrs. Prejean Boller: Thank you. I think so often we hear public school teachers are, you know, like what you said, they, they don't love your kids and they want to indoctrinate them, so I want people to really see there are people like you who are in the public school system and we need to gain territory and take back what's ours. Thank you.

Chairman Patrick: Yeah. There are millions of teachers in the country who are under tremendous pressure by their administrators, tremendous pressure, and we have leaders who stand up. We have three more questions. Rabbi?

Commissioner Rabbi Soloveichik: Thank you, Chairman, and just want to begin by thanking our witnesses for their eloquence and for testifying to what makes this country unique—that unlike say revolutionary France, our Founders understood that to ask someone to deny their faith when entering the public square is to order them to amputate a part of themselves. So, thank you very, very much. Though, Miss **Castro**, I would suggest that if you do take the chairman up on his offer and go to Texas, you should probably put away the Yankee. that should, just

Chairman Patrick: I was, I was thinking that when she said that.

Commissioner Rabbi Soloveichik: I, I want to ask very briefly – it struck me when Coach **Kennedy** was speaking that so much of the focus, understandably so, on the future of religious freedom has been in the classroom, but of course and, and the White House has led the way in showing this—so much of what impacts America in the realm of liberty and equality is in is in the area of athletics, which in another way really is the ultimate classroom. And so, I'm, I'm curious about the challenges that religious liberty face faces in general there. Love to hear from Coach **Kennedy** and from Miss **Russell** as well, please.

Coach Kennedy: Yeah, on and off the field, it's every single place, every single where I look. It's, we, make so much of an impact. I know teachers make an impact in the schools with the kids, but we make, coaches, we make an impact on them and their families. So, it's more of a family environment and we get to have them one-on-one, and it's really easy to coach somebody else's kid. And I, I can't coach my own kids. They won't they won't listen to me, and I'm not a nice guy, but I could tell I could tell these kids to do anything and everything. So, we have so much impact on them, just for us to be bold in our faith and to be able to know the right from wrong of what we can and cannot do, especially when it's not during classroom time when we're, this is electives. This is, you know, Friday night lights and we're talking where we're out in public and in a big public setting. We don't get to sit there and see what happens in a classroom every day. We don't get to, our eyes aren't on that, but our eyes are very visual on every sports game that is out there. So, we need to empower those people and to be able to have them wear their crucifixes and the, their yarmulkes proudly showing the Israeli flag. I mean, we need to empower them to be able to do that. you instead of being kicked off the, the fifty-yard line and out of, escorted off if you're carrying a Bible that we need to empower these people and let them be able to do it.

Chairman Patrick: Thank you so much. And I also, I'm reminded with coaches particularly of male students—so many male students do not have a father figure in the home, and you see it over and over again where a coach is remembered for a lifetime. That's my background. They're remembered for a lifetime as well as teachers are. My, my wife was a teacher and adults now come up to her and say, "Thank, thank you. Do you remember me?" And coaches for a lifetime, they come back to the funerals, to the ceremonies, to the retirement parties because you are the father figure and all the coaches. Pastor **White**?

Commissioner Pastor Paula White: I'm just so incredibly proud of all of you and have been moved and just your work you're doing. **Marisol**, you have just said over and over and about we

need to know the interpretation of this. So, if this is for **Keisha** or **Kelly** or whoever all wants to be on here, **Ryan**, I think I heard a lot of language that I didn't understand until I got appointed to President Trump's administration around a lot of smart people. And we know that with the Kennedy case that the jurisprudence evolved after the first Trump administration—so, what is that interpretation now? And are there any like religious expressions that are exempt from that? We've obviously seen the weaponization against employees for their religion, but can you bring clarification in how we best get that down to the ground level and what we can do at the federal government level?

Ms. Russell: Well, I think number one, the, the interpretation is that, you know, previously in *Lemon*, the Establishment Clause was interpreted based on this ridiculous subjective test that always resulted in different decisions and inconsistent applications of the law, and now the establishment clause is set to be interpreted based on the history and tradition of the act. And so how that impacts public schools is there's, there's a myriad of ways because number one, when we talk about a teacher's influence, the reason -

Chairman Patrick: Our afternoon panel—the first panel will be Rabbi **David Zwiebel**, then Father **Robert Sirico**, Doctor **Todd Williams**, and then **John Bursch**. So, we'll start Rabbi, with, with you and your testimony. Welcome.

Protecting Faith Based Schools

Rabbi David Zwiebel, Aguadath Israel

Rabbi David Zwiebel: Thank you very much. An honor and a pleasure to be here, and an honor and a pleasure to be part of your advisory board, and I just think that it's such a wonderful thing that the president has done in appointing this commission to explore some of these issues, because America without a soul is America severely compromised and something that I don't think our forefathers had in mind at all when they established this great country.

I speak here today as a representative of Orthodox Jewish schools across the United States, and the happy and wonderful news is that their numbers have been growing. And I just remember when I grew up, when I grew up on the Upper West Side of Manhattan and went to a Yeshiva there called Yeshiva Derech Chaim on 89th Street and Riverside Drive, I remember that there were ten boys in the class, and of the ten boys, seven of us knew no grandparents. There were no grandparents. Three of us had grandparents, and that was, you know, that was so strange, but that was the norm because Hitler had had killed out that generation. My parents didn't have parents because Hitler had wiped them off the face of this earth. And we grew up that way, and, and I and I think to myself now, as I'm a little bit older, a lot older, and think about my, my parents and what they did when they came to this country, to this wonderful country, and they had the opportunity to say, that's it. You know, we're in America now. We're casting off the ways of the old, and with this, we're going to assimilate into the broader society. And, and, you know, will rally around will rally around the, the those who call for a strict separation between church and state and all of this, right?

But these heroic people who had come here having lost everything, everything, they said, "no, we want our children to grow up and be faithful Jews, people who are proud Jews, people who know about their history and their heritage and about their laws and about their war." And we want our parents—may they rest in peace—and in Eden, in the Garden of Eden, look, to look down and be proud of what has been reestablished and redeveloped here on these shores in the United States of America, and they were heroic in that respect and building these schools. And so, we've been focusing today and in the preceding hearing about the problems in the public schools and how there are efforts to keep God out of the public schools entirely, and any sort of reference to Him, and inhibits free speech in that regard and religious speech. But then there's, there's a whole other area, which is private schools and that Yeshiva that I went to on West 89th Street in Manhattan was one of the reasons that today—there were only ten students then—but today there are in New York alone—we'll talk a little bit more about New York as I as I proceed with my testimony—but in

New York alone, there are today 180,000 children enrolled in Jewish schools in New York, and it's a tale of heroism. It's a tale of, of Renaissance and redemption and ultimate revenge against those who would want to destroy us, and we won't allow it to happen and we owe so much to this country and to the freedoms that were established in this country that enabled my parents and those in their generation who decided they wanted to maintain and keep this, this tradition and this vision alive—that, that without the benevolence of this great country, it never would have happened.

So, they came, they came to America. They rebuilt, recreated. It's not exactly what it looked like back in Europe, but it's darn close, and it's and it's something which is has on a little American spin to it, but it's, but it's faithfulness to a God, faithfulness to a to a people, faithfulness to a vision. I'm departing entirely from my written remarks, but you'll have my written remarks as well and see some of that, but I was very moved this morning and felt somehow that, that this contribution might be something that's more meaningful still.

And I'm worried, and the reason I'm worried is because there have been developments focused largely in New York, though there's some rumbles about it in other parts of the country as well, that government may not be happy and satisfied with what's going on in our in our yeshivas and in other in other non-public schools or other religious schools, and they've decided to take a much harder line in terms of oversight. And oversight means, interestingly, oversight doesn't simply mean, you know, coming around once a year and checking what's going on. Oversight means imposing very strict requirements upon these schools so that they will satisfy the statutory mandate that that nonpublic schools must offer an education that is substantially equivalent to that which is offered in the public schools. What does substantially equivalent mean? Right? There are plenty of lawyers around the table here today, and they know that this is a way to make a living for many, many years, litigating over what the phrase "substantially equivalent" means.

How do we become substantially equivalent? Well, the New York State Education Department and the Board of Regents over the past ten years has come up with a number of different proposed regulations. Some of them were thrown out in the courts, some were withdrawn. There is one now, but a number of different iterations of these regulations that would empower the government to come in and insist that a certain number of hours be devoted to certain specific subjects that must be studied, must be taught by people whom we, the government, say are appropriate and, and essentially coming in and taking schools like the Jewish schools, which have a dual program of instruction where half of the day or much of the day is spent on religious studies, and the other part of the day is spent, spent on secular studies. And that dual, duality of programing means that they're in school for long, long hours and involved in a rigorous academic experience.

But if you line it up line by line with what's going on in the public schools and they said you have to be substantially equivalent, there are differences. They don't have the hours and they don't, no, they're not going to teach that marriage encompasses things that are other than man and woman. They're not ready to teach their children that. They're not ready to, to speak about creation, about about science from a non-creationist perspective. The, no, the first words of the Bible, "in the beginning, God created" that's, that's what the schools believe in.

And so, when government comes in and says that, we're going to now ask our lawyers whether or not you can be substantially equivalent while at the same time not teaching how the world came to be, to be, from a creationist perspective, that's just a potential disaster. Our organization, Agudath Israel of America, and a number of other groups and some, some courageous individuals have been fighting against this. And we've won some victories over the last ten years. I won't go into the detail at this hearing.

My time is limited, but I think it's important. You know, this is the hundredth anniversary of a Supreme Court ruling called *Pierce vs. Society of Sisters*, and that was a case involving a, a law in, in the state of—help me anybody—was Oregon, was it? Oregon, I think? that says that every single child must attend a public school, a public school. And then after the public school is over, you want to go to private school and study religion, go right ahead, but you must—your main school day must be in a public school. And the Society of Sisters, God bless them, and they said, no, we have parents who want to have a religious education or more intensive religious education than is possible in the public school system, and they went all the way to the Supreme Court over this issue. And the Supreme Court ruled in favor of the parents and the school, that the parents have the right to enroll their child in a school other than a public school. That's, to me, that was the single most important decision the United States Supreme Court ever handed down because that that is the foundation upon which the entire network of schools that I mentioned earlier, and the growth of Jewish education and the ability to recreate the world that was destroyed just 70 something years ago, that's all on the foundation of having the ability to teach our children in a strong academic setting of Jewish studies that go alongside the secular studies. *Pierce* said as follows, I'll read just two sentences and I'll conclude with this, "the fundamental theory of liberty upon which all governments in this union repose excludes any general power of the state to standardize its children by forcing them to accept instruction from public teachers only. The child is not the mere creature of the state. Those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations." To insist today that private schools, including Jewish and other religious schools, become carbon copies of public schools is just the latest iteration of the state's effort to standardize its children. It's 100 years after *Pierce*. We ought to know better.

Fr. Robert Sirico, Sacred Heart Parish and Academy

Chairman Lt. Gov. Patrick: Thank you. Rabbi. And those just joining of us, joining us, this panel is about protecting religious identity and the autonomy of faith-based schools, all faith-based schools, so thank you for opening up. Father **Sirico**?

Fr. Robert Sirico: Thank you, commissioners, it's an honor to be with you today. In the 1990s, I served for four years on the Civil Rights Commission of the state of Michigan. In 2012, the bishop of the Roman Catholic Diocese of Grand Rapids assigned me to be pastor of Sacred Heart of Jesus Parish, which is on the west side of the city. Sacred Heart was founded in 1904 by Polish immigrants working in the surrounding gypsum mines. Their vision was simple yet profound: to restore all things in Christ. As part of this mission, they established Sacred Heart School, then a typical K-7 parish school. When I arrived in 2012, both parish and school were struggling. Enrollment had fallen to just 68 students, and the school consumed approximately 90% of the entire parish budget. Like many Catholic schools since the 1960s, Sacred Heart was in steep decline and was slated for merger or closure. Faced with this reality, I had to choose to close the school or reimagine its future. After wide consultation with my parishioners, many of whom had been only lightly engaged in parish life up to this point, and with a robust community of homeschooling families, we discerned another path.

Rather than shutting our doors, we would re-found the school as Sacred Heart Academy, a classical Catholic academy offering daily Mass, rigorous academics, and a deeply traditional and joyous culture. Over the following years, this vision bore fruit beyond anything that we anticipated. Families from across Michigan, even beyond state lines, moved to Grand Rapids to enroll their children. Today, our academy serves over 400 students. That was in a period of about ten years. This renewal was possible because we stayed faithful to our mission, teaching the Catholic faith in full accord with the Catechism, under the approval and oversight of our local diocesan bishop. We are diocesan schools, sustained entirely by the sacrifices of families and parishioners. We receive no government funding, not for supplementary public-school teachers permitted under the conditions by the state of Michigan, not for the federal lunch programs, and not even under the Paycheck Protection Program offered during the COVID pandemic. Sacred Heart Academy is the only school of its kind in the region—Christ-centered, rooted in the perennial wisdom of Scripture and tradition, and committed to supporting parents in the formation of their children, but today, that mission is in jeopardy.

Recently, the Michigan Supreme Court reinterpreted the state's nondiscrimination law, redefining sex to include sexual orientation and gender identity. This was something we had dealt with on the commission that I served on in the 1990s, but the whole atmosphere has changed. While presented

as a matter of fairness, this reinterpretation proposes grave dangers, grave risks, for all religious institutions, even those like Sacred Heart that receive absolutely no public support. This new framework would compel us to hire staff whose lives and words openly contradict Catholic teaching to adopt speech contrary to the church's doctrine, such as pronoun usage divorced from biological reality, or to suppress Catholic teaching altogether when educating our students, or even advertising for enrollment.

Worst of all, it infringes upon the rights of parents who have chosen Sacred Heart precisely because it reflects their values and their beliefs. Some have uprooted their families and moved across state lines for this very purpose. Religious schools should not be forced to abandon their mission or compromise their faith. Parents should not be presented with a false Solomonic choice: fidelity to conscience or access to education that reflects their deepest convictions. That is why, with the help of our friends at the Alliance for Defending Freedom, Sacred Heart filed suit against the state. While our case was initially dismissed, the Sixth Court of Appeals reversed that decision and sent it back to the District Court, where it remains ongoing. I hope this testimony provides the commission with a clear perspective on the threats facing Catholic schools. We see our contribution—and I want to really emphasize this—we see our contribution to cultural diversity precisely in being a faithful expression of Catholic identity. That expression must remain free in order to remain diverse. Thank you very much.

Dr. Todd Williams, President, Cairn University

Chairman Lt. Gov. Patrick: Thank you. Father. And we will come back and ask all questions after all four have testified. Doctor **Todd Williams?** Doctor **Williams.**

Dr. Todd Williams: Thank you. Thank you, Lieutenant Governor, Doctor **Carson**, other members of the Commission. It is a privilege to be here, to have an opportunity to speak on this issue of religious liberty in education, in our context, specifically as it relates to Christian higher education and the intrusion upon our independence and identity by accrediting bodies and other regulatory bodies. In addition to serving as the President of Cairn University, I chair the board of the John Jay Institute for Faith, Society and Law and serve on the advisory board of the center for Academic Faithfulness and Flourishing, all of which creates a lot of opportunities for me to talk about this issue of religious liberty in my professional context.

But I do want to say, I've been at this now for more than 30 years in Christian higher education. And I have to say without hesitation, I've never experienced a season more hostile to faith and the foundations upon which our work rests, namely, as was mentioned this morning, so well, the assault on the idea of Truth. So, an institution like ours, every student, in addition to their liberal arts and professional studies, take 30 hours, one third of their curriculum in Bible and theology. They take a required civics course, and with the, in which the United States Constitution is the central text. They are told all the time that they are truth seekers, not truth makers. We work to drive into them a biblical worldview, a correct understanding of God themselves, and the world in which they live. We have a faculty and staff that sign affirmation of our foundational statements, which is not just a statement of faith, but includes a statement of the implications of that statement of faith for the way in which they carry out their work. We are, to our very core, a Christian institution that is, that is driven by and guided by our Christian convictions, our Christian theology, our Christian tradition. And in 30 years, I haven't experienced what we've experienced in the last several in terms of the attempts, direct attempts to undermine that, not just unsettle it, but undermine it and not just diminish it, but to eradicate it.

And I have several examples that I'd like to walk through, but I would say that in recent years, my observation is that regulatory and accrediting bodies, both professional accrediting bodies and other academic associations, as well as the broader academic guild that is part of American higher education, I think, really have taken aim at the distinctives of Christian higher learning in a very insidious way.

And I think that institutions like Cairn University and many other fine Christian universities across the country, where the learning objectives and the course content and curriculum is all designed to be biblically integrated, this is a bit of a problem, because the way in which we carry out our work is an attempt to be biblical to our very core. And so, we're challenged in terms of the challenges that come to our distinctives, and as was already mentioned here, our constituencies actually are looking for that. They desire those distinctives. They're paying for those distinctives. They're seeking out that kind of education. We're not actually attempting to foist that on a state university that's more public in nature. We're a private institution where our students and families are coming to us for precisely this kind of education. So, our mission, ethos, programs, like all of our sister schools, are intentionally Christian, and we don't apologize for that.

We also believe that these things are protected under the guarantee of religious liberty in the Constitution, and we make sure that our students understand that. We take a great deal of time in the US government class to say, look, the original Bill of rights, everything's worded in the negative. They assume these rights are inherent from God and can't be infringed upon. The government didn't give them to you or the government can take them from you. Those are the things that we talk to our students about all the time, and that's our posture as an institution with regard to regulatory bodies and accrediting bodies, particularly in the area of overreach. In implicit and explicit ways, pressure has been put upon institutions like ours. I think that puts a strain upon the security we cling to regarding religious liberty.

From peer review site visit teams, and this has happened where a group of peers come from other institutions to review your institution, which in regional accreditation we've just passed with flying colors, but you have members of those teams from time to time who will ask questions. Do you really think you should say that in your mission statement? Isn't that a little too explicitly Christian? Well, did you read our mission statement? Do you understand, you know who we are and what we do? But when a peer review team says you really shouldn't have a mission statement worded that way, it's important for all of us to understand, they don't get to tell us what the mission statement is. They only get to ask us if we have one and if we're measuring the effectiveness of it. I think that kind of clarity is absolutely essential to carrying out our work in this particular sector of education, but that pressure comes in those things like peer review site team members asking those questions to the outright insistence of accrediting bodies or governmental departments to create learning outcomes, student competencies or curriculum that are, and I will say this without reservation, creedal in nature. It is very clear that we're not just being asked to sort of tone down our rhetoric and understanding of who we are and what we do. There are creedal language that is being foisted upon us, that you need to include these things. I've never in 30 years seen an outside body say that one of your learning competencies should be that students believe X, Y, Z, and we're a Christian institution, and I don't force my students to do that when they graduate. I mean, that's

the nature of it. And so, the idea that that accrediting body would say you must build curricular outcomes and curriculum that explicitly teaches students to believe a particular thing about human sexuality, about the family, is incredibly problematic for institutions like ours, and we represent, I think, a pretty broad swath of colleges and universities across the country.

I think there's a fierce determination in, in academic culture to inculcate secular ideologies and sensibilities in the students who've chosen to study at a Christian college. You know, I did my graduate work at a secular institution. I had no misgivings about what I would experience there, but when students come to an institution like ours, they want to be assured that they're going to be taught in a Christian manner from people who hold a Christian worldview. Well, the best example I can give you of this is related to our decision to close our social work program, which was in place for about 50 years. In 2021, we chose to close the social work program, eliminating both a B.S.W. degree and a newly launched M.S.W. degree, in light of the Council for Social Work Education's overreach. Now, I've been dealing with this organization for a long time, and I provided you a detailed article that I wrote for the James Martin Center for Academic Renewal that outlines the specifics of the closure, but the Council for Social Work Education, which accredits social work programs, has an inordinate degree of power for such a body, in my opinion, and I think this is a problem across professional accrediting bodies, for sure. The Council for Social Work Education, which accredits social work programs, has that kind of power because you cannot become a licensed social worker without graduating from a C.S.W.E. school.

When we closed the program in 2021, and then taught our students out under our accrediting obligations, the first correspondence that I got was from an individual in Southern California who was an attorney and said, "I'm not a person of faith. I'm not a Christian. I've been watching this organization for a while, and I have to believe that they're in violation of at least 1 or 2 antitrust laws, because they control it from beginning to end. You cannot be a licensed social worker unless you graduate from an accredited social work school." When we closed the program in 2021, the CSWE and the NSW launched a PR campaign very publicly with petitions and pressure to reverse our decision to attempt to shame us into reversing our decision. They incited our own alumni against us. They wrote a number of pieces. We had investigative reporters all over us criticizing that work from the AP and other news outlets to even a few Christian publications, criticizing our decision to voluntarily withdraw from voluntary accreditation because it was no longer tenable for us as a Christian institution, and that kind of pressure is also the overreach. It's not just the overreach on regulation or accreditation. It's that they assume that they have the power to force us to change our minds. It was, it was, they reported us for ethical violations and integrity violations to try to reverse the decision. At the end of the day, the Board of Trustees approved a proposal from the university's administration to close the program because it was no longer tenable for us to serve that that population and provide those degree programs.

This organization also had a lot of standards for faculty student ratios, which were not rooted in any kind of market forces or economic thinking. If you had 20 students, you needed one full time. If you had 21 because it's a 1 to 20, you needed two full time. Without any sort of sensitivity to market forces or economics, we had to comply with those. And then on top of that, they would often, after review, suggest or recommend that all diversity initiatives and efforts at the university would be put under the oversight and guidance of the social work faculty, to which we always said no, it was intrusive, and we'll make our own decisions about how we manage those. But that accrediting body was actually seeking, I think, to reshape not just our academic curriculum, but the culture of our institution. And so, we voluntarily withdrew from that. We weathered the PR storm and, and I think have put that behind us. But I want to say that there was this attempt to actually inculcate, bring into our, our institution learning outcomes and compel us to write curriculum that was rooted in Marxism and intersectionality, especially as it applied to matters of human sexuality and gender. When we stated that we were closing the program because that is untenable for us as a Christian school that holds the Bible to have central authority, they didn't deal with the sex and gender issue, they attacked us for being racist. And so, we were labeled as racists and homophobes and ignorant educators who didn't understand those needs. So, we've been through the wringer on that one and have come through it. And I think our course of action has been to push back and say, no, that this is who we are and this is what we do.

John Bursch, Attorney, ADF

Chairman Lt. Gov. Patrick: Thank you, Doctor **Williams**. We'll come back with questions. Thank you. **John?**

Mr. John Bursch: Thank you Lieutenant Governor, Doctor **Carson**. It's a privilege to be here to talk about one of the most culturally and legally significant issues of the day, which is religious liberty for our religious schools, parents, and families.

I'm **John Bursch**, vice president of appellate advocacy with Alliance Defending Freedom. I've argued 13 U.S. Supreme Court cases, and the court has granted six of our last seven requests to hear our cases, and so many of these involve the issues that we're talking about. I'll briefly address five points. First, religious freedom is critical for faith-based schools, and that is under attack. We all understand that religious liberty is not merely the right to practice your faith in your place of worship, as Commissioner **Metaxas** said this morning. It's about the right to live out religious truths in society, and that's why faith-based schools exist because parents, families and communities want education to be grounded in truth, virtue, and eternal goals. They're not just private versions of public schools. But increasingly, government officials are attacking schools' religious freedom. You've heard several examples. Another is the Lyceum, a small Catholic prep school in South Euclid, Ohio. We had the privilege of representing them, and they had to sue to protect their rights when the city council passed a sweeping ordinance that required them to hire teachers and enroll students who disagree with its mission and teachings on matters of human sexuality, such as hiring teachers in same sex relationships. They could be fined. They could even spend time in jail if they violated this. There was a draft of the ordinance that had a specific religious exemption in it. The council intentionally took it out, and that forced the school to decide if they would give up its faith, which it would never do or close. Fortunately, they were able to sue and were successful.

But these religious education opportunities teach character traits that we should value as a society: seeking the good of others, providing a framework for understanding the world, strengthening community bonds. Government should be encouraging these types of values to be taught in our citizens, and not discriminating against them because of their religious beliefs. Second, religious freedom is critical for the families and the children who choose them. The Supreme Court has long recognized 100 years that parents have a fundamental right to direct their children's upbringing, including their education, but there are many school choice programs that are intentionally designed to exclude religious schools. Famously, you all know about the *Carson v Makin* case,

where the Supreme Court held that Maine's improper exclusion of religious schools for their town tuitioning program was unconstitutional. What's less well known is that before that decision, in anticipation of it, the Maine Legislature amended its laws to require religious schools to comply with the state's LGBTQ orthodoxy in order to get those funds, and so they're still not getting paid. The schools are in litigation right now. And in Colorado, the state excluded Darren Patterson Christian Academy from a state funded grant for preschool programs unless the academy agreed to hire employees who don't share its faith and to alter their internal rules and policies based on sexuality and gender, including restroom usage, pronouns, dress codes, and even student housing during field trips. And these are the kinds of laws that punish families and schools for making the choices to teach religious education. Third, religious liberty is under attack in schools. You've heard from all of our panelists about that. I want to just focus in on what Michigan is doing to Sacred Heart Father **Sirico**'s school that he founded.

Following that Michigan Supreme Court decision, the Michigan Legislature codified it by amending its education laws to comply with that, that statute, and requiring Michigan schools to hire, or to hide the truth about marriage and the human body. So, under that amended law, Sacred Heart not only has to hire staff who seek to overturn the Catholic Church's teaching on marriage and use preferred pronouns, allow males who identify as girls to be on the female athletic teams and use the girls' locker rooms, but they have to refrain from teaching Saint Pope John Paul II's theology of the body, or Pope Francis's teachings about gender ideology. If they even post those on their website, they're in violation of state law. And yet, when there was a religious exemption proposed in the legislature, it was turned down, the governor signed that discriminatory law, and Attorney General Dana Nessel has fought ferociously to defend it against their free exercise claims.

Fourth point, the president and his administration can do much to protect religious liberty. Hopeful that at the end of all the evidence that you're gathering, that you'll urge him to direct executive agencies to ensure that federal funds never come with strings attached, that require schools to violate their conscience, and to require that states and local governments respect religious liberty. You can tell Michigan, you can tell New York, you can tell accreditation agencies you cannot do this. The president can appoint departmental leaders who will protect religious liberty instead of erode it, and most important, he can use the presidential platform to encourage Congress to enact laws. Now, talking about this stuff is great. Executive orders are great, but unless we have permanent change with legislation, these problems are going to continue to exist, and he should use that platform to explain why religious liberty in schools is so important. Finally, the Supreme Court has consistently acted to protect religious liberty in the schools, but there's so much more to do. In *Our Lady of Guadalupe*, the court reaffirmed the ministerial exception. You're all familiar with that. We're hopeful the Supreme Court will soon supplement that by recognizing that religious organizations, including schools, have the right to hire coreligionists too. If a Christian school

believes that every employee's duties includes inculcating the, the church's teachings and the students, they shouldn't have to hire a secular atheist in the cafeteria or on the janitorial staff, whose goal is to turn students away from God. We need that protection. That trilogy of cases that began with *Trinity Lutheran*, that was an ADF case. Then *Espinoza*, culminating in *Carson*. You can see how easily Maine is trying to circumvent that with its shenanigans about its LGBTQ law.

Just last term in *Mahmoud*, the Supreme Court definitively pronounced that parents have a First Amendment right to direct their children's upbringing and education consistent with their parents' faith. You'll recall that that case was about LGBTQ school materials that were being peddled to kids as young as four years old, without parents being told about that or having an opportunity to opt out. The court said many Americans, like the parents in this case, believe that biological sex reflects divine creation, that sex and gender are inseparable, and that children should be encouraged to accept their sex and to live accordingly. You know, these are fundamental rights, but activists have already said that they're going to fight against this ruling and promise that they'll make religious families bend the knee to LGBTQ orthodoxy, and that means shutting down their schools if necessary. So, in conclusion, religious liberty should not be a partisan issue. It's a matter of human dignity, family rights, and national flourishing. Our nation will continue to benefit from generations of young people formed both in knowledge and virtue if faith-based schools are protected to live out their missions and families are free to choose them.

Conversely, if that liberty is impaired, our country will be worse for it educationally, culturally, and spiritually. When we lose social work programs at Christian universities because of hostile accreditation agencies, that's a problem. So, I encourage you to do everything that you can to advocate that the federal government take real, meaningful steps to make these protections put in place in law, because doing so will ensure that faith-based education remains a beacon of truth, hope, and human flourishing in this country for many generations to come. Thank you.

Question and Answer

Chairman Patrick: Eric Metaxas.

Commissioner Eric Metaxas: I think, it was, first of all, thank you, all of you for your testimony. I think it was 1980 or 84 when Father Richard John Neuhaus wrote his famous book, *The Naked Public Square*, and we've been dealing with this now. It's 45 years since he wrote the book, and the problem existed long before he wrote the book., and it's this idea that we live in a culture where religion has been defined in a strange way, that I think is against the vision of the Founders. Religion is, has been defined in such a way that it's this strange thing over here, which we secularists will tolerate. That's really not the Founders vision. In fact, it completely abrogates the Founders idea of freedom itself, and somehow, I don't know what recommendation we can make in the end, but that ultimately is the problem at the root of all of this—is that it's not as though there's such a thing as a neutral world and a secular world, but we'll allow you to have your religion.

At the end of the day, everything is ultimately religious because it deals with the ultimate questions. So, when you take a view that says we're going to impose this LGBTQ curriculum or—these are fundamentally religious, but they have pretended that, no, no, you're the religious one and we are somehow secular or somehow neutral. That's, that's patently false. And I think we've gone along with it long enough and we have to understand that what we're dealing with here is a misunderstanding of the Establishment Clause. The Establishment Clause means that secular religion cannot be established, and anytime anyone tries to do that, it would be no different than when they would accuse me of saying, if I have these values, I'm imposing a theocracy by having such values.

But that's ineffectively what the secular left has done, and I think unless we undo that, we're constantly fighting. It's whack-a-mole. It's constantly, they're going to attack, you know, this Catholic institution, they're going to attack a yeshiva. They're going to, they're going to basically continue to do this because they have the, the, the hermeneutic lever, I guess. We have to take that away from them, and we somehow have to make them understand that there is no such thing as neutrality on these issues. These, anything that that touches on the big questions is fundamentally religious. And so, if your view is opposing or pushing against a biblical or a Christian worldview, if you're pushing against what you call a religious worldview, you are yourself taking a religious position, and that's not neutral so I don't know what we can do about that. But that was the understanding of the Founders and of Americans for, you know, until I guess this morning, we

heard 19, until John Dewey started getting involved in this kind of thing, but we've never pushed back sufficiently against it and I think we're now seeing the, the, the nihilistic fruit. And unless we can go to the bottom of it and say you are trying to establish a religion which you don't call a religion, I don't know that we ever get out of this. It's, we're constantly playing defense. And I don't know if that was a question. Let me just say true or false.

Chairman Patrick: Any comments from the witnesses?

Mr. John Bursch: There we go. Take a stab at that. I think that is true, but I think there's much that we can do because the law is a teacher. The reason that most people believe that murder is wrong is because the law prohibits it. The reason that many people think that abortion is okay is because for 49 and a half years, the US Supreme Court said, that's not murder. And so, if we enact laws that talk about the truth of marriage, that talk about the reality of the human body and things like that, and yes, there'll be constitutional questions with those things. Those things teach, too. And it's not enough for us just to stand up in the public square and talk about these things. The law needs to assist us in teaching the very principles that you're talking about. And that's the thing that's going to create the sea change that you're looking for culturally, and double that when it comes to religious liberty. If the law teaches that yeshivas and Christian colleges and Catholic K-12 schools must be protected, then people will learn that that's what must be protected. And so, you know, talking is great, law is better. It's a terrific teacher.

Chairman Patrick: Rabbi, do you want to add something?

Rabbi David Zwiebel: I do, and I thought that the insight was a very good one, **Eric**, but I mean, let's face it, the the reality is that our society in general has moved in a direction away from religion being the default position that that most people have. The fact that I'm just focusing for a moment on, on the growth of the Jewish schools, which is a wonderful thing. But if you look more generally about the religious school population in the United States, you see Catholic schools closing right and left and you see numbers going down in terms of church. participation. So, you know, we have to we have to, I'm not sure we're going to get to the place of passing those laws, unless somehow we can recapture the culture, and I worry very deeply about that, because I think in general, as a society, we've been moving away from that. And that's why, again, at least in our community, we have made a very conscious decision to, to promote private education, Jewish education within Orthodox Jewish families, because the general atmospheric out there in society at large is just pushing in the opposite direction very, very fiercely.

Chairman Patrick: Father **Sirico**?

Fr. Sirico: I think it's very important that we are, am I on? There we go. I think it's very important, at least from my perspective. I want to be clear that I'm not advocating the creation of a theocracy. I'm very happy to have a competition, a cultural competition of ideas. And while there has been a decline, for example, rabbi in the population in Catholic schools, a large part of that has precisely been because of the shift in the culture generally and the shift even of the culture within Catholic education, and adopting these nihilistic and, shall we say, dualistic pedagogy that eliminates, explicitly eliminates or attempts to eliminate God. I would welcome a neutral competition of countercultural ideas, Judeo-Christian cultural ideas with the secularist idea, because I think ultimately our perspective tells man more about himself than the secularist and materialist idea.

And in this regard, if I may scandalize this commission, I would advocate that we follow the advice of a prominent Marxist, Antonio Gramsci, who advocated the takeover or the influence of the commanding heights of society. That's exactly what we're confronting right now. They own the commanding heights of entertainment, of literature, of, of movies, of educational systems, as we see here now and of the churches, and what we need to do is retrieve that. We don't need to enforce this by an ideology or a theocracy, because theocracy is bad, both for religion and for society. I think what we need to do is just have the confidence that what built Western civilization can once again rebuild Western civilization.

Chairman Patrick: Thank you. Great question. See, it was a question, **Eric**. It was a question. It was a question. Let me go to **Ryan** next, or do you want to make a quick comment, **Carrie**, or what they said or you me to?

Carrie Prejean Boller: Yeah. I just had a question.

Chairman Patrick: If you want to follow up, then **Ryan** and then Doctor **Carson**.

Carrie Prejean Boller: Mine will be quick. It's for Father **Sirico**. I wanted you to just tell us a little bit about what's going on with your case. I think it's important that we hear kind of the latest update about what's going on.

Fr. Sirico: I think **John** is much better suited to tell you the latest details of that. I've been too involved with hearing confessions and visiting the sick in hospital.

Carrie Prejean Boller: God bless you.

Mr. John Bursch: So, after the Sixth Circuit reinstated the case, it went back to the district court and there was an injunction that was entered to protect the school while the litigation was pending. That was incredibly important to us. Discovery is just wrapping up now. The state continues to rebuff all the discovery requests to just clarify what their position is. Are you really going to persecute the school if they put the theology of the body in their curriculum? It's been difficult to get them to answer those questions, because the longer they can dodge that, the longer they can escape liability, but they'll be a dispositive motion briefing coming up in the near future on that.

Fr. Sirico: Let me make it clear with regard to Sacred Heart that we will not conform to this. We will either remain an institution committed to the principles upon which we're founded, or will close the school, in which case have already thought about how we organize a network of homeschooling people to continue this cultural and religious mission.

Carrie Prejean Boller: God bless you.

Chairman Patrick: Ryan.

Mr. John Bursch: But we're going to win.

Fr. Sirico: Yes, I believe so. The tectonic plates are shifting. I have a feeling.

Commissioner Ryan Anderson: So, I like, Father **Robert**, your idea that we want the Orthodox school to be robustly, authentically Jewish. We want your Catholic school to be robustly, authentically Catholic. We want the Protestant school to be robustly Protestant. What I've noticed that there's a common threat to all three of those schools, and it's come out in the testimony this afternoon and this morning with **Monica Gill's** testimony, and that's the sexual orientation and gender identity laws. SOGIE is the acronym, if you're not familiar with this. Father **Robert**, you

mentioned that it was a state Supreme Court ruling that simply redefined the word sex to include sexual orientation and gender identity. You don't even need to pass a law, you know, lo and behold, it was always there.

A decade ago, I was an expert witness in front of a different US commission. It was the US Commission on Civil Rights, and then, it was on religious liberty and nondiscrimination principles, and then the following year, they issued their 307-page report. I just pulled this up, and this is what the chairman of that commission wrote in his introduction. He says, “so long as the phrases religious liberty and religious freedom will—sorry—the phrases religious liberty and religious freedom will stand for nothing except hypocrisy, so long as they remain code words for discrimination, intolerance, racism, sexism, homophobia, Islamophobia, Christian supremacy, or any form of intolerance.” And that was the solution a decade ago, was that these nondiscrimination principles must prevail. Religious liberty needs to take a back seat, and if you are exercising your religious liberty to bear witness to and to educate a biblical understanding of human sexuality, you're using religious liberty simply as code for your homophobia, your discrimination, your intolerance, etcetera, etcetera.

So, my question for all four of you, because ultimately, six months from now, we're issuing advice to President Trump on what he can do, what his administration can do to protect religious liberty, and obviously, one of the recommendations: don't redefine the word sex to mean sexual orientation and gender identity. Don't pass legislation that would make sexual orientation and gender identity a protected class. But what can we advise him to do, particularly when the states have done this? And **John**, this may be more in your area of expertise. What does the US Constitution have to say when the states have already redefined nondiscrimination principles in a faulty way? How should we think about how to harmonize these if they're harmonizable or does there need to be a hierarchy? How do we think this through?

Mr. John Bursch: There we go. Well, the great thing we have at the federal level is the Supremacy Clause, which says that federal law will control even over state Supreme Court decisions, over state constitutional amendments, over state laws. And so, the federal government can define things to be nondiscriminatory, that it's not discrimination for a school under Title IX to assign sports teams by sex instead of by gender identity. We have those two cases with Idaho and West Virginia going up before the Supreme Court in January. Well, one of those involves Title IX, the legislature, or the Congress, and the president can make clear that's not discrimination, that it's not discrimination to say that a biological boy doesn't get to sleep with the girls on field trips simply because he identifies as female.

So, there's a lot that the government can do. I agree completely with Father **Sirico**, not to establish a theocracy, but simply to recognize some realities and back it up with all the science that we have that shows that this is far from discriminatory, but instead, this is what's good for human flourishing. And you know as well as anybody how harmful gender ideology has been to our children and young people. Well, let's put that in a law so that people know that that's the case, that this is something that is to help people. It's because we love them. We want them to flourish, not because of any animus or anything else. So those are the kinds of recommendations that I would support, affirmative steps that make clear that biological truth, for example, is a positive good.

Dr. Todd Williams: And I think that that this issue of, particularly, in both in the K-12 world and in higher education, what the administration could do is, is to provide those safeguards. Look, I mean, to **Eric's** point, it it's a cultural issue, right? We used to say culture, politics was downstream of culture. I don't really think that that applies anymore. I think they're conflated and they're weaponizing one another all the time to carry out cultural agendas. The issue, I think, is making it making it possible for institutions like ours to actually teach a view that says, actually, this is created order. It was for our good, for the good of the world and for the glory of God. If you make that wrong for us to say, no matter what law you pass, it's not going to. We have to be free to say that that's what we believe. That's what we believe to be true. This is this is God's created order for the good of the world, and I think that's the issue of religious liberty. I think we have to defend it not because people of faith, we lose our liberty. If you read the read the Bible, you proclaim the gospel from prison. We will do what we do, but religious liberty is good for the country and good for the world because when that voice is lost, everything unravels. And, and I think that that's really important for us to push those cultural things. So, we have to be protected to keep teaching the way we teach, so that we have students going out and, and making that difference. I think that that's a protective, a protection that we that we desperately need.

Chairman Patrick: Thank you, Doctor **Carson**?

Dr. Ben Carson: Thank you, Mr. Chairman, and thank you all for your eloquent presentations today. I'm thinking this question primarily for Rabbi **Zweibel**, but anyone can answer Pre-holocaust, there were things going on similar to some of the things you've described. What do you recognizing in today's society that could lead us there? And, and was there a time that recognition of those could have avoided the Holocaust?

Rabbi David Zwiebel: Say, difficult question, and, and I would not I would not have the chutzpah, if I could use some of the vernacular to, to try to answer it in a way which is fully satisfying, certainly. But those, you know, those of us who, who grew up in an America where there was anti-Semitism, without question. I remember as a child playing in Riverside Park and on the Upper West Side, and we had some of the neighborhood toughs who would take our bats and balls away and things like that. So, you know, we there was there was anti-Semitism, but it was tempered by the spirit of generosity and dignity that pervaded American society in ways that somehow the Europeans did not, did not have. We talk about it all the time that the world has changed and the world is changing, and it's changing in a dangerous direction, and maybe we were fortunate enough to have to have, you know, lived lives that that were basically comfortable and, and free of discrimination and we had opportunities to all the bounties of, and opportunities available under in America were something that we accessed and did very beautifully and built beautiful families and structures. But the world has changed. Even before October 7th, the incidents of anti-Semitism in this country was significantly higher than it had been for whatever reason. And of course, that has been compounded exponentially in the wake of October 7th and everything that's come about since then. So, I don't know, I tend to think about these things in theological terms, aside from cultural and social terms and historic terms, but in a theological, in a theological question, you know, somehow the hand of God is behind is behind all of this, and what is it that he's trying to tell us? And I think that's an important question, certainly, certainly within the Jewish community, but I would say for all faith communities to, to grapple with today because, because we live in a society, in a world today that looks very different and feels very different than it did, oh, even just ten years ago.

Chairman Patrick: Kelly?

Mr. Kelly Shackelford: Just a quick question. Since we're trying to come up with recommendations to the president on, on state or well, on accreditations from any source, but especially the state that interfere with the religious liberty—one way to go back against that is a constitutional argument, like a lawsuit, **John**. Another is passing maybe some federal laws to define things. Is there anything else? I just want to make sure I'm not missing anything. Do you, have you and your struggles come across any other things that we could suggest to the president as a recommendation that would have an impact in that area?

Dr. Todd Williams: I think you have to protect the financial aid that our that our students receive. I think if you don't if you I mean, someone mentioned earlier one of the sessions about the, the leverage, the lever that that money and funding is. I think that's, that has to be protected in a significant way, really sort of firewalled because once that becomes the threat, see what will

happen there is they don't even have to actually pull it off. They just say, we'll threaten to take away the Pell Grants in your states, your state grants, if you're not in compliance with these particular set, of this particular set of values or these competencies, all they have to do is threaten that, and all the schools will begin to cave because they're worried about the millions of dollars that will go out the door and, and all of that. So, I think while on the private sector, we're sort of bolstering for that and trying to find ways to, to mitigate that if that were to happen. I think protecting that, that there would be a way to sort of really further protect that, that funding that students receive would be would be one way to do it. I think that that's a little bit of a preemptive strike, that it doesn't become a kind of leverage used against religious institutions.

That's really tough. I mean, I think one of the things is I think we, again, there's this accreditation is so complicated if you don't understand how. There, there's regional institutional accreditation or institutional accrediting bodies. There's programmatic and professional accrediting bodies, and they all operate somewhat differently and some of them are more assertive than others. But I think an investigation into a number of accrediting bodies that are overreaching would be really helpful. What, in what ways are accrediting bodies going beyond learning outcomes and competencies and actually beginning to sort of attempt to indoctrinate students? That's really sort of, I think, a bigger issue where, where are they overreaching? Our regional accrediting body is great. You know, we, we say, you know, know that this is who we are and this is what we do. Okay. How are you measuring that? You're doing it. Great. That's fine. Another one is actually saying no, you have to actually teach this, and we want to see your students come out with this set of values and these beliefs. That's out of bounds. And, you know, in the case of the social work decision, that's really the, you can't go anywhere else you want to be. You want people to go into that profession. You have to go to a CSW school. So, I do think that some sort of, some sort of inquiry or look at what accrediting bodies are doing on that front and then protecting the money, the two things that I would say.

Chairman Patrick: Doctor **Williams**, you said that in your 30 years you haven't seen the assault on faith-based schools that you're seeing now, so why, why has it changed now? Is it a, is it the last four years before this election? Does it go back twenty years, ten years? Did it creep in? Did it happen suddenly? In your view, what's caused it?

Dr. Todd Williams: Yeah, I, I think look, there's no question. In fact, in the remarks I submitted, I made the statement, there's no question that this administration, we all are enjoying a lot more breathing room right now with this administration, I mean, I and in 2015, I was summoned to meetings where we were all preparing for Armageddon in terms of federal funding and all kinds of other things.

Then President Trump was elected and things really did cool off, you know? And then I think in this administration, we do have some breathing room, but none of us who have watched this for any length of time, there's a cultural issue, and I would say there's a convergence of all kinds of things: the undermining of truth, the sort of long held—it's longer than 1915—a long sort of infiltration of secularism in our culture, a misunderstanding of what religious liberty is, somehow that if you believe in religious liberty, you're after a theocracy and you're a Christian nationalist, when really what you're saying is the Founders wanted us to be a place where we had that freedom because they assumed we were given that freedom by the creator. I think there's, I think there is, I think it's gotten worse, too, because everything is sort of, politics has become the, the one of the weapons to move culture, if that makes sense. I think that's really what's happened, and I think—so I could look back over several administrations over my 30 year career where I'd say, yeah, politics is really coming after us on some cultural—we actually refer to them as cultural. They're not cultural issues, they're theological and biblical issues for us, but they're calling them cultural issues. And political administrations are coming after us on those cultural issues and politics is being used to move culture, and I think it would be naive not to think that that there is some political way through this where we just have to protect people's beliefs. But I would say it's gotten worse, largely because you have this sort of undermining of truth. The, the country is divided not just politically, culturally and the major divide between us is whether or not we believe there's an absolute moral authority above humanity. I mean, you have people who, who they just believe they're the ultimate moral authority. That's the big dividing line, and every conversation I get in, if we start to get to worldview, that's it. No, I don't believe in a higher moral authority according to which we should order our lives in society. I believe it's up to me as an individual. Well, I don't know where to go from there and I think that division is, is really plaguing us right now and it's a it's a cultural question, not just a political one.

Chairman Patrick: Father?

Fr. Sirico: What I'm going to propose, I think, very honestly exceeds the competency of this commission and the competency of this administration, because everything you have described, Doctor **Williams**, points to an existential threat. And what empowers that existential threat is the high reverence that we have, or acquiescence that we have given to politics itself, and this very commission is set up to tinker with the thing. And it's good, I want to encourage you, Tinker, but the real radical solution to this, the question you asked is what were the prerequisites, the things that happened prior to the Holocaust. It was the growth of the state, and it was the acquiescence of moral leadership in the country at the time, and I'm talking here about pastors, in particular. But what you have with the state is the takeover of the role of the pastor, the role of other moral leaders in society, by politicians, by the state, by the bureaucracy, which even governs the politicians, as we see. So, the solution to this thing is far more radical. We have to think of this in existential

terms, and we have to come at this project with the understanding that this is going to take years to transform, and it's going to take, and this is why religious people can transform the world. We believe in something that's greater than our politics and that our culture and that we can we can re-envision. If you want to just talk about something like the granting of money, let's rethink the way we do that whole thing. I mean, this if, if we're ever going to happen, this is ever going to happen, it's going to happen under this administration because they're willing to go after this stuff. We were not willing. Don't stop, keep going and re-envision how money is allocated in society. You don't need to take the money up to give it to a bureaucracy and send it back down, because that's what creates the manipulation. Why not leave it with people? Let people have freedom to re-cohere the way our society functions so that your, your students, parents and their families and businesses have the opportunity to fund those kinds of things so you're not dependent on Pell Grants and things like that.

Chairman Patrick: So, in Texas, we have 5.5 million students in public schools. We have about 250,000 in private schools, some are faith based. We have about 300,000 in public charter schools and about 6 to 700,000, we don't know the exact number, of homeschoolers, which is growing dramatically. Father, you talked about, you may move to that direction if you're shut down. And what, as a state legislator, as lieutenant governor, what I've always found in that case is just the money. It's just about the money. The public schools want every dollar you have and every dollar you're ever going to get, and they want every dollar out of transportation and every dollar out of health care. And the unions drive that, and the administration drives it, and the budgets go up and the outcomes are worse, so it's about money at that level. Going, going full circle from Charlie Kirk, I read the other day that someone said they didn't take his life because of what he was saying. They took his life because too many people were listening, so I think that brings us hope. And I think another reason besides the money to put all of you out of business, because they don't like the fact that you have families and a new generation listening. The money and their fear of people listening to the truth is a deadly combination for us. Thank you for your time today. Thank you for coming.

We have one more panel for today. We'll give them an opportunity to change out the nameplates. And after this panel we have about ten minutes of closing remarks from the Heritage Foundation and from the Department of Education. Secretary McMahon couldn't be here, but she has sent someone to speak. So, on this commission, we're going to talk about parents' rights, school choice, other issues, dealing with the, the bigger picture that we just talked about in Texas a little bit with our numbers. **Carroll Conley** is with us. **Laura Slavis** is with us, **Jason Bedrick** and Professor **Nicole Garnett**. So, **Carroll Conley**, up first.

Religious Liberty in Partnerships between Government and Faith-Based Schools

Carroll Conley, Bangor Christian Schools

Carroll Conley: Is my mic green? There we go. First of all, Commissioner and all, thank you so much for the opportunity to be here. Before I actually give the historical context of what's going on in Maine and what's going on with Bangor Christian Schools, I want you to know this is a deeply personal issue for me. I was raised in a wonderful Christian home with consistent, loving parents, but my first two years of high school was filled with very dark and destructive behavior that I hid from my parents. At the end of my sophomore year. I begged them, even though they were both employees—my father was a Hall of Fame basketball coach and I was not a bad athlete—but I begged them to go to Bangor Christian Schools and thank God they let me go. I was weak and I knew it, and I needed faculty, and I needed schoolmates that would support my parents' worldview rather than tear it down. And those two years completely changed the trajectory of my life as I came back home to Christ, as a result of that Christian education.

My freshman year in college, I answered the call to Christian education. I wasn't expecting to be involved in education, but I knew that I wanted to give every family the chance that I had as a result of Christian education. So, upon graduating, the next 19 years I spent in Massachusetts in exile as a maniac, but then my last eight years as a headmaster at Bangor Christian Schools. So, the two years that I spent there as a student, my faculty, who were former students, teachers of mine, said that I spent about the same amount of time there in the principal's office as I did when I was a student. During those two years, though, as a student, many families took advantage of what is the second oldest school choice program in our country. High schools or towns that did not have high schools were allowed to pay the high school tuition to any school at that time, and so it was a wonderful opportunity for those, especially rural and many time financially challenged people, to have access to a Christian education. But all that changed in 1980, when our, Maine's Attorney General stated that allowing so-called non, sectarian schools to participate with public funding was against the Establishment Clause of the United States Constitution. That stopped and then Maine's legislation then added laws and regulations that completely stopped all Catholic and Protestant and faith-based schools to participate in this program. It was, it was a shame, and as an observer myself, as I said, spending years in Massachusetts as a headmaster, and then those last eight years back in Bangor Christian, it was very, very sad. It was discouraging to watch, attempt after attempt after attempt to reverse this bad decision, and our school was right in the middle of that.

As a headmaster, we thought we'd be there and then we'd lose. We thought we'd be there, then we'd lose, but then came *Carson Makin* and *Carson Makin* means a lot to us. I hired Bonnie Carson as a second-grade teacher, and then her son, David, even though he didn't want to be there, was a student of mine at Bangor Christian School, and then that all changed. He put Olivia in. Olivia's the student, Olivia Carson is the individual whose litigation, whose tuition is being litigated. But when *Carson Makin* first occurred, I have to admit, I, I was buoyed up by *Espinoza* and *Trinity* that was mentioned earlier, but I was afraid to be enthusiastic and optimistic because I had been dated so many years. But I can tell you, when the SCOTUS came about and allowing those schools to participate again, saying that it was constitutional to allow that, we were exuberant and I was down here with First Liberty Institute, and I was with the Carson family during these proceedings.

I was so happy, I was exuberant. I thought of the meetings that I'd had over the years with parents that tearfully had to take their kids out of school because of finances. I thought of the moms, the single moms, especially in our state, that were praying and hoping for a good decision so they could have the same opportunity I had. It was so exciting. But unfortunately, not everybody shared my jubilation in the state. And Aaron Frye, our attorney general, immediately put out a statement and I've included his full statement. But basically, he said that we we're going to do everything we could do as an administration to keep bigotry and intolerance and discrimination being funded in our state, but probably out of his quote, the most concerning one was saying these, the education that these schools had issue that offer, are inimical to public a public education. Now, I started my education career as an English teacher. I have to admit, I had to look up what "inimical" meant, but it means "adverse," "hostile," "by reason of malevolence." I had to practice saying "malevolence" a few times as well, but it was, there was no irony lost on me that the first response to this wonderful SCOTUS thing that we've been waiting, this, this decision for so many years that he would use a synonym of hostile because his very first response was evidence of the decades-long hostility towards any attempt for religious education in our state.

And so it was adverse, but thankfully, even though that the legislature took action that John talked about earlier and that we have an administration that's very much against us, thankfully for us, Liberty Institute and Consovoy McCarthy have challenged that legislation in federal court, and hopefully the first district will uphold what the US Supreme Court has said repeatedly, including in *Carson and Makin*, that Maine violates the Free Exercise Clause when it excludes observers from otherwise available public benefits, and that should include schools like Bangor Christian benefiting from the tuition program. So, despite academic and social excellence that Maine schools like Bangor Christian have shown and so many other areas than of social outcomes, Maine families still face blatant discrimination. But again, based upon my rescue story, this breaks my heart, and so I thank God for the Trump administration shedding light on this and with this assembled commission. And thanks to all of you for your time in this process.

Chairman Lt. Gov. Patrick: Thank you very much. Sir, you're up next. Please introduce yourself.

Nicholas Reaves, Attorney, Becket

Mr. Nicholas Reaves: Thank you. Mr. Chairman and Commission, thank you all for the opportunity to be here today. My name is—oh, absolutely—my name is **Nicholas Reeves**. I'm a senior counsel at the Becket Fund for Religious Liberty, and I'm the co-director of Yale Law School's free exercise of Religion clinic. As an attorney at Becket, I represent a group of Jewish families who all have children with disabilities. These families were forced to sue the state of California just to get equal access to the same federal and state special education funding as everybody else. I want to share their story with you today for two reasons: to inform your work as a commission, and to ensure that no other families have to go through what these families went through.

All parents try to find the best educational fit for their children, but when children have disabilities, additional resources and support are typically required and these resources can be very costly. That's why Congress passed the individuals with Disabilities Education Act or the IDEA, which provides federal grants to states to help pay for the technology, staff training, and special education programs that students with disabilities need to thrive. Importantly, if certain public schools cannot offer this support, the IDEA, alternatively, provides for funding for students to attend private schools that can.

My clients, the Loffmans, the Taxes, and the Peretzts, are three Jewish families in California who are raising children with disabilities alongside their non-disabled children. For these families, their Jewish beliefs obligate them to provide all their children with an education rooted in their Jewish faith. The IDEA's funding program should have been an incredible opportunity for these families to equip their children with the tools necessary to flourish both academically and spiritually. All three families, however, were denied this opportunity, and they were barred from obtaining IDEA funding because the schools best able to support the totality of their child's needs were Jewish, not secular private schools. This is because California law prohibits the use of IDEA funding in private religious schools, while providing millions of dollars of IDEA funding to identical special education services in secular private schools, and California enforces this restriction, even when public schools cannot adequately meet a child's special education needs. That puts families like my clients to an impossible choice: compromise your religious identity to receive critical special education funding or preserve your child's religious development and forego the special education funding promised by the IDEA.

One of my clients speaks well about how they literally had to give up on speech therapy for one of their children because they couldn't afford it. They were working multiple jobs, and even so, they could not afford this while choosing to send their kids to a religious school. So, with nowhere else to turn, and in partnership with Becket and the Orthodox Union, which is the nation's largest Orthodox Jewish umbrella organization, these families were forced into federal court to defend their religious and parental rights. In court, I argued that under the Supreme Court's precedent in *Trinity Lutheran*, *Espinoza* and *Carson*, some cases we're well familiar with, the US Constitution prohibits discrimination based on my client's religious exercise. Unfortunately, a Los Angeles federal district court disagreed, but these brave parents did not give up. Together, we appealed the case, and in a unanimous decision in the Ninth Circuit Court of Appeals, the court, quote, "easily concluded that California's law was unconstitutional because it," quote, "on its face, burdens the free exercise rights of parents." This was a critical, precedent setting victory that will benefit religious families with disabilities across the country, but the fight isn't over. This case involved just one unconstitutional prohibition on just one set of public benefits in just one state. But thankfully, our Constitution prohibits this kind of rank discrimination, regardless of where it occurs or what form it takes. So, what recommendations can this Commission make to ensure government actors stop thwarting constitutional protections?

I want to offer just three quick recommendations.

1. First, the Commission should urge the president to advance Department of Education regulations confirming that religious schools are eligible for all IDEA programs and that religious parents have the right to access those funds on the same footing as secular parents.
2. Second, the Commission should recommend a comprehensive review of state and local restrictions on religious exercise, including the notorious Blaine Amendments, and urge the Department of Justice to challenge those unconstitutional laws in court. This would help bring states in line with a growing series of federal precedents, confirming that religion-based exclusions are odious to our Constitution.
3. Finally, the Commission should urge federal agencies to repeal the arbitrary rules and regulations that restrict the government's ability to partner with faith-based organizations. In their place, agencies should explicitly protect the ability and the freedom of faith-based organizations, including schools, to participate in federal funding programs on equal terms with secular organizations.

If we want to live up to the ideals enshrined in our Constitution, we must respect the religious commitments of all of our citizens, and especially those children with disabilities who need us most. Thank you for your time and your commitment to religious freedom. I look forward to your questions.

Jason Bedrick, Fellow, Heritage Foundation

Chairman Patrick: Thank you. **Jason?**

Jason Bedrick: Thank you, Mr. Chairman. Thank you, commissioners, for the opportunity to speak with you and for all the great work you're doing on behalf of our country. May the Lord bless the work of your hands. My name is **Jason Bedrick**. I'm a research fellow at the Heritage Foundation's Center for Education Policy, and I am the product of a good Catholic education. You can laugh, yes. I was the first Jew to receive the Religious Studies Award upon graduation from Bishop Guertin Catholic High School, where my parents—I grew up in a secular Jewish home—my parents sent me there for, ostensibly for the better secular education that they offered. But what I found is that at Catholic school, they asked questions like, is there a God? And if so, what type of God is he? And what does God want from you? These, I realized, were the most important questions, and they were questions that were never asked and could not be asked at public school, and that's what catalyzed my, my own faith journey.

Faith has always been at the center of education. The late, great Rabbi Jonathan Sacks, who was the former chief rabbi of the United Kingdom, was fond of observing that Moses, on the eve of the exodus from Egypt, did not speak to the Israelites about what Nelson Mandela called the long walk to freedom, nor did he speak to the Israelites even about the Promised Land, the land of milk and honey. He spoke about the duty of parents to educate their children, and at the end of Moses's life, as they were about to enter that promised land and build a covenantal society, he said, "You shall teach these words to your children diligently. You shall speak of them in your home. You shall speak of them when you walk on the way. You shall speak of them when you lie down, and when you rise up." Rabbi Sacks commented on this, why is education so fundamental? Because to defend a country, you need an army, but to defend a civilization, you need schools. You need education as the conversation between generations. We need to teach our children and they theirs what we aspire to in the ideals we were bequeathed by those who came before us.

Our Founders understood this. Thomas Jefferson was, first, from the nation's earliest days, America has strived to make education universal, viewing it as essential for cultural transmission, moral formation and self-government. Thomas Jefferson warned, if a nation expects to be ignorant and free in a state of civilization, it expects what never was and never will be. In 1647, Massachusetts Bay colony enacted what was essentially the first proto-public school law, which said that if you had a town above a certain size, you had to provide for the education of children. It's known as the Old Deluder Satan Act because of its famous line where it says, why is it—in

this, again, America's first essentially public-school law—why is it that children needed to learn to read? Because they needed to learn to read the Scripture, because if they didn't read the scripture, they were in danger of being tricked into sinning by that old deluder Satan. And yet there is an inherent tension between government schooling on the one hand, and religious liberty and parental rights on the other, because, as we heard Charlie Kirk say earlier, there is no such thing as a values neutral classroom. There is no naked public square. There is no naked classroom. Schools inevitably transmit values through both the explicit curriculum and the hidden curriculum: the unspoken lessons embedded in classroom routines, institutional norms, which topics are not discussed. When teachers choose which historical narratives to emphasize, and how to handle discussions of religion or references to God, or what behaviors to reward, they make value laden decisions that communicate messages about authority, morality, and worldview. Even seemingly neutral choices from daily schedules that do or don't accommodate religious observances to the way mathematical or scientific topics are framed, are framed reflect particular assumptions about the role of faith in secular knowledge in society.

Government-run schools, by their nature, reflect the values and priorities of the state. As John Stuart Mill warned in *On Liberty*, government-run schooling runs the risk of establishing a despotism over the mind, leading by natural tendency to one over the body. This is especially true where the government has a monopoly over education, and this tension is particularly acute in areas concerning moral and religious beliefs. When public schools promote ideologies that contradict deeply held beliefs of families, parents are placed in an impossible position: either surrender their children to an educational environment that undermines their values, or bear the financial burden of seeking alternatives. And in recent years, as we've heard in previous panels, and at the last hearing, these tensions have become much more obvious as ideologues have co-opted many public schools to push radical agendas to a captive audience of children. Parents have increasingly objected to lessons that are inimical—there's that word again—to their values, especially those dealing with gender and sexuality. While some parents have sought to exercise their right to opt out their children from such instruction as recognized in *Mahmoud v Taylor*, many schools have embedded the same ideological themes across the curriculum, leaving families with no meaningful escape.

In effect, the only option left is to withdraw from the public school system entirely. However, this solution imposes a significant financial burden on parents who must shoulder the cost of private schooling or home education, while of course paying taxes to the public schools that they cannot use. As the Supreme Court held in *Mahmoud*, the availability of private homeschooling is no answer to parents' First Amendment objectives, as many parents cannot afford such a substitute.

The best way to resolve these tensions is through a robust system of universal school choice, similar to the policy 17 states have adopted in the past five years, including the great state of Texas

and my adopted home state of Arizona. As Nobel laureate economist Milton Friedman observed the government's interest in ensuring that every child has access to a quality education does not imply that government should run the schools. Instead, public funds should follow the child to the educational environment that best meets his or her learning needs and aligns with his or her family's values. School choice respects parental rights and religious liberty, and fosters a more diverse set of schooling options that better reflects the great diversity of American families than one-size-fits-some status quo. But—and this is key—for school choice to be meaningful, private school autonomy must be preserved. We talked about the landmark *Pierce* decision 100 years ago, where the Supreme Court held that the fundamental theory of liberty, upon which all governments in this union repose, prevents the government from attempts to standardize its children by forcing them into public schools. This same fundamental liberty should prevent the government from imposing regulations on private schools that would standardize private education. Unfortunately, some states have tried to do just that. You heard from **Carroll Conley** earlier about the attempts by the state of Maine to circumvent very clear school choice rulings. Likewise, you heard from **Rabbi Zwiebel** about attempts by New York State to impose public school curricular norms on Orthodox Jewish schools.

New York state law, which, which New York has no school choice policy yet their law requires private schools to provide an education that is substantially, substantially equivalent to that offered by the public schools. But the Constitution protects the right of parents to choose schools that are substantially different from the public schools. So, in closing, the federal government has a compelling interest in ensuring states do not violate constitutionally protected parental rights or religious liberty. It should not stand idly by while states are using regulatory tools to coerce conformity and suppress educational freedom and pluralism. Only by protecting parental rights and empowering parents with school choice can we ensure that America's education system respects and reflects our deepest commitments to religious liberty, pluralism, and self-government. Thank you.

Chairman Patrick: Thank you, **Jason**. We would not have school choice if it weren't for President Trump in Texas. It was his willingness to get in the fight and defeat those who were against it in the last election. It was his willingness to push those who remained to vote for it, in the end, it was a team effort, but without him we wouldn't have school choice. He is the most important person to the school choice movement in the history of this country, without question. Now we'll go to Professor **Nicole Garnett** and if you can stay within five minutes would be helpful.

Professor Nicole Stelle Garnett, Professor, University of Notre Dame

Prof. Nicole Stelle Garnett: Sure. Thank you so much. I'm so honored to be here today and I hope can I, I can contribute in some small way to these important deliberations. I've spent the entirety of my professional life fighting for parental choice in education and for religious schools' rights, to participate fully in parental choice programs. As a baby lawyer, a young attorney in the 90s at the Institute for Justice, I helped defend the inclusion of the first voucher, defend against Establishment Clause challenges, the first voucher programs to include religious schools, and I filed the first lawsuit challenging the exclusion of religious schools from Maine's Town Tuitioning Program—so justice delayed is not necessarily justice denied.

I, I do this, my work has been animated by the understanding that the fight for parental choice is not about increasing test scores, but fundamentally it is about empowering parents to fulfill their sacred obligations, to help their children become the men and women that God has called them to be, and giving parents the freedom to form their children mind, body, and soul through the medium of faith-based schools is critical for our nation's future. Faith-based schools—think about a couple of things—kids who participate in parental choice programs are more, and most of them attend faith-based schools are more likely to graduate from high school, go to college, graduate from college, get married, stay married, maintain stable employment, and avoid involvement with the criminal justice system. They're more involved in their communities. They're more tolerant of diversity and better educated about our political system. And we might ask ourselves why? And I'll just give you an intuition that I think is shared by many today, is that is because faith-based schools understand that their mission is not just about instruction that can be separated from faith, but is about human formation that cannot. They understand that kids entrusted to their care are made in the image and likeness of a loving God, and they therefore have a moral obligation to bring them to their full, God-given potential. And when the law deprives parents of meaningful choices or strips faith-based schools of their abilities to be fully themselves, this crucial, transformative mission is compromised, and our families, our community, and our nation suffer as a result.

So, I'll skip over the, the good news, but there is a lot of good news, a lot more parental choice thanks to Texas and when Texas, now we have about 50% of American schoolchildren are eligible to participate in a parental choice program—about 1.5 million do. The first, thanks to President Trump, the first ever private school choice program and federal private school choice program was included in the Big Beautiful Bill. It has the potential to bring private school choice and options for families to every state in the country, and most of these programs are actually quite respectful of the religious liberty rights of parents and of the schools participating. And that's all great news.

And also, the Supreme Court and a series of cases that we've already heard about have cleared away the rubble of past decisions, including, importantly, *Lemon*, and made clear that the Constitution demands that equal treatment of believers and institutions and religious conduct, and has taken away the idea that the opposite, the wrongheaded idea, that the opposite is true. So, this is actually an exciting time for the parental choice movement, exciting time for believers and faith-based education, but it's not time to declare victory. Important challenges remain, and because my time is limited, I just want to highlight one. And that challenge is this: that although the Supreme Court has made clear over and over and over again, the First Amendment prohibits the government from discriminating against religion, there are hundreds of state and federal laws on the books that require the government to do exactly that.

As a website developed by my employer, Notre Dame Law School, and the Orthodox Unions Teach Coalition, www.religiousequality.net—religiousequality.com was apparently taken—we've demonstrated that religious discrimination, explicit religious discrimination—and I'm not talking about what we just heard about, like other rules that also burden religious freedom, explicit discrimination against religious believers—institution and religious conduct pervade state and federal law. These laws limit religious freedom across all of society, a range of public programs. But I'll just offer a few examples from education law. You can find the rest on the website: religiousequality.net. At the state level, we identified 364 statutes and 104 regulations that discriminate against religion. A few examples from the education space: All states impose religious restrictions on charter schools, which are privately operated. Many do the same for pre-K, privately operated pre-K programs, and special education providers, as we just heard. Many states allow high school students to enroll in classes in college, including private college, at public expense, but limit their freedom to take classes at religious colleges for dual credit. Some have college scholarship programs that exclude religious students attending religious colleges or students studying theology. Others require students in work-study programs to refrain from engaging in religious conduct.

At the federal level, we identified 135 unconstitutional statutes and regulations, 41 of which restrict the religious liberty of private educational institutions, typically by requiring them to refrain from engaging in religious conduct as a condition of receiving federal funds. Many of these laws employ language that trace its origin to *Lemon*. All of these restrictions are unconstitutional. This isn't a complicated legal question. It's a clear constitutional demand. There is no need to wait for lawsuits, although we welcome lawsuits. To obey this command, the administration can and should take immediate action, including what Mr. Reeves mentioned, by issued guidance clarifying that laws requiring religious discrimination in public programs are not enforceable, and it should direct the states to do the same. It's that simple.

So, I'd like to close on a personal note, I am the product of public schools. As a child, my family experienced some pretty significant economic hardship, and I'm very grateful for the education, the excellent education that I received in my public schools. I know that I would not be here today. I know that my life would have looked very different, but for that education. But I'm also a Catholic convert and a Catholic school mom. All of our kids, all four of our kids have attended Catholic schools. Two still do. One is a senior at Notre Dame and the youngest is in seventh grade. Shout out to seventh grade. And in my 20 years as a Catholic school mom, I've learned that kids, Catholic schools are not places that kids are simply instructed, but rather that they are places where families experience authentic Christian community, where the joy of vocation is modeled every day, where faith and reason are integrated, and where teachers and administrators seek to bring children to wholeness in the image of the loving God who created them. And I have learned that there are places where children are formed—and I like to think that Charlie Kirk would embrace this model—to quote from Blessed Basil Moreau, “children are formed to be useful citizens of this world and joyful citizens of the next.”

I am here today because I want all families to have the freedom to choose their children's schools, including authentically religious ones, freed from burdensome regulations and discriminatory laws that strip them of their ability to fulfill the very mission that makes them so transformative. This has been my life's work, and I am grateful for the Commission's commitment to advancing it. Thank you.

Question and Answer

Chairman Lt. Gov. Patrick: Thank you, Doctor. **Kelly?**

Commissioner Mr. Shackelford: **Carroll**, I want to make sure everybody understands what's going on with Bangor Christian, because you won this case at the Supreme Court where Maine said, we're going to change our approach that we've had for almost 100 years, and we're going to deny Christian schools to participate. The Supreme Court said that was unconstitutional.

Mr. Conley: Correct.

Commissioner Mr. Shackelford: And so, then the attorney general and the legislature said bad things about the Supreme Court. I think they even read your doctrinal statement as they passed a new law banning schools like you to participate in the school choice program.

Mr. Conley: Because they did horrible things. These schools teach things like that the man might, should be the head of the home, and obviously the biblical sexual ethic. And so, in Maine specifically, they said, if you're going to receive funds, then you have to abide by the Human Rights Commission, which basically is bow down to the state of Maine if you're going to receive any funding.

Commissioner Mr. Shackelford: I mean, I'd love to know your description. I mean, again, this we've heard a few examples today of sort of people losing school districts, etc. and then just being defiant of the law is, I mean, how do you see this?

Mr. Conley: And this isn't something new. **Kelly**, by the way, when I was the headmaster—so I haven't been the headmaster since 2000. As you know, I've been the Family Policy Council director. I just retired in June for the past 15 years, but even when I was the headmaster, the islands would call us the very independent islands that don't have high schools and would pay for the students to go and thumb their nose at the state because it was through the municipalities. But yes, we now have districts like Hodgdon, Maine, up on the Canadian border. These very conservative rural districts are saying we are we're not going to abide by the HRC, so even the public schools now are turning against what this administration is going on. So, there are even though no one has

actually gone all the way to it, but there is a movement towards saying, what is the path that we can somehow ignore what the attorney general is saying, what the legislature is saying, and set up a system where parents could have this choice, and it's been very encouraging.

Commissioner Mr. Shackelford: You know, I've always heard the conservative argument against school choice being that if you take them, they'll be strings that will violate your Christian school, your religious school. It seems like this is the test case on that.

Mr. Conley: I think it's the test case, but we've already proven before 1980, when I was a student there, that wasn't the case at all. It certainly is not the case. Now, if a school chooses not to do that, then, you know, God bless them, but we think they should have the option to do that. The other thing that Maine citizens are doing, **Kelly**, is they are applauding President Trump's threats to take away federal funding on these issues. So, it's an if anybody knows anything about Maine, there are two Maines, and the northern Maine is would like to somehow secede but at this point, there's a lot of great thankfulness on these issues with this administration, for sure.

Chairman Lt. Gov. Patrick: Thank you. Any other question, members? Thank you very much. Great testimony, really appreciate it. Thank you very much. We have two speakers that have about 5 or 6 minutes to speak on, on a couple of issues dealing with education, and that will wrap up today. Give them a chance to be seated. Thank you all for staying with us. Welcome, good to have a Texan here. Yes, Dr. **Beckwith** have about 6 or 7 minutes to talk about the freedom of education and our heritage in the future.

Dr. Francis Beckwith, Professor, Baylor University

Dr. Francis Beckwith: Great. Thank you so much Chairman **Patrick**, Vice Chair **Carson** and all the members of the Commission. It's truly an honor to serve on the Commission's Advisory Board of Legal Experts and to share with you this afternoon my thoughts on the religious liberty challenges in our public schools and universities. To fully appreciate these challenges, we have to remind ourselves why the US Constitution and all state constitutions protect religious liberty. The American Founders sought to forge an understanding of religious liberty that was born of their experience under British rule, and what they knew of the historical record of religious persecutions throughout Europe.

Rejecting both religious indifferentism and theocracy, the Founders embraced a view that recognized that the government should not coerce a citizen's religious beliefs or practices, and in that sense, should remain neutral about religion. On the other hand, their view also recognized that human beings have a natural inclination to pursue a right relationship with their creator, and that our temporal happiness and our eternal faith, fate depend on it. But in that sense, the government should think of religion as a public good whose practice practitioners should be accommodated as long as they do not threaten the civil, peace and public order. As James Madison once put it, "because we hold it for a fundamental and undeniable truth that religion, or the duty which we owe to our creator and the manner of discharging it, can be directed only by reason and conviction, not by force or violence, The religion, then, of every man must be left to the conviction of conscience of every man, and it is the right of every man to exercise it, as they may dictate. This right is, in its nature an unalienable right," unquote. For Madison, the preservation of religious liberty requires the government to acknowledge that it does not have absolute and universal jurisdiction over all matters of life. Again, to quote Madison, "we maintain, therefore, that in matters of religion, no man's right is abridged by the institution of civil society, and that religion is wholly exempt from its cognizance."

What also stands out about the Founders understanding of religious liberty is its epistemic modesty. Now, what is epistemic modesty? That refers to the humble recognition of our intellectual limits, and on, that on matters of religion and religious belief, our fellow citizens can arrive at differing and sometimes contrary convictions, even though they are just as reasonable and knowledgeable as we are, but this is what we should expect in a free society. Figures like Madison did not see religion as just another exercise of personal preference, as some of our contemporaries may see it. They understood religious belief to be a matter of conscience and conviction, not something one explicitly chooses, like a pair of slacks that could be tailored to one's specifications.

The Quaker or the Jehovah's Witness, for example, does not reject military service because he does not want to participate in war. Rather, he rejects military service because he cannot, as a matter of conscience, participate in war. We, of course, do not live in the world of the American Founding. At that time, the religious divisions within the country were almost exclusively between differing confessional traditions of American Protestantism, but over the decades, as the nation expanded in size and population, it not only became more religiously diverse. The beliefs and practices of its elite class in the university, the arts, media, and public education became in general more secular and less welcoming of serious religious voices that dissent from the pieties of secular progressivism. As the sociologist Peter Berger once observed, if India is the most religious country in the world and Sweden the most secular, then America is a country of Indians led by Swedes. Virtually none of today's religious liberty conflicts cut across conventional religious lines, as they once did at the American Founding and well into the 20th century. Rather, they reflect the deep divisions between the moral and civic convictions of a secular elite and the moral and religious convictions of citizens across a diversity of faith traditions. We have seen this phenomenon played out in the testimonies you've heard in the two hearings dealing with education. These witnesses, witnesses provided shocking accounts of the persecution they had to endure in our public schools and universities. In some cases, teachers and administrators refused to accommodate the religious convictions of students and staff members, while in other cases they marginalized and punished religious students and staff members because they had the temerity to insist they follow their conscience rather than acquiesce to the spirit of the age.

What is particularly striking in these cases is how the advocates of the government seemed incapable of envisioning how anyone could reasonably disagree with the burden they sought to place on their fellow citizens. In some of these cases, students were forced to participate in activities contrary to their religious convictions, while their views were subjected to ridicule and disparaging comments by officials who seemed to harbor contempt for these students and their families. In other cases, the schools intentionally restricted religious speech and conduct for no other reason than the conduct was, and the speech religious. This type of behavior on the part of those school officials is in stark contrast to the sort of civic virtues that the American Founders sought to cultivate in their compatriots: epistemic modesty, respect for conscience and conviction, and proper regard for how one's neighbor understands her duty to God. Some school officials have claimed that their contested policies are neutral as to religion, but that defense just doesn't ring true. One for example, a school explicitly requires that students and staff members to assent to moral beliefs or engage in activities that are inherently hostile to the religious views of students and staff members across a diversity of faith traditions. The school is in fact not being neutral as to religion. This is why when a school accommodates religious students and staff members, it is showing appropriate respect for the natural consequence of what happens to a free people living in a free society. Citizens will come to different conclusions about their duty to God, but when a school rejects such accommodations and insists that its students and staff members assent and

conform or suffer punishment, it is signaling to the rest of us that it does not want to serve a free people living in a free society, that, in fact, it sees its project as enforcing the doctrines of the secular equivalent of a confessional state. To properly honor the memory of Charlie Kirk, this commission should recommend legislation and executive action that encourage our educational institutions to promote a culture of conversation and listening, one that rejects an unbending, progressive orthodoxy that is effectively functioned for decades to undermine the kind of civic friendship that allows us to live and learn together in peace, despite our religious and sometimes political differences. Thank you and God bless you.

Chairman Patrick: Thank you, Doctor **Beckwith**. Please keep your seat in case there's a question after. Our witness, our last witness of the day, **Hannah Earl**. She's the faith director for the Department of Education, representing the secretary, Linda McMahon. Good to have you with us, and you have about 5 or 6 minutes. Go ahead.

Hannah Earl, Faith Director for the Department of Education

Hannah Earl: Thank you so much, and thank you all for being here today and taking your time for this discussion, and also thank you, members of the Commission. My name is **Hannah Earl**. I am the director of the center for Faith at the Department of Education. So, what does that mean? We empower parents in their pursuit of meaningful learning, we ensure that religious stakeholders have a voice in policy making, and we communicate what it will look like when we fulfill our instruction to facilitate the closure of the department. So, I'm here to give you a very brief overview of some of the steps that have been taken and the orientation that will mark our future as, again, we work toward that goal.

One of the most effective safeguards of religious liberty is the empowerment of parents to direct their children's education. We have discussed today, and as I'm sure many of you know, it is the 100-year anniversary of the *Pierce* decision. That is monumental. The inheritors of religious liberty are those who gave it to us, which is faith-based schools. And you, and as many of you know as well, the majority of K through 12 private schools in this country are faith-based. That is a testament not only to the religious community in this country, but I think also the American character itself. As we approach America 250, we have the opportunity of a century. In President Trump's landmark piece of legislation, the one Big Beautiful Bill contained a watershed moment for both religious freedom and school choice, and that is, of course, the scholarship portion of it, which gives \$1700 tax credits to those who donate to scholarship granting organizations. This is an incredible opportunity, the likes of which we have never seen in this country, to expand faith-based education. It will require a grassroots effort, as I'm sure all of you know, because states do have to opt into this program, and I assure you, you will be hearing more from us about that as we move forward, as well as those within your spheres of influence, communicating just what that will look like.

This dedication to returning rightful education to parents is itself an astonishing political achievement, and I am very thankful for the leadership of President Trump and Secretary McMahon in fulfilling not only a campaign promise, but one of the most uniting aspects of the conservative movement in the past 60 years. So, while I have you for just a few moments, I want to provide, as I said, a very brief overview of some of the actions already taken and those actions that will continue to guide us as we move toward returning education to the States and in so doing, return it to the hands of parents. Fewer than ten days into this administration, we had two very vital executive orders. One of them targeted the ending radicalization and indoctrination in K through 12 schooling. The other supported parents explicitly in choosing the proper education for

their children. An example of this was discretionary grants going to charter schools, which if you've seen the news this past couple of weeks, the department has moved on that very decidedly.

I want to share also some points that the Department of Education included in the anti-Christian bias report, to say nothing of the ways in which the department has held universities responsible for the targeting and harassment and violence of Jewish students on some of our most elite college campuses. The department is dedicated to ending the weaponization of policies targeting Christian higher education. The department will no longer disproportionately target colleges and universities for their beliefs, and will affirm the rights of these colleges and universities to act in accordance with their faith, with their faith-based identity. Another example: we have targeted, we have ended the targeting of school boards via the, via the elimination of the Biden book bans tsar which attempted to monitor those who objected to content in classrooms, largely on religious grounds. I hope all of this underscores the remarkable dedication of this administration from day one to ensuring that Americans can live according to their convictions, and specifically their religious ones. So, as we move forward, I would like to ask two things: for your prayers and your partnership. Returning education to the states means returning education to parents and communities. That is necessarily a grassroots effort that will engage Americans at every level of government and civil society, so I'm asking you to exercise your own spheres of influence as we move toward that goal. Thank all, I want to thank all of you again for being here, and I thank all of you in your efforts to train up a child in the way that he should go, so that he will not depart from it. Thank you.

Chairman Patrick: Thank you. **Hannah.** Any questions for either witness before we close? We have four minutes before closing on time. Reverend **Franklin?** **Carrie?**

Carrie Prejean Boller: Thank you so much. I'm very inspired by what you said. I live in California. I have a lot of mothers with young children that a lot of them can't afford private school. What are some ways—I understand what you're saying about grassroots efforts—but can you give me just 1 or 2 examples of what mothers and fathers can do locally, you know, to combat this?

Hannah Earl: Develop relationships with your community leaders and also at every level of government. As I said, this is an incredible opportunity that we have, but our lawmakers at every level have to understand the demand and I think one of the most incredible things about this country is we've seen, is that we can remain responsive. We do remain responsive to the needs of constituents, and there are so many ways to make those desires known. So those relationships, whether that's in your civic association, whether it's at the Chamber of Commerce or whether it is

non, non-school affiliated parental groups—to develop those relationships and have very active conversations with every sort of legislator that you can contact, because that is what it will take. And I want to underscore the commitment because I’m not sure everyone understands this quite candidly, how committed we are at the Department to fulfilling the directive to shut it down. It impacts everything we do every day, but that requires parents and communities and state leaders to take the charges that we are giving them.

Carrie Prejean Boller: Thank you.

Chairman Patrick: Allyson?

Allyson Ho: Thank you. Doctor **Beckwith**, I wanted to touch on something I heard you say. I think you said something to the effect of that the Founders saw religious, religion is not just another expression of individual liberty. And I think if there’s one thing that we’ve been impressed by in all of our hearings is that given the level of persecution and prosecution in our country today, neutrality would be a huge advance. Yet, that, in a sense, would sell our Founders’ vision short, wouldn’t it? I mean, they singled out religion, if anything, for special treatment in our Constitution to protect the free exercise, so I just, I just would sort of like to hear your

Dr. Beckwith: Yeah, that’s right, so this is something that’s been occurring recently in the, in the legal literature, this argument that, that religion isn’t special, and I think it comes from several different places. One is the sort of natural or kind of the American impulse for a kind of egalitarianism. So, people, well to single out religion is in fact to say that citizens that don’t practice religion are not fully citizens. I don’t think that’s the right understanding of what the Founders intended. They saw religion or religious duty as something that is natural to human life, and that they also obviously knew that there were people that didn’t practice religion. But in the same way that the fact that certain people never fall in love doesn’t mean that the government shouldn’t single out marriage for special protections, right? So, there is something, I don’t think at the end of the day, you can actually have a fully neutral state when it comes to something like religion. I mean, either human beings are ordered towards having the right relationship with the transcendent that is God, or they’re not. And I think that throughout history, the kind of diversity and pluralism with which we’re accustomed is the consequence of actually believing that, so this is why people from religious traditions, in every, everyone who belongs to religious tradition, believes that they’re right. On the other hand, there’s also an acknowledgment that in order for one to have authentic faith, it must be assented to freely, but ultimately, I think that presupposes that there’s a divine reality. I mean, that I think makes the most sense.

Allyson Ho: Thank you.

Chairman Patrick: Thank you. Our next hearing is November 17th. We're actually going on the road to Dallas, and those watching online or, or on a network, hope you'll join us then. I want to thank all the people behind the scenes at the Museum of the Bible for our first three hearings. They've been terrific to work with. We will return. This is our third hearing. We have a total of eight planned. Could be one more, could be one less in the spring, but I want to thank them and we will be back here at the museum in the new year. But the next hearing will be in Dallas, Texas. Reverend **Graham**, would you close the prayer, close us with a prayer?

Rev. Franklin Graham: Oh, Heavenly Father, we come today to say thank you to our president who cares about religious freedom more than any president in my lifetime, Father. So, we thank, thank you for him, and we pray that you'd watch over and protect him. And, Father, we pray that you'll bless him, and Father, we thank you that he's appointed this commission. And so, we pray for each one around this table, each Commissioner, and we thank you for them and their input. And, Father, these witnesses that we have heard today, how some of them have suffered for their faith and are still suffering for their faith. Father, we pray that you'll give our chairman of this commission, and the rest of us, your wisdom as how we can help the president, so we can turn this wicked system around that's attacking your church and your believers, your followers. Father, thank you for this opportunity. We pray that we'll be faithful to you and all that we say and do. And we pray this in the name of your son, Jesus Christ. Amen.

Chairman Patrick: Thank you, Reverend and God bless all of you. Thank you.



**Presidential Religious Liberty Commission
Fourth Hearing Transcript
December 10, 2025
The Debate Chamber at the Old Parkland
Dallas, Texas**

Fourth Hearing Transcript

Introductions

Mary Margaret Bush: Good morning. Welcome to the fourth hearing of the Religious Liberty Commission. My name is Mary Margaret Bush, and I'm the commission's director and designated federal officer. It's my pleasure to welcome you today and to turn our proceedings over to a man who needs no introduction. Our chairman, Lieutenant Governor **Dan Patrick**.

Chairman Lt. Gov. Dan Patrick: Thank you. Mary. Our Commission will come to order. We're going to have a prayer from Doctor **Carson** in a moment. And I just want to tell you that this is an extraordinary day, Harlan. Just so everyone knows, Harlan Crow. He created this incredible complex out of an old hospital because he just told us. Because he loves America and loves this country. And this is about America. And we're so grateful that you're hosting us. He saw the first hearing back in June, and he called me and he said, "I want to do a hearing in Old Parkland." So, Harlan, we're here and your staff has been terrific. So, thank you very much and your staff.

Mr. Harlan Crow: Thank you.

Chairman Patrick: Doctor Carson, would you open with a prayer?

Vice Chair Dr. Ben Carson: Absolutely. Kind, heavenly father, we're so grateful for this opportunity to gather together, to seek wisdom from you and from each other for such an important area as religious freedom. One of the bedrocks of our country. We thank you for those who have worked so hard to put this together, and we thank you for all the commissioners and for the head of our commission, **Dan Patrick**, and for each of you and your involvement and your interest. And we thank you, Lord, that you are so accessible to us. We don't have to make an appointment to talk to you. And you're always there. And that has helped us to achieve the goodness that has come from this country. Help us to continue to lead in this fight for all freedom and particularly religious freedom. In your holy name. Amen.

Chairman Patrick: Amen. It just reminded me to turn off my phone and that was not me. But it's okay so be sure all the phones are off. Thought the Good Humor Man was coming down the street there for a second. It's all good ice cream. You have to be old enough to know that sound. I'd like for each commissioner to take 30s. Introduce yourself. And? And I think everyone knows everyone here. But we just would like to go down the row. **Kelly**, we'll start with you.

Commissioner Mr. Kelly Shackelford: **Kelly Shackelford**, president and CEO of First Liberty Institute. All we do is religious liberty cases. So.

Commissioner Bishop Robert Barron: I'm Bishop **Robert Barron**, the bishop of Winona, Rochester diocese in southern Minnesota, also Founders of Word on Fire Catholic Ministries, which is an evangelical media ministry.

Commissioner Dr. Phil McGraw: Doctor. **Phil McGraw** I'm a clinical psychologist and a Christian clinical psychologist. And I'm kind of the bridge between all the clergy here and the culture. So, I'm very proud to be part of the commission.

Chairman Patrick: Ryan.

Commissioner Dr. Ryan Anderson: My name is **Ryan Anderson**. I'm the president of the Ethics and Public Policy Center, which is a Washington, DC based think tank. And then by training, I'm a political philosopher with a specialty in religious liberty.

Commissioner Mrs. Carrie Prejean Boller: Good morning. My name is **Carrie Prejean Boller**. I was one of the first to be canceled for my faith. I was Miss California and competed at Miss USA and dared to say marriage is between one man and one woman. It is an honor to be here with you today.

Commissioner Rabbi Meir Soloveichik: **Meir Soloveichik**, director of the Strauss Center for Torah and Western Thought at Yeshiva University and Rabbi of Congregation Shearith Israel, the oldest Jewish congregation in the United States and beneficiaries of religious liberty from America's beginning.

Commissioner Mrs. Allyson Ho: Good morning. I'm **Allyson Ho**. I'm an attorney. I'm the I'm a co-chair of the appellate and constitutional law practice at Gibson, Dunn and Crutcher, and I am also a Dallas resident. And we're just thrilled to welcome the Commission to our hometown this morning. Thank you.

Commissioner Rev. Franklin Graham: I'm **Franklin Graham**, I'm a preacher of the gospel of Jesus Christ.

Chairman Patrick: He's always a man of few words and makes the point really clearly. Thank you. Thank you Reverend. So, a quick little background. This came out of a conversation the President and I had in November of last year, a few weeks after the election, and he had talked about religious liberty in his first term. And we had a discussion that this might be the right time, as many Christians and people of all faiths have been persecuted for the last four years, and then go back a little before that. And he immediately said, let's move forward. And he immediately said, "I want **Franklin Graham** on it. I want Cardinal **Dolan**, who is on the committee, couldn't be here today, **Paula White**." And then we decided to assemble the finest minds from the world of, of law that's practiced before the Supreme Court and know some of these cases and issues, historians and then the leading people of faith, men of faith, from, from various religions. So, denominations, rather. So that's how we came about. This is our fourth hearing. We will have several more next year. The first two hearings are focused on well, the first hearing in June of last year was focused on what did our Founders really believe about religious liberty. And then the last

two have been on K through 12 education and then higher education. And today is focused on the military. This was originally scheduled around Veterans Day but had to be delayed. And so that's our focus today as well as some Texas cases. And thank you all for being here.

Associate Attorney General Stanley Woodward

Chairman Lt. Gov. Patrick: I'm proud to introduce Stanley Woodward. Stanley is third in command of the Department of Justice. When this was created, we had to have a charter to create this Commission. And then we had to have an Agency that would pay some of our expenses. And so, we're under the Department of Justice. **Pam Bondi** has spoken our first hearing, President Trump spoke at our second hearing. And so, we're honored to have Stanley with us today. Stanley Woodward, sir.

Associate Attorney General of the United States Stanley Woodward: Thank you. I'm sorry that I'm not President Trump or **Pam Bondi**, but I am I am very, very pleased to be here. It's my honor. Thank you for having me. Dallas is a wonderful city. I always love coming here. And so, thank you. Thank you for hosting. We had to postpone the last hearing because the government was shut down for 46 days, in which time I was also confirmed. And so, I'm very honored that this is the first time that I'm able to give public remarks on behalf of the administration. And so very grateful for the leadership of President Trump and Attorney **General Bondi**.

Before I begin, I would be remiss if I were not to observe that Saturday is the birthday of our National Guard, a branch of our armed services that has been in the news a lot lately for less than positive reasons. And so, I hope that you would join me in a moment of silence as we pray, both for those we've lost and those who are recovering after the tragic shooting in Washington, DC before Thanksgiving. Some, I think 366 years is their birthday this year. They're the first armed forces to take up the cause of defending our land here in the United States. Massachusetts, I believe, is where they were first founded. Our service members are heroes. They deserve this designation for many reasons, but perhaps the foremost that they are is that they are entrusted with life and death matters when in combat situations, they face these matters on a near-daily basis. They are the most important decisions a person can make. And how we make these decisions says a lot about who we are. For people of faith, how we approach these decisions implicates what we believe will follow in the inevitable next life. For this reason, religious liberty and military service have a unique connection. Our service members deal with first things—"unwritten, undying truths," as Sophocles would say through the words of *Antigone*. More so than the rest of us, service members deal directly with last things defined in the Christian tradition as death, judgment, heaven and hell. To remain clear-sighted and courageous and compassionate in the face of constant danger and constant high stakes, our service members must have the ability to see their work through eternal perspective.

This reality has been sometimes more, and other times less appreciated over the years. In 1942, a young Quaker enlisted to serve in World War Two. He believed two seemingly inconsistent things about his duties as a citizen. First, he believed he was obligated to serve and defend the cause of freedom. Second, he believed that to take up a weapon against a fellow man, however evil, was sacrilege, and against his creator. He enlisted in the military, but due to his religious beliefs and convictions, he underwent severe trainings, corporal punishment, and was even court martialed for his beliefs. This young man stayed the course, however, ultimately, he was deployed as a medic. In one battle in Okinawa, in 1945, American forces were falling dangerously, though there was great pressure to fall back. He famously saved the lives of more than 75 in the battle for control of Maeda Escarpment, also known as Hacksaw Ridge. Among those whose lives he saved were many of the officers who had made his commitment to principles so difficult. Yet, it was this very sense of duty and his deep conviction of his duty to protect human life that led him to risk his own over and over, remaining exposed in enemy territory for hours to save his brothers. He was later presented with the Medal of Honor for his “outstanding bravery and unflinching determination in the face of desperately dangerous conditions.” That’s a quote. This young soldier, Desmond Doss, was a hero, one who understood First Things and Last Things—a man worthy to be entrusted with life-or-death decisions, and one who bore profound witness to the unique American spirit and tradition of religious liberty in the military and civilian life, which has been present since our Founding. In his witness to religious faith and service in the 1940s, Desmond Doss carried a torch ignited many years earlier when, in our nation’s greatest hour of need, George Washington, perhaps the greatest of our leaders, honored the Quakers request to serve in non-combat positions, himself standing in the breach to ensure their faith was not violated. Then-General Washington’s respect for religious liberty was rewarded as the ragtag American army, against overwhelming odds, defeated Britain, the strongest military power in the world at the time. From General Washington to Desmond Doss and through the present, the American military has from beginning shown that readiness and religious liberty strengthen each other.

I am proud to be part of an administration that takes seriously this legacy and this responsibility. President Trump, who addressed the commission earlier this year, supports religious liberty more strongly than any president in my lifetime. And under Attorney General **Pam Bondi**, our Justice Department is providing unprecedented support for religious liberty through proactive litigation, interagency initiatives, special task forces, and commissions. We frequently lend support to lawsuits strengthening the Religious Freedom Restoration Act and the Religious Land Use and Institutionalized Persons Act. Recently, we filed a FACE Act claim holding accountable perpetrators of violence against a new Jersey synagogue. In contrast with my predecessors, who attempted to use the FACE Act to penalize citizens for speech and religious expression, we understand the FACE Act to strengthen rather than abridge, First Amendment protections.

We are proud to be home of the anti-Christian Bias Task Force. This Religious Liberty Commission, the Anti-Semitism Task Force, and a number of other programs dedicated to restoring and strengthening our national heritage of religious freedom. We prioritize this because we know that religious liberty is not merely accommodation or a policy choice, but rather a fundamental duty owed by any just government to its citizens, the root of any truly free and civilized society. We are grateful for the support of leaders like Lieutenant Governor **Patrick**, who with President Trump created this commission, and whom President Trump hand-picked to lead this work. And like Vice-Chair Doctor **Ben Carson**, who was truly tireless in his dedication to our country. Together, our goal is simple, but it is ambitious: to restore religious liberty to its rightful place, not just now, not just for the next four years, but for generations to come. We hope you will join us in this effort, as the witnesses you will hear from today have done. Our country's greatness comes in large part from the efforts of so-called everyday Americans. They have the commitment and courage to stand up for our Constitution and for our values. Our Founders were just such everyday Americans, people who did not stand by in the face of injustice, waiting for someone else to take action. They educated themselves, they united and they organized. We must do likewise. Learn about the First Amendment. Discuss it with your family and your friends and those with whom you disagree. Stand up when you see the First Amendment being abridged, violated, or even not considered. Listen carefully to the stories that you hear today. You will be hearing from the best our country has to offer.

In an era of confusion and relativism, these men and women know who they are, who they serve, and where they are going. They know and live both the values our country stands for and have much to offer as both in our understanding of religious liberty, but also how to live our greatest potential for our country. I know you will be inspired as I am, by what you hear today. Thank you and welcome to the Religious Liberty Commission's fourth hearing.

Chairman Lt. Gov. Patrick: Thank you so much. We are going to briefly reset the stage for our witness table. I'll let the crew do that. And while we're doing that quietly, I want to share a victory for religious liberty just last week at the Supreme Court. I'm going to turn it over to **Kelly Shackelford** to talk about that.

Commissioner Mr. Shackelford: Well, there's actually a victory Monday of this week in a case out of Pennsylvania regarding forcing children of the Amish faith to violate their faith and their parents to violate their faith. So that was a victory this week. But then, then, there's also an argument last week on religious liberty case by our own Mrs. **Ho**. And I just want to congratulate her on doing an excellent job, an important case. If you haven't watched it, the court's working on it right now, so the opinion will probably come down in the next four months at the very latest by

June. It's about a man who just wanted to share his faith in public, and the city created a free speech zone of ten by ten, 800 yards away from or feet away from the amphitheater where he couldn't reach anyone. And then he was even denied his right to have a day in court, which I just wanted to bring this up to one to say that we have a preeminent Supreme Court advocate on our panel, Mrs. **Ho**.

But also, this is an issue that we've talked about that won't be in anyone hearing. This is the problem of judges trying to avoid deciding these controversial cases, which is probably the way most of these cases are lost, are gimmicks or rules or things that are created by judges who want to avoid controversial cases like this. And so, I just want to say, Mr. Chairman, that assuming that the chair that you and the commission are in favor, I'd like to work on something that documents what is happening, including Supreme Court justices saying this is a problem so that we can maybe address it in our final report, because that probably affects every area of religious freedom more than any other area, but **Allyson Ho's** argument last week, I think, is a great example that this is still a problem.

Chairman Lt. Gov. Patrick: Thank you **Kelly**, and thank you, **Allyson**. Congratulations to our audio staff. Are they going to reset stage? They're coming now. All right. We will reset the stage. By the way. . . we're going to go all the way through 1:00 without a break. So, if you do need a restroom break or you have a short call, you can quietly step out and step back in, because I know it's a busy day for everyone. And we'll have our first witness, **David Barton**, in a moment. So, as we change out the stage, this collection from **David**, he has museums in in Fort Worth, if you don't know the work of **David**, and before you leave today, take a look at these historic documents. And he's going to talk about them a little bit. But he brought some of his best about how the military and religion has all worked together since our founders.

Mr. David Barton, Historian

Chairman Lt. Gov. Patrick: Our first witness this morning is a longtime friend of mine and of many people in this room, **David Barton**, a historian and collector of artifacts from American history. And we've asked him to come and kind of lay down the base point of where this country has been with religious liberty in the military. **David Barton**, we'll turn it over to you.

Mr. Dave Barton: Thank you, Governor. Secretary **Carson**, good to be with the Commissioners. My name is **David Barton**. I help operate two world-class museums here in the Dallas Fort Worth area. We have more than 100,000 items ranging from the time of Columbus up to the Apollo programs. And much of our collection relates to military history. In recent years, there have been unprecedented attacks against traditional religious practices in the military. As a result of this increasing hostility toward public religious expressions, there has been much confusion over what is and is not constitutional. The U.S. Supreme Court has sought to mitigate this hostility in this confusion, by pointing to what is now called the History and Tradition Test. The court explained, quote, "long standing, religiously expressive monuments, symbols and practices require a strong presumption of constitutionality."

I'll use my time to present a brief historical overview of several long-standing military religious practices that are relevant to this hearing. I'll also show you original military items from across the centuries, which will be available for your perusal on the breaks. To begin with, the American military was established by Congress in 1775, with George Washington placed at his head in his first general order. George Washington formed the soldiers that quote, "there would he forbid profane cursing, swearing and drunkenness" and that, quote, "all officers and soldiers not engaged on actual duty are to be in punctual attendance on divine service." Throughout the war, Washington issued many other orders infusing religious activities directly into military life. About the time the British surrendered in 1781, Congress approved the production of the first English language Bible printed in America. It came off the presses in 1782, and this is it, it's one of the rarest books in the world. Chaplain John Rogers asked George Washington to give one of these to each soldier in the revolution, and Washington stated that he was, quote, "well pleased to do so," except that he had already sent the troops home. So, providing Bibles troops did become a longstanding practice in the military. In 1816, a number of our Founding Fathers, signers of the Constitution, got together and started the American Bible Society. This is the first Bible they produced, and this is the first military Bible.

It went to sailors on the USS John Adams. Moving to the Civil War, this is one of President Abraham Lincoln's orders to the military. This general order requires that, quote, "the orderly observance of the Sabbath by the officers and men in the military and naval service." He ended the order with these words. He said, "the first general order issued by the father of his country, George Washington, after the Declaration of Independence, indicates the spirit in which our institutions were founded and should ever be defended." Quoting from Washington, quote, "the general hopes and trusts that every officer and man will endeavor to live and act as becomes a Christian soldier defending the dearest rights and liberties of his country." That's Abraham Lincoln's order that he gave in 1863. During the Civil War, some 4 million Bibles were distributed. Here was one for Union soldiers. Here's one for Confederate soldiers.

And in World War II, more than 6 million Bibles were distributed. On the inside cover of the World War I Bibles was a message from President Teddy Roosevelt, or a message from President Woodrow Wilson, or a message from—President Six Star, excuse me—from six star General John J. Pershing. That was on the inside of those Bibles. In World War Two, millions of Bibles and New Testaments were distributed. These, with a brown cover, were for the army, and these were the sea blue cover were for the navy. Inside both had a message from President Franklin Roosevelt, about the importance of the Bible, about the importance of the Bible. Across from his message in both Bibles is the Christian naval pennant flying. You see a picture of it right below you there. This pennant flew above the American flag. And for those accustomed to today's aggressively secular public square, flying a Christian pennant above the flag might be shocking. But even today, the U.S. Flag Code still places the naval call for divine service above the American flag. Also distributed in that war was this steel cover New Testament bearing the inscription "May this keep you safe from harm." Known as a heart shield Bible, when placed in the left breast pocket over the heart, it could stop a bullet. Multiple veterans of whom I've specifically spoken to two acknowledged this Bible saved their lives during the war. One of the most momentous events in World War Two was the D-Day invasion. This top-secret operation was announced to the nation in an FDR fireside chat, at which time the president personally led the nation in a six-minute prayer. A prayer prayed while the troops were landing on D-Day. That prayer was published and rebroadcast worldwide in 28 different languages, and it's called perhaps the greatest mass prayer in all history. President Roosevelt's D-Day prayer was made into the official White House gift for 1944, which you can see framed on the right end of the displays at the end.

After D-Day came the Battle of the Bulge. General Dwight Eisenhower placed General George Patton in charge. Patton informed Colonel James O'Neill that he wanted all 250,000 men in his famous Third Army to begin praying, because without God's direct intervention, they would not prevail against the Nazis in that battle. The result was this—this is a prayer card signed by George Patton, distributed to every one of his 250,000 soldiers. They prayed. Patton also prayed. There's

a painting of Patton praying that was printed at the end of the war that you can see on the table, and Patton and numerous of his officers openly reported that this prayer is what turned the tide in the Battle of the Bulge. Colonel James O'Neill was actually awarded a Bronze Star for writing this prayer that God answered. Significantly, World War II Bibles included messages from leaders such as five-star General George C. Marshall, four-star General Douglas MacArthur, four-star General Omar Bradley, and four-star general Mark Clark. Can you imagine what would happen today if a four or 5 or 6 star general were to urge troops to read the scriptures? Or if a commander such as Patton issued a prayer card and asked his troops to pray? Or if a commander such as George Washington strongly urged his troops to attend divine services? Yet, this is completely acceptable military practice, for decades, generations, and even centuries until recent years.

There's much more that can be covered. But our history is clear there simply was no widespread historical precedent for opposing or limiting biblical beliefs or expressions in the military until the administrations of President Barack Obama and then President Joe Biden. Both implemented numerous policies attacking and restricting religious faith in the military, here are just a few. In January 2010, tiny, coded Bible verse references that appeared for decades in the serial, numbers of popular military scopes and gun sights were required to be removed. Troops were directed to scratch off and paint over Bible verse references. August 2011: the Air Force stopped teaching just war theory to officers in California because the course was taught by chaplains and because it was based on a Bible perspective introduced by Saint Augustine in the third century. For centuries, just war theory was taught in civilized nations across the world, including America, until Obama's action. In September 2011, the Air Force Chief of Staff prohibited commanders from notifying airmen of programs and services available to them if they came from chaplains. The Air Force ordered, in February 2012, the Air Force ordered the removal of the word God from the patch of the Rapid Capabilities Office. In June 2012, the Obama administration revoked the longstanding U.S. policy of allowing service emblems to be placed on military Bibles, which had been a popular practice among all of the branches. There are many other similar incidents, and sadly, that hostility was repeated in the Biden administration.

Here's a couple of examples. In September 2021, the Biden administration rejected First Amendment religious exemptions for military personnel of 24,000 religious objections filed against the Covid vaccine, only four were allowed. And then, April 2023, on Easter weekend, the Biden administration sent a cease-and-desist letter to Catholic priests, ordering that they stop providing pastoral care at Walter Reed Military Hospital. There are many other examples, and you can imagine how presidents ranging from George Washington to Woodrow Wilson and from Franklin Roosevelt to George W. Bush would have rejected the current atmosphere, decades and even centuries of military history stand in direct opposition to the religious hostility introduced in the military in recent years.

Chairman Lt. Gov. Patrick: Thank you, **David**. When he first shared those facts with me, it was shocking. And the question, **David**, I'll ask the first. And when I see your red lights, I can call on the other members. How did this go on for eight years during the Obama administration and four years under the Biden administration, how did this go on? I would say quietly, I think a lot of people in this room are hearing this for the first time. There were people standing up, or were they too afraid of the military?

Mr. Barton: There were people standing up, but this got very little publicity. You would find these kind of events because I would see them in legal filings or someone trying to defend them, but not because it got much active news coverage, because America, in many areas, as we see from education, through politics, through military, has become very secular and very intolerant of religious expression of others. And so that was exacerbated, I think in those particular 12 years at least, they were elevated to a degree we've never seen before in the way of legal action against soldiers, officers and others. So, part of it was the fact that the public didn't know really it was going on. And another part was the fact that at that point in time, there was a lot of confusion in the courts about what could and could not be done religiously. We have fairly hostile set of federal courts at that time. I think in the last six years, the Supreme Court has sent us in a very different direction through that history and tradition test. By reintroducing that history tradition test, we're back to what we could do before.

Chairman Lt. Gov. Patrick: Members of the committee. Questions? Comments, Doctor **Carson**?

Vice-Chair Dr. Carson: Yeah. **David**, good to see you.

Mr. Barton: You too. Sir.

Vice-Chair Dr. Carson: How did people avoid the Establishment Clause when George Washington was telling the troops that they should attend services?

Mr. Barton: You know, it's interesting, the Establishment Clause, I think one of the best explanations of the Establishment Clause was actually given by Thomas Jefferson in his famous Separation of Church and State letter, 233-word letter, and people quote eight words from it, "a wall of separation between church and state." And it was Jefferson that explained that the Establishment Clause, the wall of separation, kept the government from establishing a single

national denominational religion, as had been done in Europe, where the government says “you’re all going to be Catholics or Anglicans or Lutherans or separatists or whatever,” but the government had no problem with any type of religious expression that was not coercive. And so, the fact that Washington issued orders might be considered coercive, but it was not trying to establish a single national denomination. And that’s how they got around it, because their understanding of separation of church and state is very different from ours. I’ll point out that earlier courts, when they used Jefferson’s phrase “separation,” they actually quoted all of the letter as an 1878 *Reynolds vs. U.S.* And starting in 1947, the courts no longer quoted Jefferson’s full letter. They only quoted eight words. Eight words we hear today involve “separation of church and state.” When you read the whole letter and you see all that they did before, they were only after not having an America what they had in Europe. And that is the government telling you what religion you will be and then punishing you if you don’t do what they say.

Chairman Lt. Gov. Patrick: Rabbi Soloveichik.

Commissioner Rabbi Soloveichik: Thank you. Chairman, I just wanted to add, I thought it would be relevant historical note because I’m so interested in so many of the stories that you cited, and particularly obsessed with the tale of the patent prayer that in my own research regarding it, I chanced upon a website that’s dedicated to the 134th Infantry Regiment, and they have their one image of the patent prayer card that was distributed. I think, as you mentioned, there’s hundreds of thousands of cards distributed. And this one is unique because it was sent home by a Jewish service member of the Third Army to his parents.

His name is Stanley Spiller, and he was writing to his clearly immigrant parents, telling them the whole story, that there was terrible weather during the Battle of the Bulge and that they all prayed together. And then he wrote, in a mix of sort of English and Yiddish, explaining to his immigrant parents. He wrote. “And then the rain stopped,” and then he signed it, “Your son Stanley, who was part of the Third Army.” And you see as both an American and a Jew, how proud he was, of course, to be serving and fighting for freedom, but of course, to be taking part, to take part in this prayer.

Mr. Barton: Thank you. That is an awesome account. And if I may add a historical note that might be enjoyed by all, George Washington’s inauguration included seven religious activities, and those activities were put together by a group of rabbis and Christian ministers. And so, it was rabbis and Christian ministers that Washington had at the very beginning, put together the religious activities in his administration.

Chairman Lt. Gov. Patrick: Bishop **Barron**.

Commissioner Bishop Barron: Yeah, thank you. I thought the presentation was really interesting and eye opening to me. The most surprising thing was certain prohibitions against the teaching of just war theory, because it's being proposed by a chaplain, I mean, strikes me as an extremely helpful way to provide a framework for these issues. And also, as developed by Augustine and Thomas Aquinas and others. It's not a very sectarian approach. It's a very philosophical, reason-based approach. Just surprised by that and wondering how widespread that prohibition might be.

Mr. Barton: That's a good question. It was clamped down on. Certainly, at that point in time, I have not seen anything to reverse that. But I cannot imagine that those who teach in our military academies would not be referring to just war, because it has been so long part of what we've done, helping soldiers even understand that killing can be justified, and all the things that go with the psychological side of that. So, Bishop, I don't know the answer to that specifically. I just can't imagine that it's not there to some degree. Although, I do know that in particularly in the Obama administration, they made radical changes in the service academies and the instructors. There was a time when they cleaned out military instructors and put in civilian instructors in the military academies, which is not a great idea. So, it may be gone. I cannot speak to that, but that is a great concern.

Chairman Lt. Gov. Patrick: Thanks, **Carrie**.

Commissioner Mrs. Boller: Thank you Chairman, I got teary eyed when you were talking about the Battle of the Bulge because my grandfather fought in that battle. Yeah, and I remember the stories he would tell us when we were little, and he would just have tears flooding from his eyes, and he said, you know, "the loudmouth atheist, as the bullets were flying, they believed in God." And so, thank you for reminding me of my grandfather who served, who got a Purple Heart and a Bronze Star in the Battle of Bulge. One question I have for you, actually, two. One, would you be able to read that prayer from that prayer card? And then my second question is, why do you think that people back then didn't fight against what was going on, this obvious Christian country that we were living in? Why do you think they weren't fighting against it like we would be seeing today?

Mr. Barton: And to answer your first question, read the card. If I may give a bit of background. Patton had, we had air superiority, our tanks were not nearly as good as the German tanks, and our

air superiority, particularly P-47s P-51s, allowed our air to knock out the German tanks. But if we got in a tank-to-tank battle, we were in trouble and Patton had six weeks of rain where he could not get planes off the ground. And so, his casualties were extremely high. And at that point in time, he called in. Colonel James O'Neill, and O'Neill wrote this down. He said that when he came in, Patton was looking out the window at all the rain coming down, had his arms behind his back and said, "Colonel, do our men pray?" And Colonel said, "of course we have chaplains." "I didn't ask the chaplains prayed." I asked, if the men prayed. He said, well, "there's no atheists in foxholes. Sure." They said, that's not what I'm asking. He said, "I want to know if our men are praying about this weather right now. This weather needs to change." And he said, "do you have any prayers on weather?" And Colonel O'Neill said, "I don't know. I'll check the prayer books and let you know. And he checked the prayer books, came back, said, don't have a prayer on weather," said, "I'll write you one." And so, Patton said, "I want every one of the soldiers praying, we have to change this weather." And so, this was the result. This is how the Battle of the Bulge, how they spent Christmas of 1944. So, on the other side, it has a Christmas Holly down the side it has a Christmas greeting signed by Patton. So, this is how they spent Christmas.

But here's the prayer they prayed. "Almighty and most merciful father, we humbly beseech thee of thy great goodness to restrain these immoderate rains with which we've had to contend. Grant us fair weather for battle. Graciously hearken to us as soldiers who will call upon thee, that armed with thy power, we may advance from victory to victory, and crush the oppression and wickedness of our enemies, and establish thy justice among men and nations. Amen." That's the prayer. As would you. The second question you had.

Commissioner Mrs. Boller: Why do you think that people weren't fighting against it like we would see today?

Mr. Barton: What we see in the 1960s is the Supreme Court takes a radically different direction and says, no more voluntary prayer and Bible in schools. People think that was coerced. The Supreme Court specifically said that neither the fact that prayers voluntarily participated in, nor the fact that it's denominationally neutral serves to free it from constitutional defects. That prayer in schools violates separation of church and state. So, the court acknowledged it was a voluntary prayer. It was a nondenominational prayer. And they just said, we're not having any of that anymore. And so that introduction of hostility in '62, '63 is what is really spun up to where the intolerance today is, such that people cannot tolerate any presence of activity or even of a religious person, often, in a setting. And that's what hopefully the court is starting to turn back, try to take back. But it's gone decades of us having educated in an ardently secular manner with intolerance toward any type of religious expression.

Chairman Lt. Gov. Patrick: Kelly Shackelford.

Commissioner Mr. Shackelford: David, I think you know this, but our charter is for us to give specific recommendations to the president. And I'm thinking of the Military Chaplains Act, which is going through right now. That might be one type of thing that would protect our chaplains. But I'm just wondering, do you have any recommendations of what we could ask the president to do? And if you don't, you know, even if you send them in later, we'd like to have them. But I'd love to know if you have any right now that you have on your mind.

Mr. Barton: You know, I would say, **Kelly,** when this was happening with the Obama administration for four years, I kept a list of every activity, actually. And then I got tired after four years because I had pages and pages of those things that had been done, and it was still going. Part of it, I'd say a great thing to do would be to repeal a lot of the stuff that was done, then put military emblems on Bibles. If soldiers want them, put the scripture back into the serial numbers of scopes, the Trijicon scopes that are so popular. Allow just war theory to be taught in all the academies, all the things that were done. Check to see if they're still being followed in the way that was introduced by that administration back then and reverse much of that.

But getting back to having chaplains, and there was a period of time in the Obama administration, I talked to a number of chaplains. Obama administration was actually looking at outsourcing chaplains. They were going to make them no longer part of the units, but they were going to outsource them as contract people that could be wherever they needed. So, they were no longer going to be embedded with the troops. That kind of hostility drove the chaplains back from the aggressive teaching positions they'd had for a long time. And so, they're still in. But even today, they no longer teach and instruct in the way that they used to even 10 to 12 years ago. There's not the boldness on the chaplain staff because of that. So, I would say that many of those things that were done at that period of time, including what was done in the Biden administration's, well, the Obama administration, take that as a checklist and make sure all that's turned around. But the word "God" back on the Rapid Capabilities Office patch, no reason not to have. If "in God we trust" is our motto, why can't we have that on our patch?

Chairman Lt. Gov. Patrick: Any other questions for **David?** I will tell you that when you sent me that long list, I did have a discussion with the president. He's aware of all of this. And. I would anticipate our president moving forward. Don't want to speak for him, of course, but this was eye opening, I think, to his staff and everyone else. Would it be fair to say that the government, at their expense, provided all of these Bibles from 1775 until 2012?

Mr. Barton: There was actually three ways that Bibles were provided. Sometimes they were printed with congressional endorsement as this one was, sometimes they were printed by an outside group and given to the soldiers with full blessing of the military. Other times, down on the table you'll see Bibles that are printed by the Government Printing Office: Jewish, Roman Catholic, Christian, or Protestant scriptures there. So, there's three ways that historically we've seen it happen, but the government has always been supportive of and partnering with, sometimes actually bearing the cost of it. So, whether it's a shared kind of partnership or the government doing it or just allowing others to facilitate it, all three of those have been used in our history.

Chairman Lt. Gov. Patrick: So, that all came to an end in basically in 2012.

Mr. Barton: The hostility that was introduced in actually 2009 is when it started. The emblems came off the Bibles in 2012, but 2009 is when we saw dramatic change in the role of chaplains, and particularly the Air Force. The Air Force was beat down more than any of the other branches. What happened to the Air Force Academy and other places was just unthinkable compared to what they had been previously. So, they've not recovered all the way from that. There's been a lot of timidity and fear of lawsuits, others that have kind of driven people back. And so, the ability to come back in a more bold way, even as we'd been maybe 15 to 18 years ago, would be a dramatic change in military. But certainly, what happened starting in 2009 with Bibles encouraging that again. And I was talking to a chaplain just this past week. He said his five deployments, he was the chief of chaplains on the force that was sent out, his five deployments, they did not have enough Bibles, they were not able to get enough Bibles. Soldiers wanted Bibles, and they were just not able to get their hands on them because of that kind of limitation that's come.

Chairman Lt. Gov. Patrick: Kelly said. We'll be making our recommendations to the president as our charter commands, and this has been tremendous testimony. Thank you for sharing your history with us, and thank you for preserving history with your 100,000. **Harlan,** I thought you had a lot of story items in your home and in your businesses, but that's quite a collection. So, **David,** thank you very much. We appreciate it.

Mr. Barton: Thank you.

Chairman Lt. Gov. Patrick: Thank you. Yes, sir.

Testimony on Religious Liberty for Servicemembers

Brandon H. Wheeler

Chairman Lt. Gov. Patrick: Our next two witnesses, **Sukhbir Singh Toor**, and **Brandon Wheeler** is up next.

Mr. Wheeler: Good morning. Thank you, Mr. Chairman. And members of the commission for allowing me the opportunity to testify today. I would like to state for the record that I am appearing in my personal capacity. And any testimony I provide are my personal views and do not necessarily represent the official views of the Department of War or any of its components. It must be stated that we are all here today because of our great and courageous President, Donald J. Trump. His commitment to protecting faith in this nation and around the world has given hope to millions and saved countless lives.

America is the only nation in history founded not on bloodline, historical happenstance, or geography, but on a philosophical idea that human life has inherent worth and that freedom is the metaphysical state of human existence endowed by God, not granted by government. Our Founders built a system to protect that freedom from foreign enemies, from each other, and from the temptations within ourselves. From that conviction, America was born: not as a product of accident or inheritance, but as the greatest political experiment in human history, an experiment we still live today, a country where we experience freedom and the pursuit, never the guarantee, of happiness. But here's the paradox: because most Americans were born into this reality, our Founders fought and died to create, it is almost unavoidable to take those freedoms for granted, not because we are ungrateful, but because we are human. We cannot understand what we have never seen, and most Americans have never seen tyranny.

I have. Over 38 years and across 115 countries. I have had a front row seat to its reality. I witnessed the turmoil and disarray of entire peoples post the collapse of the Soviet Socialist Republics. I walked the farms and back roads of Afghanistan, where Taliban justice meant men beaten for dissent, women disappeared for learning, and families terrorized into silence. I stood in the ancient Christian homelands of the Nineveh plains, in Iraq and along the river in Syria. I have heard firsthand accounts from mothers inside the recently ravaged villages by Turkish backed militias and ISIS, whose young, Christian daughters were dragged away by ISIS fighters as prizes, kidnaped, forced to convert, forced to bear children to be future fighters for ISIS. I watched Iranian-backed militias seize Christian lands, demanding families convert to Shia Islam or lose

their homes and perhaps their lives, all within the eyeshot of U.S. bases, while Americans insisted they were only there to fight ISIS. These are not stories from another era. They are the daily realities of people born outside the protection of freedom. Over the decades, I have seen the stark contrast between what it means to be an American and what it means to be almost anyone else, and we are forgetting that this distance exists. Somewhere along the way, we have stopped knowing what America is. America is not a piece of land. It is not the machinery of government, and it is not whatever we decide it is. And it is clearly not a breeding ground for the ideological poisons of socialism, communism or Islamic fascism. America is the people and the philosophical manifestation of a way of life that only those can make real. It does not exist without us. It is the realization of an abstract idea, one that is only as real as we are able to make it. Our Founders, our Founders, understood that human beings were given inalienable freedoms by God, and that government must protect those freedoms from the threats abroad, within and within ourselves. And they understood something else: the single most essential freedom, the one without which none of the others can survive, is the freedom of thought. You do not see these words written explicitly in the Bill of Rights, because they are embodied in the First Amendment. Freedom of religion is the protection of conscience, the freedom of the human mind.

Today, we are not at war with nations. We are at war with cultures: the Communist Chinese, the Russian Empire, the Iranian Shia militia and the Islamic fascists. Enemies who disagree on almost everything except one truth. America's belief in freedom is a direct threat to their control. They are cultures of tyranny. We are a culture of freedom and self-expression. But an idea as powerful as freedom survives only when those who believe in it are willing to stand guard over it. Which brings me to our warriors. No volunteer fighting force in history has been more diverse than the United States military. Different races, different beliefs, different origins, all united not by sameness, but by a shared commitment to that Founding idea: freedom. But freedom is not a slogan. It's not a feeling we summon when it's convenient. It is a discipline, a hard, one way of life that must be studied, practiced, and lived, especially by those we send into the darkest corners of the earth. And here's the truth we rarely have the courage to say out loud. War does not merely test a human being, it unveils him down to the marrow. And sometimes what it unveils is terrifying. When you watch your brothers fall, when you stare directly into the abyss of human cruelty, when the rage in your chest rises like a tide and threatens to overtake you. You come to face a version of yourself you never imagined. You learn that you are capable of anything, including the very evil you were sent to confront. And in that moment, stripped of illusion, every warrior is confronted with a choice. Will I become the thing I despise? Or will I rise above instinct and embody the ideals I swore to defend?

The very ideals that make America different from the tyrannies we confront. A battalion commander of mine once told me, "Be able to kill, but do not become a killer. Carry compassion

in your heart until the final second your finger tightens on the trigger. Remember, even in the chaos of combat, that the life in your sights was created by the same God who created yours. Because morality is not forged in the instant a weapon fires, morality is forged long before that moment in the discipline of conscience, the cultivation of love, and the refusal to let darkness make you in its image.” That moral clarity does not appear by accident. It must be cultivated, practiced, and strengthened. The way one strengthens a muscle or sharpens a mind. And, over the years, I have learned an undeniable truth: if you do not fill your heart with good, evil will fill the void. Good and evil are not abstractions. They are real and we are seeing more of that evil inside our own borders. If Jesus taught anything, it is to love. Love your enemy. Love those who betray you. Love those who hate you, love no matter what. Love with every fiber of your being.

As a Marine, I learned to treat that love as an armor, a proactive practice to protect my own soul against the evil I knew I would face. This is why fostering faith, freedom of thought, and freedom of conscience in the military is not optional. It’s not a cultural preference. It’s not a political issue. It’s an operational necessity, a philosophical necessity, a moral necessity. Because if our warriors do not live the idea of America, they cannot defend it. And if they do not understand what makes us different, they cannot stand against those who wish to erase that difference. The world is full of people risking everything to come to this country. They are not sneaking into China. They are not fleeing into Russia or Iran because freedom is a metaphysical part of human existence, and America remains its greatest expression. We have allies in every country. The evidence of this is that we have Americans from every country in the world. No other nation can say that our warriors must embody that truth. They must know what an ally looks like, talks like, and behaves like. If we protect freedom of conscience in those who defend us, we protect the very idea that makes America a reality. Thank you for your time today and God bless the United States of America.

Chairman Lt. Gov. Patrick: Brandon. That was unbelievable. Thank you for coming today and sharing your heart and your experience. You’re a marine. Tell us a little bit in terms of faith on the front lines, that even though in the last number of years, in the last 15 years, depending on who was in the white House, that your religious liberty was taken from, you, have the soldiers changed or are they still looking for the Bible and looking for Scripture and looking for the Word of God to get them through these terrible times? That was, by the way, that was so well written and well said. It’s one of the finest I’ve ever heard.

Mr. Wheeler: Thank you, sir.

Chairman Lt. Gov. Patrick: So, tell, tell me about the soldiers of today and religious liberty and how important that is for our soldiers to have it.

Mr. Wheeler: Yeah. My personal experience inside the military was actually a positive one. Most of what I've heard that's transpired since I left active duty in 2015 is different. So, I can speak from what I've heard, not what I've experienced. But I think that the biggest issue is that we're shying away from the practice of religion in some kind of attempt to be politically correct. And what we don't realize is the consequence that has on the minds and the souls of our Marines and soldiers when they have to go abroad and face these environments that are immensely evil. I can give one small vignette in the Battle of Baghuz, which was the last ISIS stronghold in the southern part of Syria and the Euphrates River. There was an evangelical based NGO that had gone there to provide care and food to the people that were fleeing the battle. As the US military forces were going through. And I hate to say that the special operators there were actually preventing this NGO from providing care and feeding to the people that were fleeing, being shot by ISIS as they fled, as they fled. And the only description that I had was that they didn't see the NGO who was, as I said, Christian based, and they were also former military themselves, did not see any compassion for the humanity of the people fleeing, because as you can imagine, these environments are very complicated. Women and children who were taken by ISIS or forced into that lifestyle. It wasn't they weren't given a choice, you know, would you like to be the wife of an ISIS fighter or the child of an ISIS fighter? And so, when they were fleeing, I mean, they were as much victims as anybody, in some cases more so. Right. And they were being shot in the back by ISIS as they fled.

And so, this NGO was trying to provide for them. And the active-duty military in that moment was preventing the care of these people. And it wasn't because they were bad people, it was because they had lost all sense of compassion and love in their hearts. And they were thinking in the context of a very black environment. I remember one of the former Green Berets told me, he said, "I just saw this sense of evil in their eyes." And so, I think that, you know, we think about this in terms of the politics or, you know, the political correctness or the optics of it. And what we don't realize is it has significant operational impact on how effective we are in defending our nation and what our nation stands for.

Chairman Lt. Gov. Patrick: Members. Any other questions? Comments? Bishop **Barron**.

Commissioner Bishop Barron: Yeah, thank you very much. I thought it was very moving testimony and you were touching upon really spiritual issues, the danger of becoming what we're fighting and losing our own sense of spiritual integrity. And that brought me right back to what we

just talked about, which is the just war theory. Think of, you know, just cause, right intention, proportionality, least possible means all these criteria for just war are not just theoretical principles. They're kind of a spiritual discipline so that those who are engaging in warfare are doing so in a spiritually and morally responsible way. So, if that theory is not being taught in our military academies, shame on us. You know, that's a real danger to the spiritual status of our soldiers. So, I really appreciated that.

Chairman Lt. Gov. Patrick: Carrie?

Commissioner Mrs. Boller: Thank you, **Brandon**. I looked a little bit into your background and you are a, I guess, a member or president of the Freedom Research Foundation, is that correct?

Mr. Wheeler: I'm currently a board member, as I'm in a government role, so I'm not active in the running of the foundation, but I am still a member of the board. Yes.

Commissioner Mrs. Boller: Okay. Can you tell us what the Freedom Research Foundation does?

Mr. Wheeler: Sure. The Freedom Research Foundation was started in 1984 at the request of President Reagan by actually my father, who was a personal friend of the president. And the purpose of it, particularly during the height of the Cold War, was to find people across the world inside Soviet occupied areas and help support them by any means possible, whether it was through the support of their religion and faith, their political freedoms, freedom of speech, freedom of, you know, protection and support those entities throughout the Soviet Union. And so, the Founders was attributed or has been attributed as the chief architect of what you know today as the Reagan Doctrine.

Chairman Lt. Gov. Patrick: Any other comments? Once again, thank you. And as **Kelly** always likes to ask this question, the recommendations you would make if you are writing the report that we delivered to the president next spring.

Mr. Wheeler: I think the biggest recommendation would be to have chaplains throughout the military take their commitment and their obligation into identifying and reinforcing the sense of belief in each member of their unit, that they should make a concerted effort to engage in the most

proactive way possible. What it means to believe in something, and what is the scope and the thought of their faith. We do not put enough effort into the actual study and the belief process. How do you—It's something you have to practice. You have to pray. You have to read, you have to study in order to embody that. And so, we do not commit enough effort, and we don't take that responsibility very seriously. And really the biggest challenge and the threat is our enemies are using the idea as faith, as a weapon against their own people and as a weapon against us. And it is a false idea because they are proselytizing religions based on tyranny, not based on freedom. And your freedom was given to you by God. No man has the right to take that away from you. And they're using religion as a facade, as a weapon against their own people to do that. So, it's even more important that we understand what it is and how it functions, and how do we engage people of other faiths and find commonality amongst them so that they become our allies in the fight against evil, not enemies, just by the difference of faith.

Capt. Sukhbir Singh Toor, USMC (Ret.)

Chairman Lt. Gov. Patrick: Thank you again, **Brandon**. Our next witness, **Sukhbir Singh Toor**. I hope I have that right. Microphone is yours.

Capt. Sukhbir Singh Toor: Awesome. Thank you. Good morning chairman. Good morning. Commission commissioners and members of the chamber. My name is **Sukhbir Singh Toor**. I'm a resident of Dayton, Ohio. I served as an artillery officer in the United States Marine Corps from 2016 until my medical retirement this year, ultimately achieving the rank of captain. Thank you for the opportunity to speak with you today on the issues of religious freedoms in the US Armed Forces. I'm a Sikh, a follower of the world's fifth largest organized religion. Sikhism is a monotheistic, independent faith founded in the 15th century in India. Sikh maintained distinct articles of faith, including a turban, unshorn hair and a beard. Essential expressions of our religious identity. These articles of faith and my experience serving in uniform are what bring me before you today.

From a young age, I knew I wanted to be a Marine. I never saw a conflict between my faith and my calling. Sikhism teaches the concept of Saint-Soldier, someone committed to confronting injustice both morally and physically. For me, the Marine Corps is the most effective fighting force in the world, representing the pinnacle of military excellence. Yet when I chose to serve in 2016, I knew I would face a painful choice to cut my hair, remove my turban, because at the time the Marine Corps, unlike other branches, had not made meaningful progress towards accommodations for members of the Sikh faith. Only years into my career, just before my promotion to Captain, did I feel I had proven myself enough to even request a religious accommodation, an accommodation already routinely granted in the Army and the Air Force. Ultimately, it took a lawsuit in 2021 to compel the Marine Corps to recognize the Constitutional right of myself and several other Marines, and in doing so, to reinforce those same rights on certain Muslims, Orthodox and Hassidic Jews and other religious minority groups. I also want to be clear about what happened after I received my accommodation, my ability to lead Marines did not diminish in any way.

On the contrary, serving as my full-self-made me more comfortable, more confident and more driven to excel. I am living proof that having a marine with a beard and a turban does not create chaos, undermine unit cohesion, or hinder mission accomplishment. My Marines judge me as they should on my competence, my character, my commitment, not the articles of faith I wear. Allowing me to serve authentically strengthened rather than rather than weakened our team. This was not a personal fight for me. It was an American one.

No young American from a religious minority should have to choose between their faith and their service to their country, especially when they are willing and able to wear the uniform of the United States Marine Corps. That promise of equal opportunity is not only Constitutional, it is quintessentially American. Today, that promise is at risk. Again, as many of you know, the Department of War is revising grooming and accommodation policies related to beards in the military. On September 30th, Secretary Hegseth announced his desire for, and I quote, “no more beardos,” end quote, referring to facial hair, even when religious, as I quote, “superficial religious expression.” end quote. A subsequent memo provided directives that raise significant concern.

First, it requires recruits to meet grooming standards before requesting an accommodation, forcing religious minorities to violate their faith in order to request permission not to violate their faith. Second, it calls for the return to pre 2010 standards, a period before the modern era of religious accommodations began and before the first two Sikh officers had received their waivers, one of which, immediately after receiving his waiver, did serve in combat effectively. Third, it proposed limiting religious waivers to non-deployable roles. Depending on how deployable is defined, this could effectively bar minorities from full participation in military operations.

Each of these proposals threatens to reverse more than 15 years of progress. Progress that allows Sikhs and other religious minorities to serve honorably, capably, and without compromising their identity or beliefs. For these reasons, I respect and urge the Commission to defend the rights of Sikhs and all service members of Faith and elevate this respectful request to the highest levels of our government. It is vital that any new policy that the Department of War and the Service Secretaries preserve fair, constitutional, and functional religious accommodation processes. Thank you for considering my perspective. God bless America and I look forward to your questions.

Chairman Lt. Gov. Patrick: Doctor Carson.

Vice-Chair Dr. Carson: Well, thank you for your service to our country. We appreciate it very much. Where do you find most of the resistance in terms of turbans and beards? Is it from the upper echelons of the military or from fellow soldiers?

Capt. Toor: Fellow soldiers have been more than welcoming. I’ve had zero rub at the at the ground troop, the trigger puller level, all the way up to the o-6 level. Really, I think some of some of the difficulties do come up at the higher echelons. When you get to the general level or higher levels of command.

Vice-Chair Dr. Carson: And, and maybe some of the resistance comes from ignorance. Can you just fill us in on why turbans and why facial hair is an important aspect of Sikhism?

Capt. Toor: Yes, sir. So, for Sikhs, the turban and our beards are our outward expression of our faith. It's our connection to God. The reason we wear a turban is to protect our hair. Cleanliness. We don't cut our hair. We maintain our beards because to us that is God made man the way he did. And we maintain that appearance. And this appearance is what we fought battles 500 years ago when the religion was founded or faith was founded in in war at the time in India, fighting what was an extreme Islamic government and extreme policies, kind of similar to what, what, **Brandon** was talking about. That's how we were created.

Chairman Lt. Gov. Patrick: Kelly.

Commissioner Mr. Shackelford: Can you tell us a little bit? I mean, I know there was an old case that went to the Supreme Court on a Jewish soldier who wasn't allowed to wear his yarmulke. And then you said it was changing within the other branches, but you filed a lawsuit. So is it still that I mean, I think this is the case, but I don't know. I'm sure you know a lot better that basically there are no there are no legal decisions currently protecting people. But this is just been something that our military has realized was good and now they're about to take it away. Or where have there been some victories in court on whether it's a yarmulke or, or your situation that would help in the process?

Capt. Toor: Yes, there was. It's currently under litigation. Some of it hasn't all been flushed out, specifically the deployability and the hostile combat environment ability to enter that. The Army has made those accommodations internally. Army has altered their policy. So as the Air Force, we're airmen and soldiers can basically proceed their service unimpeded. And they have been there are Sikhs with turbans and beards deployed across the world currently. One of them's my good friend, just got promoted to Lieutenant Colonel. And but the Marine Corps and the Navy are a little behind on that process, the accommodation process, after we did win, the lawsuit had changed. They did start to make exceptions, but currently all policies are granted by the Deputy Commandant of Manpower and Reserve Affairs, every single one of them, which is the three star level, which creates significant delays for the service member, as well as bogs down that department. You know, they have really important things to do to run the organization, whereas the Army and the Air Force grants these accommodations, it's in their policies at the O-6 level, at the regimental level, which makes things a lot more expedient.

Chairman Lt. Gov. Patrick: Ryan.

Commissioner Dr. Anderson: Yeah. Thank you. I was wondering, could you share with us a little bit about the history of religious accommodations? And it's weird not being able to see your face as I ask the question. But, you know, I was thinking about what the associate attorney general shared about how George Washington made sure to accommodate the Quakers in finding a non-combat role for Quakers to serve in the military. You know, we just heard about a Jewish case with yarmulke, I imagine, kosher meals for Catholics, meatless Fridays. Can you kind of give us the scope of how the military has accommodated a variety of religious believers, given not just appearance and grooming concerns, but dietary concerns or, you know, worship concerns? Help us think about the whole the whole picture here.

Capt. Toor: Yes. So, I think America as a whole, right. This is where the land of immigrants comes for freedom, right? For the constitutional values that that this country provides. And as time progresses, right. The population base and those minorities do change. Right? I think the military has done and done a good job, sometimes a little slower from regular society. On keeping up with the changes. But yes, like you said. You can get kosher MREs, meatless meals, those do exist for the larger minority populations. But as you know, the image of the country changes, right? We represent the world. And I think we should equally take all of those other minority populations into account as well. And, you know, the conversation then comes into like military standards, right? These are the standards. Well, if you look at the warfighters that, you know, want us, our victories in World War Two look completely different from the standard that we have set today. So, the country and the standards continues to evolve as the society evolves, as our populace evolves.

Chairman Lt. Gov. Patrick: Any other questions or comments? So, we heard your recommendation in your closing. So, we will surely pass that forward. And my dad was a marine in World War two, and he would be proud of the generation of Marines today. Thank you, thank you, thank you very much.

Capt. Toor: Thank you.

Blake Martin, Former Navy SEAL

Chairman Lt. Gov. Patrick: Our next witnesses are **Blake Martin** and **Kenny Vaughn**. And **Blake**, I understand you're going to lead. And tell them who you represent a little bit about yourself. Thank you.

Mr. Blake Martin, Former Navy SEAL: First. First off, I just want to say thanks to you guys up here, to the to the members. And thank you to my local Montana community, one who came with me today. Thank you to my family, my wife and kids, who've been supportive through this whole period and have backed me through all the hard decisions the last couple of years. And lastly, thank you to God for this opportunity to share my story and speak to all of you here. Throughout my career, I didn't really see myself being in a position like this to speak and share my story. You know, I was trained to be the humble professional, not take recognition for my actions. And that's kind of how I was the whole time in my service. But I think there's a reason I'm up here to share my story and speak to you guys. I just pray it's all not for nothing. My name is Blake Martin. I served as a Seal in the Navy and I was active for 17 years. I submit this testimony to document the religious discrimination I faced for refusing to take what we all know now to be the unsafe and ineffective Covid 19 vaccine and the coercive actions that led to my involuntary separation from the Navy. In late 2021.

I pursued a both a medical and religious accommodation request, and while I was denied the chance to even start the medical exemption because of an extremely biased evaluation from a Navy medical officer, my religious exemption that I had submitted was denied, and my appeal to this day has never been answered. I was separated prior to any closure on my case. Throughout this period, I received no meaningful engagement for the sincerity of my religious beliefs. Yet instead, I was called into my commanding officer's office many times to sign page 13s, which are a permanent administrative remark stating that I'm disobeying a lawful order and will be subject to punishment under the UCMJ if I didn't take the jab. After filing my request, I experienced escalating administrative and operational restrictions that hindered my ability to serve. I was placed on a "no travel" list for the remainder of my time in the Navy. I requested to re-enlist, but it went ignored and therefore I'll never be able to transfer G.I. benefits to my dependents.

I was required to perform weekly PCR tests. The long swabs we'd shove in our brains. I was taking those weekly to maintain badge access, even though having a top-secret security clearance. There were mornings where I'd drive up to the security checkpoint badge in and get the red light of shame and be escorted off base in front of all my teammates going into work. I had no ability to

use Skill Bridge because I was restricted from traveling. And Skill Bridge is a government approved transition program for all separating military members to integrate with their hiring companies that they're going to be working for outside the military. And ultimately, after the Navy invested in upwards of \$2 million into me and all my training, I was separated from the service, despite my honorable record and desire to re-enlist. These actions create an environment of coercion and isolation, leaving me effectively forced out of the Navy because of my sincerely held religious beliefs, and not because of misconduct or failure to perform. This mandate was implemented and enforced in ways that violated longstanding protections for religious liberty. This nation demands accountability from the willfully ignorant, conformist leaders who blindly enforced and upheld an unlawful policy, disregarding service members constitutional rights and their own sworn obligations. The harm done professionally, personally, financially and spiritually deserves retribution, and I insist those responsible be held accountable. Thank you.

Chairman Lt. Gov. Patrick: Thank you. **Kelly:** Yes.

Commissioner Mr. Shackelford: It's good to see you in person. I mean, you're aware we did the big Navy SEALs case, and I guess we got it was a little too late for you, is kind of what happened, but I just want to bring out some things that I think are probably true. Seventeen years, meaning your pension was going to invest in a few years. They took that. They took that away from you, right?

Mr. Blake Martin, Former Navy SEAL: Yes.

Commissioner Mr. Shackelford: And you've never, they've never restored it?

Mr. Blake Martin, Former Navy SEAL: No, sir.

Commissioner Mr. Shackelford: The number of the guys I, we represented, I mean literally they, they have brain trauma from their service and they called the doctors and said don't see him until he gets the jab. Just for what you guys did have done for our country. I mean, the SEALs, of all people. I just get so angry at this. It's wrong. And I want to apologize on behalf of our country for what they did to you and all the other SEALs, and we won the case eventually. And I'll point out, the federal judge over in Fort Worth was where this was. One of the first lines of his decision was, "there is no COVID exception to the United States Constitution." And this was just a massive

violation of federal law. The RFRA is their Religious Freedom Restoration Act specifically applies to those in our military, yet they refuse to follow it. It was just blatant lawlessness by those in charge. And, I don't know the answer to this. I know in our lawsuit we couldn't there were certain limitations on what we could get for the military because of law protecting against suing the military for damages. And I know President Trump, one of the first executive orders he gave was to restore pay to the people. But that still doesn't solve your situation, your loss of your pension, everything you gave. And so, we need to do something for those of you who we didn't save in the lawsuit, we need to—they need to be restored. And I just again, I just want to say I'm sorry for what you had to go through. And thank you for your courage, you all, these guys who stood up and risked everything.

Some of our clients were 19.5 years in. They were literally six, six months away from their pension. And what they went through was just horrible. Every one of them had a time. They sat down with their wives and they said, we're about to lose everything. And one of the coolest things to me was every one of their wives said, "don't you back down and violate your conscience." That's the kind of people we have serving this country. So, thank you. And we need to do something about this.

Mr. Martin: Well, I'd like to point out just. I was going to point out I'm one of thousands, you know, I'm the one sitting here in front of you and I, I share my story, but there are so many others affected, and I, I say I landed on my feet better than a lot of others. And I'm fortunate to have a good community and good family and friends behind me when it comes to getting back in and serving and earning that retirement based on current regulations and how they're written after the executive order. And, correct me if I'm wrong, but when you get back in, if entitled to back pay all your civilian earnings and VA disability is subtracted from that amount. So, it really make nothing going back in to get that back pay that they speak of. But that's just a detail to it. Yeah.

Chairman Lt. Gov. Patrick: Doctor Carson.

Vice-Chair Dr. Carson: Well first of all **Blake**, thank you so much for your service and courage that you and so many others have manifested. Thank you, **Kelly**, for helping them with this process. Often not only the military but in other areas, hospital workers, people have said that they didn't want to take the Covid shot for religious reasons. What are those religious reasons?

Mr. Martin: What drove me that decision was after doing a lot of research on how these how these things were developed and what was used during the process using aborted fetus tissue. And,

and, you know, a practice that I don't believe in and goes against my religious beliefs, that was one of the many reasons that I chose not to do it.

Chairman Lt. Gov. Patrick: Carrie.

Commissioner Mrs. Boller: Thank you, Chairman **Blake**. I want to say you are a hero to all of us. If it wasn't for people like you, we wouldn't be able to be up here today. People fighting for their religious freedom to not receive a injection. That should never happen in the United States of America. And I represent so many young mothers with young children who are discriminated against and not able to go to school because of this same reason, religious exemptions denied. Which will we be talking about at a further hearing. But I want to commend you. I want to commend you for your courage and your bravery. You said something earlier about retribution. What would be justice? What would be retribution for you to ensure that this never, ever happens again?

Mr. Martin: I'd say it starts at leadership, you know, from the from the top down. It needs to be something that's I don't know if it's the individual's moral convictions and having, you know, individuals that have a, a, firm sense of what's right and what's wrong, holding those high, high up ranks. And then what implements what policies are implemented to restrict things like this from happening? I think there's a much larger presence behind why this was pushed. But yeah, that's kind of. Does that answer your question?

Commissioner Mrs. Boller: What would you like to see? What would be justice for you?

Mr. Martin: I'd love to see accountability. I don't know if anyone's been had any anything negative happen to their careers for forcing this on all the military members, and it's hurt our force. We've lost thousands. I've heard upwards to, you know, 19,000 that were affected, not directly kicked out or forced out, but that includes individuals that just decided to get out. And maybe they're past retirement or maybe they were only in for one, one enlistment. But yeah, people need to be held accountable.

Commissioner Mrs. Boller: I agree.

Commissioner Rev. Graham: I guess my question is to. **Kelly** and maybe to you, Lieutenant governor. I understand the President said that you have to be back pay has to be given. Does that back pay include pension? I wasn't clear on that. Okay.

Commissioner Mr. Shackelford: That's what that's what he was just mentioning. It doesn't the pension is not restored or anything. They would have to re-enlist. And because of some of the subtractions that really isn't even much back pay.

Commissioner Rev. Graham: Okay. So now my question to you, Lieutenant Governor, can this committee make a recommendation to the president to make this whole to make to make him whole? Yes, sir. Good. Okay.

Mr. Martin: Thank you.

Chairman Lt. Gov. Patrick: You know, for those of you here who haven't watched the other hearings on education or higher ed, we've had so many of these situations and testimony, whether it's children or parents or school teachers, that you actually sit here and your jaw drops and says, is this happening in America? Is this happening in America? Our religious liberty be taken away in every state, every year, in every walk of life? And that's reverend, that's what the president wanted us to address, because he wants to restore religious freedom to America. So, everyone knows their rights and where they can pray and when they can pray. And we've talked about it before. Can you have a nativity scene in your town square? Can you have a religious symbol in your yard? Can you get your pension back? So, I think we'll have a few pages on this in the recommendation, I think. Any other questions? Any other comments? Now go to **Kenny Vaughn** with a different story. Sir. Another amazing story. Go ahead **Kenny**.

Mr. Vaughan: I guess first I'd like to say I don't think I've ever wanted to fight for a Navy Seal, but. I'll try, you know? Thank you. Appreciate it.

Mr. Kenny Vaughan, Shields of Strength, Scriptural Dog Tags

So, I'm a long-distance ski jumper. I want to honor my wife, Tammie. She's here with me today. She's the driving force behind. I wouldn't be here without her, that's for sure. Definitely not in this place. Spent most of my life chasing national championship. I'm a small guy. I was. I had a lot of injuries. Spent accumulated some months in the hospital. I fell a lot and eventually became terrified. And so, I was trying to win a national championship, afraid. And our sport—we're going 70 miles an hour when we hit a ramp. We're rising three stories, going about three quarters of a length of a football field. And I was afraid. And when I needed a sound mind. . . and my girlfriend at the time, of course, you don't tell your girlfriend that you're afraid, but she figured it out. They always do. And so, she wrote scriptures on my equipment. Like "I could do all things through Christ who strengthens me" or "God hadn't given me the spirit of fear, but of power, of love and of a sound mind." And I was at a national championship. I had crashed. We get three jumps. I crashed on my second jump, I broke my equipment. We get three minutes for repairs. It's a forced forfeit. I didn't have time to repair my gear. It was a time I'd have been more afraid than I'd ever been in my entire life. And I saw the scriptures she wrote on my equipment, and I decided I was just going to do the best I could for the Lord, whether I won or not. And when I acted on God's Word for the first time in my life, I was unafraid. I jumped further than I'd ever jumped in my life. I won the National Championship and I got home, and I was a dad, I was in business trying to be a good neighbor, and I was afraid, and I couldn't carry my equipment around with me. So, I engraved those words on a dog tag, and I just walked around my neck as a reminder, and I gave some of them away, and I would see people still wearing them.

And after a couple of years, they spread a few gift shops. In 2001, you know, we had 9/11 and one of the first battalions deploying to Afghanistan reached out to us and said—the colonel's name was David Dodd—they wanted to know if they could get 600 of them? It had Joshua 1:9 on it: "I will be strong and courageous. I will not be terrified or discouraged, for the Lord my God is with me wherever I go." And man, I just thought, are you kidding me? Absolutely. And so, we overnighted them 600. They carried them into Afghanistan. Other troops saw them. We started getting more requests. One of the soldiers that got one in Afghanistan. By the time we went into Iraq, I think we had, I don't know, 100,000 of them. We'd probably made for the military. One of the guys who got one was an Army Ranger by the name of Russell Rippetoe. He was killed in Iraq by IED, a bomb, and somehow President Bush found out about it, and he spoke about him in his Memorial Day address to the nation. And then he found out that Russell was wearing one of our dog tags. And so, he read to the nation Joshua 1:9.

That night, we had 2,000 not requests for dog tags, 2,000 requests for multiple dog tags each. They spread throughout the military. They became, according to Stephen Mansfield, who wrote a book called the “Faith of the American Soldier,” he said it was the most worn emblem in Afghanistan and Iraq, aside from their official insignias. We had made them almost 4 million of them. 2 million of them. We gave them to them. Secretary of Defense Lloyd Austin. I think we made more for him than anyone, upwards of 60,000 of them. About that time, I was invited to the Pentagon. I spoke there and we came home. Then the military reached us out to us and said, “hey, you should get a license.” And I thought, “hey, if we need a license, we’ll get a license.” We’ve been doing it for about ten years.

At the time it, was around 2011. I said, yes, sir. Well, we’ll get a license. Then they then they stalled and took time, and then they came back and said, hey, we can’t license you. And I said, why can’t you license us? And they said, well, maybe we can license you if you won’t put your company’s name, shields of strength on your packaging or on your product. And I said, “why can’t we put our name on our packaging and our product?” And they said, because on your website, it says your mission statement is to share the love, the hope and the truth of God’s Word. They said that if we put them on our website, we couldn’t have crosses on our website, we couldn’t have scriptures on our website, and we had to get our mission statement off of our website. 2018, someone officially complained, we fought for that for years, more than y’all want to hear. But, and the one license or the couple licenses we did get were revoked because someone complained because we were making dog tags and First Liberty stepped up to the plate. We were done and left for dead. And they stepped up to the plate and fought for us. We’ve been in a lawsuit since then, and this just wrapped up some really good news, I think. I guess it’s okay if I share it.

The 2011 Obama policy that was used to discriminate against us and all the chaplains you’re hearing about and all that stuff, it just got changed. Thanks. Thank you, **Kelly**. And for First Liberty Institute. So, we settled that. And part of the settlement was that that policy would be changed. But we’re shell of what we once were. But we’re going to do everything we can to bring it back and to provide, you know, you may wonder, like what difference does it make if a soldier has a dog tag with a scripture on it? Now I’ll just close with one example. There’s a chaplain named Don Williamson. I talked to him, and he was operating in one of the most dangerous areas in Afghanistan. A lot of these guys were getting blown up or killed, and they had a explosion one night and medevac came and they were taking guys out. And there was one young man who didn’t get on the chopper. So, Chaplain Williamson was staying with him, and he said he didn’t really know what to tell him. So, he was just making small talk. He asked him where he was from, and it turned out they were from the same area. And Chaplain Wilson said, hey, you ever go to the so and so carnival they go to? He said, yes, sir, I do. And he said, you know, when you get home, I heard they’re letting they’re letting y’all in free. I got a son. And I think about this and let y’all in

for free. And the medevac chopper returned and they went to take him. And Chaplain Williamson said, I said, like, what do you say? You know, what do you do? Even as a chaplain? I'm thinking this young man's bleeding. He's about to go. And he said, I remembered I had that dog tag around my neck. He said, I put it around his neck, and I read the scripture to him and put it in the palm of his hand. "Be strong and of good courage. Do not be afraid. Do not be discouraged, for the Lord your God is with you wherever you go." He said, they load him in the chopper. He said he never let go of it. And I just thought, who would want to take that away from military? I don't understand it. Thank you for your time.

Chairman Lt. Gov. Patrick: Bishop Barron.

Commissioner Bishop Barron: Yeah. Thank you. I'm very powerful, both of you. Very powerful testimony. You know, it strikes me I've been now a number of these hearings, and there's a philosophical issue which is secularism proposing itself as some kind of neutral ground, but it's not neutral ground. Secularism as an ideology is a totalizing system. It wants to dominate the whole of life and therefore to exclude religion from healthcare, from education, now, in this case, the military. We're not demanding everyone's got to have the scripture on the dog tags. It's the other side of the ideological spectrum that's being aggressive and being totalizing. It seems to me, going back to the Founding fathers, that's what we're fighting against. The Non-establishment clause has nothing to do with eliminating religion from public life. And so, I think it's that philosophical issue that we have to address. I'm not sure we can make a recommendation to the president about philosophy, but I think there really is a competing vision of life, and it's a totalizing secularist ideology that we have to stand athwart. But thank you for the testimony.

Chairman Lt. Gov. Patrick: Rabbi.

Commissioner Rabbi Soloveichik: Thank you, Chairman. I want to thank both of you for your service to our country and for your powerful stories. I just wanted to add, given Mr. Vaughn's powerful story, just one historical note, which is that verse from Joshua, which you described as having such a powerful effect on being on the dog tags and such a moving way that figured in probably one of the most famous speeches in American history about what we owe the American military, which was President Reagan's speech at Puente de Hoc on the 40th anniversary of, of, of, D-Day, because what he spoke about was Matthew Ridgway listening in the night before D-Day. For those words and hearing in his mind, "I will not fail thee, nor forsake thee." And President Reagan concluded by saying, let our actions say to them, meaning those that have served our country, let our actions say to them the words for which Matthew Ridgway listened, "I will not fail

thee nor forsake thee.” And I think this hearing that the Chairman has put together really highlights in the spirit of what President Reagan said, what we owe, what we owe, all those soldiers that want that scriptural passage on their dog tags. So, thank you.

Chairman Lt. Gov. Patrick: Reverend **Franklin**. And first of all, let me go to **Allyson** first. And I want to ask you a question, Reverend, since you asked me one before, I want to ask you one back. But, **Allyson**.

Commissioner Mrs. Ho: Thank you, Mr. Chairman. And thanks to both of you gentlemen for sharing your powerful stories with us today. I think it’s important to underscore that in your persecution and your prosecution, the target wasn’t just you. It was to make an example of anyone who dares to have the courage to stand up. And in many cases, the process is the punishment. And I just want to express my admiration and gratitude, because in standing up, you stood up not just for yourselves, but for every other person. And when the forces of the prosecution and the persecution tried to make an example of you to defeat your faith and courage, you stood up and you made an example for all of us. And so, I just want to express my gratitude, all of our gratitude to you. And I want to ask each of you in your lowest moments, what kept you going? What was it that in those moments of the dark night of the soul, that you turned to and it allowed you to keep going where I think others, understandably might have said, it’s just it’s too much.

Mr. Martin: Well, thank you, I appreciate it. What gave me that? That strength and courage, that low times? I was raised in a Christian family and had amazing parents growing up, so I had that that good foundation to start with and understanding how how heavily faith affects and and determines the outcome of your decisions is huge. And, you know, through these recent battles just in the military and what happened the last couple of years, it’s been my family, my wife constantly reminding me that I am doing what’s right. And. Reminding me that, you know, God is behind us and in those decisions. So that’s what’s given me that strength.

Mr. Vaughan: For me, it was love, you know, and fear. And this is this is one of the big problems that we have. Most of the people who told us what they told us didn’t want to tell us. They knew it was wrong. They highly supported us. They were our best friends for years. But they were told to stand down or they knew they would lose their pension or their or their retirement or whatever it was. So, they were afraid. And so, I don’t know who’s making them afraid, but that needs to be addressed. But love. That’s what kept me going because fear will do what is best for itself without regard for others. Love will do what’s best for others without regard for itself. Christ was my

example next to my wife, and so I would say we had to make a decision. We're not fighting the Department of Defense. We're fighting for them. That kept us going.

Chairman Lt. Gov. Patrick: Ryan. Ryan.

Commissioner Dr. Anderson: Thank you. I wanted to build on what Bishop **Barron** shared, because he's right. You know, we can't make philosophical recommendations in one sense, but in another sense, I think we can and we should, because what you've rightly described and what we saw in both of these testimonies and in previous testimony, is, is this all-encompassing secularism that claims it's neutral? And then I think on the flip side, you can have. So, this would be what Father Richard John Neuhaus described as the naked public square. And then he always would contrast that with the sacred public square, which we would have the, you know, the Church of England or the Lutheran Church as the established church or the Presbyterian Church, the Catholic Church. And he said, no, what I'm proposing is neither of those extremes. It's the civil public square where all of the religious traditions have an equal seat at the table. And I think the American Founding and the American practice at our best is precisely that. You see this in Arlington National Cemetery. Some of the tombstones have crosses, some of them have stars of David, some of them have the crescent moon. It's not as if we're just going to have plain old white tombstones, because those would be neutral. It was like, no, we're going to have particularity. And so, I think the overarching philosophical recommendation in the Trump administration would be that religion is a force for good. It's a positive human good. It's a human right. It's the first right in the Bill of Rights. But it's pluralistic, right? We're not just Protestants any longer. Right. And I thought, you know, the previous the captain from the Sikh tradition would say, look, at first, you know, it was just Jews and Catholics were the religious minorities. And as the nation has grown now, Sikhs are religious minorities. And so, we have to think through. We accommodated Jews and Catholics. How do we now accommodate Sikhs? I think that's America at its best. It's pro-religion religion's a positive force for good, but it's pluralistic. We're not just Presbyterians or Lutherans or Quakers or Catholics or Jews. Right. And I think that's what we have to figure out. How do we operationalize that? You know, the prior two hearings in the education space, this hearing in the military space, future hearings in health care? Etc., etc. How can we both pro religion and pro pluralistic understanding of that?

Chairman Lt. Gov. Patrick: Thank you, **Ryan**. And I think it's a great challenge for our committee. And we have to discuss this in our recommendations to the president. Reverend, I'll come back to you, but I see another light. Doctor **Phil**.

Commissioner Dr. Phil McGraw: Yeah, thank both of you for your testimony because it's truly inspirational. And I've learned over 50 years in this profession that crises and challenges don't make heroes. They reveal who people are. They're already heroes. It just reveals who they are. It gives them an opportunity to show who that is. And it's dramatic stories that folks like the two of you have lived that bring this to the forefront. And the fact is that not every story can serve the purpose. And you've paid a high price and you're using it to bring this into sharp focus, because the encroachment of religious liberty is silently creeping insidiously into so many different walks of life. And that's really so dangerous. And, you know, from a clinical psychology standpoint, I can tell you and I, and I don't remember exactly what I said when I was introducing myself. My training is in clinical psychology, but I'm not functioning as a clinical psychologist right now because the state has made that a legal term to be a clinical psychologist in Texas and other states, you've got to be licensed, and, be seeing patients and that sort of thing, which I retired from a long time ago. But the distinction is important because those people that are doing that and God bless those that are, many of those who are doing that, they're doing it as folks in in your life with authority, with government authority. And what and I haven't done that for 30 years now. And what research is telling us is that right now, the ratio of the liberal, left woke ideological professors to conservative professors on our college campuses is anywhere from ten to 80 to 1. And in the humanities, for example, it's like 60, 70 to 1, and that's who's teaching those in the, the humanities. And so, we're beginning to have patients, clients, however you want to refer to them, reporting that they are seeing therapists that are refusing to see them firing them as patients or clients if they have a differing point of view. And one of the reasons they're saying I can't see you or treat you is because they're Christians, because they are people of faith, or that they don't agree on their views about trans athletes or prayers in school. And so, they say, I can't see you if they resist certain terminology which has led to such organizations as the Open Therapy Institute up on the East Coast right now to try and find those people help. I mean, they go to them in desperate times, and that doesn't get the kind of attention it needs to get. But your stories do because they're so dramatically, tragically unjust. And but it's creeping into everyday walk of life. It's just people that are having trouble, perhaps with a child with autism or a parenting issue or a marital issue and they can't get help for it. So just know that it goes beyond military. It goes beyond because those that, you know, issue a license in Idaho or Washington or Texas or wherever they come with the authority of the government, and they're and these people are not doing their job justly. They're saying, I won't see you because you don't think like I do. I won't render the care that I've been licensed to do, because you don't have the right ideology that's wrong. And that is an encroachment on religious liberty. And we have to call that out. And you guys bring into sharp focus what we have to do at every level of life. And thank you for calling this out so much, because when you've got the power of the government behind you, you got to pay attention to what how they're using it. Thank you. Thank you for your service, both of you.

Chairman Lt. Gov. Patrick: Thank you. Thank you, Doctor **Phil**. So, Reverend **Graham**, I wanted to ask you in your lifetime of in the pulpit, your lifetime of Samaritan's Purse, helping people around the world. Where do you think we lost our way? And when did we lose our way? That we are, that we hear this testimony that would not have happened. And I hate to put you on the spot about that, but all of you at the table are experts. As I've told them before, I'm the pair of brown shoes in a room full of tuxedos. These are all very accomplished people, but I'm sitting here asking this question, "How does this happen in America? What caused all this? When did, if you saw it, when did you see it turn?"

Commissioner Rev. Graham: I see the failure of the pulpit. And the pulpit not preaching the Word of God. And you have people who are ignorant of God's laws and his standards in the pulpits. And the pulpits have gone quiet, many of them. They'll get up and preach a nice message on social issues or whatever. But as far as the authority of the Word of God, that is—and maybe a very simple, concise, where I see it, but I have kind of another question. We and, I think Doctor **Phil** addressed it to a degree, but we keep talking about "they" did this and "they" did that. And, and is there any way we can help put some definition on "they," who "they" is? Because I think Blake talked about holding people accountable. How can we hold people accountable if we don't know who "they" are? And it's important, I think that accountability and you talk about restoring pensions and things like this, but there needs to be some accountability. So, I would hope that this Commission, we can maybe put some definition on who "they" are. So that's just thank you.

Chairman Lt. Gov. Patrick: We always come to you for clarity. **Kenny** and **Blake**, thank you for your testimony. Really outstanding. And you are both defined as heroes. You stood for the faith. And we'll do all we can on both of these issues. We'll do the best we can. Thank you. **Blake**.

Mr. Vaughan: Thank you. Thank you all.

Mr. Martin: I've got names for you, Reverend.

Chairman Lt. Gov. Patrick: They said they have some names for you. If you'd all like to take two minutes just to stand, stretch your legs.

Second Lieutenant Rao Harish

Chairman Lt. Gov. Patrick: And our next panel is **Mike Berry** and Second Lieutenant **Harish Rao**, who is going to go first. **Harish** you're up.

2LT Rao Harish D.: Good morning, ladies and gentlemen. Chairman. And the panel. Thank you for allowing me to speak on the importance of Hindu religious in the US military. My testimony is not a shaped only by my faith, but also my personal experience through as a soldier who lived both challenges and extraordinarily support from the Chaplain Corps. I will speak on the three areas: respect and recognition of Hindu religious symbol, such as the Tilak-Chandlo; understanding and accommodating Hindu vegetarian diet discipline, including avoiding tamasic food; expanding chaplain endorsement opportunities, including support for Hindu chaplaincy. Before I begin, at this point, I want to share my own story. I joined the Army in 2015. During my basic training at Fort Jackson, South Carolina. I faced significant challenges because my chain of command did not understand my religious practice, especially the Tilak-Chandlo I wear on my forehead. I was told that if I want to keep wearing Tilak-Chandlo, I will be deported back to India. I was removed from the training and placed among the non-trainers. One day a chaplain walked by and asked each of us why we did not want to be a soldier and when my turn came, I explained if I was not allowed to keep my faith and practice my religion, then what exactly I am defending. I told him "I have been instructed that I will be deported and now I'm just waiting for the process." The chaplain then asked me two questions that changed my life.

First, does your religious practice affect your training? I said "no." Second, if you are permitted to practice your faith, do you still want to be serve? I said "yes, absolutely." That chaplain stood for me. He spoke to my drill sergeant, first sergeant and company commander. He explained clearly that I have a right to practice my religion. He arranged for me to be transferred to another unit, gave me a memo of recommended religious accommodation and made sure I continued my training. Before I moved to eight Advanced Individual Training at Fort Lee, Virginia. I asked, "what will happen if I face a similar issue?" The chaplain then contacted the Fort Lee Chaplain and told me to always keep the memo with me. Because of that support, I successfully completed my advanced individual training with no problem and even on to Certificate of Achievements, one for leadership as a squad leader and another for a class leader. This experience shaped me profoundly.

My first topic was Tilak-Chandlo as a of practice religious faith. The Tilak-Chandlo is not just a symbol. It is central to my identity as a Swaminarayan Hindu. The Tilak—that is a thin line, U-

shaped from my forehead to eyebrows—represents God’s faith. That is, purity, and a Chandlo—a red dot in the center—are symbolizes a devotion by the devotee, and is a twofold combination of a devotee offering service in the feet of God. Across Hindu tradition there are similar symbols, whereas in shape, size and color, depending on the deity and lineage to the devotee, follow. But in 2015, it nearly removed me from the army. Today I’m speaking, I’m speaking so future Hindu soldiers never faced the same experience. Recognition of the Tilak-Chandlo and other Hindu faith symbols, as long as they do not interfere with the training and the safety, ensure soldiers can serve authentically and proudly. My second topic was Hindu Dietary practices as a pure vegetarianism and avoiding of tamasic food.

Many Hindu, especially those in Swaminarayan Sampraday, Vishnu and Jain, follow strict vegetarian. That means they don’t eat: no meat, no seafood, no eggs, no even in among the vegetables, no onion and no garlic, onion and garlic are considered tamasic. Food in the Hindu philosophy refers to the quality of promote. It refers to quality to promote anger, agitation, lack of focus and spiritual dullness. Because Hindu spiritual emphasizes mental clarity, purity of thought and emotional control. Avoiding onion and garlic is deeply religious practice, not a personal preference. A service member following this discipline requires pure vegetarian meal, no egg content and alternatives during the field exercise. Even when it comes to vaccination, many Hindu prefer egg free or preservative free version when available, such as cell-based vaccines. This allows soldiers to maintain readiness while respecting sincerely held beliefs. Understanding these dietary principles ensure Hindu soldiers remain healthy, focus and spiritually grounded, without compromising mission readiness.

And my third topic was expanding Hindu Chaplains’ endorsement opportunities. During my assignment at the 18 Fort Shafter, Hawaii, Chaplain Bannigan, under the leadership of Colonel San Martin, supported me deeply. We created a seven-day interfaith pilgrimage to the Big Island for all enlisted and below soldiers learning Hawaiian, Christian, and Hindu faith. That experience was so successful that I brought that idea to the president of BOSS program (that stands for Better Opportunities for Single Soldiers), which then expanded in statewide across the military branch. But I soon realized a bigger issue. There are very few Hindu chaplains, even though many Hindu servicemembers across the military branch. In 2022, I learned about an airman, Darshan Shah, who waited nearly two years to get religious accommodation. Cases like this and my own shows how much we need chaplains who understand Hindu faith and tradition. This past summer, during CST cadet summer training at Fort Knox, Kentucky, a chaplain approached me and asked me if I like to consider to be a Hindu chaplain, mentioning that the army is actively looking to hire.

On September 26th, I was commissioned as a logistic officer, and now I feel called to pursue the Chaplain Corps because a chaplain stood up for me. And now I want to do the same thing for other soldiers. I also want to emphasize that the BAPS Swaminarayan Sanstha, a global Hindu organization with a strongly leadership structure, is fully and willingly ready to become one of the endorsers for the Hindu chaplains, if given the opportunity. This will significantly expand pathways for Hindu soldiers seeking spiritual support. My journey from almost being removed from the army to become an officer aspiring to join the Chaplain Corps, proves the power of religious liberty and the importance of understanding in the military. The US military can ensure that no service member must choose between faith and service. The Army gave me the chance to serve something bigger than myself. Now, I hope to help ensure that every Hindu soldier, present and future can serve with dignity, confidence, and devotion. Thank you for your time and consideration.

Chairman Lt. Gov. Patrick: Thank you sir. Members of the Committee, we're going to go back to our format like we've had before. We'll have both witnesses give their 6 or 7 minutes and then we'll ask both questions. So, **Michael**.

Mike Berry, USMC, Attorney, First Liberty Institute

Mr. Michael Berry, JD, USMC: Thank you. Chairman **Patrick**, distinguished commissioners, thank you for the opportunity to testify on religious liberty in the military. We have heard this morning from a diverse group of patriots. And although we may differ in appearance, speech and religious belief, we are united in our commitment to a cause that is much greater than ourselves: our oath to uphold and defend the Constitution. Having served both in uniform as a constitutional attorney, I offer this testimony as a recognized expert on religious liberty in the military.

But I am also here today as one who has experienced the very religious hostility that I have dedicated much of my professional career to eradicating within our military. My path to service began in the immediate aftermath of the terrorist attacks of September 11th, 2001. Our nation was hurting, and I knew I had to do something. My faith in God and my love of America motivated me to join the United States Marine Corps. Becoming a Marine Corps officer remains one of my life's greatest achievements. I love being a Marine and I love serving with Marines.

But I am also a proud Texan, and like any good Texan, I often daydreamed about returning to the Lone Star State. Unfortunately, there are no Marine Corps bases in Texas now. There are a lot of Air Force bases in Texas. So, I thought briefly about transferring to the Air Force. But my wife, who is here, says that those Air Force uniforms just don't have the same effect as our Marine Corps dress blues.

In 2013, I left active duty to join First Liberty Institute, where I get to fight for religious freedom every day. I have often quipped that I am still upholding and defending the Constitution. I just wear a different uniform, and I have even less hair than I did when I was in the Marines. But I remained in the Marine Corps Reserve because of my desire to continue serving our great nation. By 2021, I had nearly two decades of service that included a combat deployment to Afghanistan, a tour as a professor of law at the US Naval Academy, and enough memories and friendships to last a lifetime. I could also see the opportunity to retire just over the horizon.

But 2021 is also when the previous administration imposed the COVID vaccine mandate on our military. Like tens of thousands of my uniformed colleagues, I had a sincere religious objection to the COVID vaccine. As a religious liberty attorney, I knew the law permitted me to request a religious accommodation, which I dutifully submitted. My immediate chain of command enthusiastically endorsed my request, all but pleading with higher echelon authorities to approve

my religious accommodations, so that I could continue to serve. But like tens of thousands of my uniformed colleagues, my religious accommodation fell upon deaf ears. And what we soon learned was a rubber stamp process. It was denied. Then, without warning, notice or an opportunity for my command to intervene, the Marine Corps unceremoniously placed me into “inactive status.” This meant that I was no longer a part of my unit, and I could no longer perform my reserve duties to earn credit towards my military retirement. The manner in which I learned I had been placed on “inactive status” defies the basic decency and respect that we should provide to those who serve our nation. I only learned of my removal to inactive status when I was notified by Tricare. Tricare, the military’s health care insurance provider, who notified me that my family was no longer eligible for coverage. For many families, this would present a problem. For my family, this created a crisis. My wife and I have four children. We adopted our oldest daughter, Emma from China. Emma has a severe, permanent disability that requires significant medical care and costs. She was left at an orphanage as a newborn because in China, those with severe disabilities are often considered undesirable. Losing Tricare without warning or notice plunged my family into immediate financial turmoil. We now had to pay for Emma’s substantial medical bills out of pocket. Meanwhile, my attempts to appeal the Marine Corps decision were dismissed. I even received an email from a senior Marine Corps official stating that because I was unvaccinated, I, “had interests adverse to the United States.” The message was clear. It was me and my religious beliefs that motivated me to serve in the first place that were now undesirable. But if the Marine Corps taught me anything, it’s how to fight, and fight we did. Over the next two years, I would twice be involuntarily removed to “inactive status.” Each time I fought my way back in, a friend referred to me as a nuclear cockroach. I just couldn’t die.

Today, I’m still a proud Marine Corps reservist. I will never be promoted again. That was made very clear to me the day I submitted my religious accommodation, and my retirement is now approximately two years delayed. But I didn’t join the Marines so that I could acquire a particular rank or even a pension check. I joined because like each like each of us here this morning, I wanted to make a difference. People often ask me how we got to this point, or perhaps more importantly, how do we fix it? I think that’s why this hearing is so vitally important. If I had to summarize what the Commission needs to take away from this hearing, it would be that religious liberty within the military isn’t merely an esoteric concept. It’s not a punchline or a cliché. It is a matter of national security. Fortunately, our nation has a strong historical and legal basis for upholding religious liberty within the military. For over 50 years, America’s military has been an all-volunteer force. We ended the draft in 1973. Sustaining an all-volunteer force means that enough young people in our country decide that military service presents an attractive alternative to college, vocation or some other pursuit. People join the military for many reasons. Studies show that young Americans who identify as highly religious are substantially more likely to join the military than their nonreligious counterparts. So, the clear implication is this: if our military becomes hostile to faith, recruiting and retention will suffer, and our military will become soft and weak.

History confirms this—from George Washington requesting chaplains for his troops to Congress, mandating divine services, as we heard this morning, from **David**, to President Roosevelt, ensuring Bibles were distributed during World War II, as we also heard from **David**. Our leaders have always recognized that spiritual fitness strengthens military readiness. After World War II, a Presidential Commission on Religion in the Military, perhaps similar to this one, concluded that religious conviction is the source of America’s moral strength, and it is essential to preparing our forces ideologically as well as physically.

Legally speaking, our courts agree. In one case, a federal court held that the Constitution obligates Congress to make religion available to service members, especially those who are deployed where their faith communities are not readily accessible. And in a separate case, another federal court affirmed that chaplains, when acting in their religious capacity, enjoy full First Amendment protections. These cases underscore that religious liberty in the military is not optional. It is required. Yet challenges persist. Commanders, chaplains, and lawyers do not receive sufficient training on the very constitution they’ve sworn to uphold and defend. And what little training they do receive has been un-American, to say the least. Some training materials have labeled Catholics and evangelicals as, quote, “religious extremists” alongside Hamas and al Qaeda. That is unacceptable. If we treat deeply held beliefs as a threat, we undermine the very values of service our service members are sworn to defend.

So, as I wrap up, I offer the Commission three recommendations:

1. First, improve education and training. There are law school courses that spend entire semesters on the First Amendment. As a young Marine Corps lawyer, I received one. Our commanders, chaplains, and Jags need annual training on constitutional foundations, including religious liberty.
2. Second, eliminate misguided materials. We have an entire generation of Americans who, K through 12, has been indoctrinated that America is evil, it’s racist, it’s imperialist, or it’s fascist. Is it any wonder that they are unwilling to sacrifice for a nation that they’ve been taught to hate? We must remove any content that is inconsistent with American values, and especially content that is hostile to religious liberty.
3. And third, we must reaffirm religious liberty within the national security strategy. The Department of War develops its strategy, plans, and operations based on the president’s national security strategy. We must ensure that our first freedom remains a strategic priority.

So, in closing, servicemembers surrender many freedoms when they put on the uniform. Religious liberty is not one of them. If America’s military is to remain the most formidable fighting force in history, we must ensure that religious liberty continues to flourish, because, at its core, religious liberty is and always has been, a matter of national security. Thank you.

Chairman Lt. Gov. Patrick: Thank you for both of your testimonies. **Mike**, let me ask you this. Do you have a sense—and I asked **Blake** this, actually, I didn't take the time when he was witness, but as he walked away—do you have a sense that your superior officers believe in the orders they're passing down and how you were treated? Are they just following orders? Or do you think the breakdown is somewhere between the top of the military, rising to the level of the White House under previous administrations, who really took away religious liberty, or is it somewhere lost in the higher ranks of the military? For example, we had our education hearing. We heard time and time again where principals or school board members clearly didn't know the Constitution, clearly didn't understand the First Amendment, and they were punishing teachers because they thought they were following the Constitution. So, where is this emanating from? Who's the "they," as Reverend **Franklin** said?

Mr. Berry: Well, the answer to that is somewhat twofold. On the one hand, when First Liberty, when we were litigating the Navy SEALs case, and it went to the Supreme Court for at least a portion of the case. And one of the things the Supreme Court said was, look, we need to be very deferential to the military because it has such it occupies such a unique function and place in our society. And so, we want to make sure it's the command. They said it's the commanders on the ground who have the best viewpoint, the best perspective on how to operate their unit. We should be deferential to them.

But the problem is they were being told by people way up in the leadership, not the commanders on the ground, like, yeah, yeah, be deferential to us, right? Just, "there's nothing to see here." We've—this rubber stamp process is legit. But, when you when you dig into the case, and you actually start looking at what the commanders on the ground were saying is, for example, in my case, my immediate commander, my immediate chain of command was screaming from the rooftops. This is literally what they said. They said we would if **Mike** gets COVID, right, if Lieutenant Colonel **Barry** gets COVID, he's quarantined for two weeks. So, we lose him for two weeks, which is not great, but okay, we can deal with that. But if you kick him out, we lose him permanently. What? And now think about that in the context of Navy SEALs. Who I mean, **Blake** can speak to how many years and how many millions of dollars of training go into just creating one Navy SEAL, and you're going to get rid of them. It's not just that you've gotten rid of that SEAL. It's the replacement cost now. Right? And the experience, I mean, we don't have a generation who are entering the military service right now who are going to be going off and fighting in Iraq, Afghanistan and places like that. And so, it's the warfighters who have that experience that they can pass on to future generations. They were the ones that were being cut out.

So, to answer your question, Mr. Chairman, the senior echelons in the military, they were the ones who the phrase I coined was they were far more concerned with COVID compliance than they were with Constitutional compliance. They wanted to make sure that their when they received what we call an alpha roster. Right. It's just the roster of everyone in their command. And, the commanders would compete with each other. Well, my unit has 99.8% COVID compliance, you know, vaccine compliance. And the guy would say, you know, all right, that's it. I you know, I want 99.9% in my unit. And so, they would and the Marine Corps would brag they would literally brag about no religious accommodations because they thought it was somehow like, we're saving the world because we're making sure everybody's getting vaccinated. And they would they would not listen to, I mean, the saying "follow the science." When we presented evidence about this thing called natural immunity, which is like when I was growing up, if a kid got chickenpox, you sent him home for a week and he came back and it's like, well, he doesn't need the chickenpox vaccine because he just had chickenpox.

Well, it's kind of the same thing with other illnesses. If you just came back and you have COVID, all the medical doctors, I went to a doctor and they said, well, you're showing a significant presence of COVID antibodies in your blood. Like what the medical term is the vaccine would be contraindicated. In other words, like we advise against getting it because it's going to do more harm than good to you. The military just said, no, you have you have to get it because we have been ordered from the president and the Secretary of Defense, 100% compliance.

Chairman Lt. Gov. Patrick: And. **Harish**, your thoughts of where this is all coming from in your in your experiences.

2LT Rao: So, about the, what are you asking about—the vaccine?

Chairman Lt. Gov. Patrick: Yeah. About where these orders are coming down to you in your experience of where you were denied your religious liberties and not necessarily the vaccine, yours was a little different. But you said you had the one chaplain that helped you and now, and you eventually became a Hindu chaplain. But where did that resistance come from? Was it within the ranks or you think above?

2LT Rao: Sir, I think it's like the company level because, chaplain, I understand there are very few Hindu soldiers in the military, and those who want to follow their practices are like very less. So, even the minority consider we are minority. And so, there are different attitudes and different

ways to follow. So, I can understand that if they don't know if my chain of command or drill sergeant approach to chaplain and ask that, "hey, we have some, one of the soldiers can you look into it if he can continue?" But I think they say, "what's on your forehead" or you know, "we are not allow you." So, I think at the entry level, that's what from my experience and those chaplains who don't understand because they are not familiar with this kind of situation, they ask me like "how you can find the information and context." So, what I provide to them, the websites and personal number. So, they reach out to them, and they confirm with what's going on. And then they give me the memo. So, every unit, when I transfer to it in my military reserve, I just my first day at my briefing, I just showed to my company commander that I need sign. So, I have to keep every unit I have just transferring to. So, my question is like I'm trying to if goes across the army or the military wise, it's making easy for the future soldiers, so that they can continue without any kind of issue, sir.

Chairman Lt. Gov. Patrick: Any questions? Comments? Yes. **Carrie.**

Commissioner Mrs. Boller: Thank you so much, both of you, for your testimonies. **Mr. Berry,** I wanted to ask you what was it like with the other servicemen and women when they heard about what was going on with you? Were they, you know, wanting to receive the vaccine? What was the common sort of, you know, understanding of religious exemptions? Were you aware that certain exemptions were accepted? Some were denied. What was kind of going on between your peers?

Mr. Berry: So, in the very early days of the of the vaccine, when it was simply made available. So, this would have been sometime in 2021, when it became—it wasn't FDA approved, it was offered provisionally. And there was a lot of hesitance. Right. Because as information, there was a lot of great organizations out there that that put a lot of information out about in this case, it was kind of it was an experimental vaccine and some of the potential negative side effects that people could suffer as a result, just the lack of, of, of testing because it had been developed so quickly and so rapidly, and people began to reach out and say, well, you know, initially there's a there's different categories. There's people who are hesitant for medical reasons, which is one category, and then there are people who are hesitant for religious reasons, which is a very different category. And what was fascinating to me was how the military treated those two categories. In fact, that became one of the central arguments in the Navy SEALs litigation was the Navy had a regulation that said, if you have a medical reason why you can't get the vaccine, then you're exempt, and you just continue to serve, right. You continue to serve. But if you have a religious reason why you can't get the vaccine, sorry, it's unavailing. Like you, you will not get that accommodation.

I talked to one particular naval enlisted member who has a religious objection to all vaccines, and he's, he was at close to 20 years, I think he was at 18 or 19 years of service. And he actually he

sent to me his documentation showing he had received a religious accommodation to—I lose count, I think it was 17 or 18—mandatory vaccinations by the Department of Defense. And he had I mean, it was like a big packet of, of essentially approvals for his religious accommodation when he when the COVID vaccine became mandatory, he submitted like, oh, well, hey, you know, I’ve received my religious accommodation to all 17 vaccines. Now there’s an 18th. I’m requesting that one too. They returned. He sent me the documentation. So, I saw it with my own eyes and it said, “Your religious accommodation request for all the other 17 vaccines is approved, but not for COVID. And he was like, what’s so special about, you know, COVID? Well, we all know it’s so special about COVID. And so yeah, it was just there was a lot of skepticism, and the problem wasn’t so much so. So, the problem the military had, I remember there was a commander of a naval vessel as well. And his situation, how he was asking me what is what, why are they doing this? And I said, they’re the Navy doesn’t have a problem with unvaccinated sailors on their ships because they have unvaccinated sailors on their ships. It’s why are they unvaccinated—if you’re not vaccinated for a medical reason? Oh, well, that’s completely understandable. We wouldn’t want to, you know, HIPAA, we don’t want to get involved, you know, but oh, if it’s a religious reason, you are like you. I mean, you are an undesirable. Yeah. You know, as I said, you’re an undesirable.

Chairman Lt. Gov. Patrick: Ryan.

Commissioner Dr. Anderson: Yeah. I just wanted to share an insight I had as **Mike** was answering that question when you mentioned that for the Navy, they would grant you an exemption if it was for a medical reason, but not if it was for a religious reason. It strikes me that what that embodies is we’re prioritizing physical, mortal well-being over spiritual and eternal well-being, that they actually have the hierarchy there precisely upside down. And I think that frequently happens in these religious liberty cases where we’re prioritizing physical, mortal considerations above spiritual and eternal considerations. So, again, I don’t know how we give philosophical advice to the president, but I think that that somewhere should show up in how we operationalize getting the order of priority correct.

Chairman Lt. Gov. Patrick: Well.

Mr. Berry: May I respond to that?

Commissioner Dr. Anderson: I’ll phrase it as a question. Yes, please.

Mr. Berry: So, the vaccine mandate is merely a symptom of a much deeper problem. The vaccine mandate wasn't the thing. It was just a manifestation of the thing. And to your point, we represented a chaplain who was giving suicide, who was tasked. He was directed by his commander. You are to give suicide prevention awareness training to your unit because you're the chaplain. That's your job. And he literally had a handout that on one side had faith-based resources for mental health issues. On the other side, it had non-faith-based secular, you know, psychologists and whatnot. And he was punished for that. Why? Why? Because one person complained and said that might offend. And to your point, **Ryan**, so that they completely lost sight of the fact that he's trying to save lives. Right? We are about saving lives. So, the recommendation I would offer is to the president is we need to place spiritual fitness right up there. With physical fitness like that. It is it's a non-negotiable that if we want if like in the Marines, we always joke, like if you want to get promoted, just run fast and do a lot of pull ups and you will make Colonel without, you know, unless you object to the vaccine. But well, then the ability to run fast and do a lot of pull ups like spiritual fitness should also be right there. Next to that is like, are you spiritually fit as much as you are physically fit?

Chairman Lt. Gov. Patrick: I know we have your written testimony. I want to be sure we have it. What you just said there, I think is really important. Somewhere in the report we'll go back and watch the tape. But we want to how you said that is really important before we let you go. How is your daughter?

Mr. Berry: Well, that's a different story, Mr. Chair. So, she just turned 21, and she lives at home with us, you know, and what's interesting is speaking of Tricare, when you turn 21, and you're not a full-time student, she's not a full-time student because she's permanently disabled. They drop you from Tricare. So, but she's doing great. And we're you know.

Chairman Lt. Gov. Patrick: And how did you handle those finances.

Mr. Berry: With through the Lord, just like we do with everything else. We just trust in the Lord. And you know, he multiplies in ways that we can't.

Chairman Lt. Gov. Patrick: If you need help, let us know. All right. Thank you. Thank you both.

Mr. Berry: Thank you. Thank you, thank you.

Testimony on the Military Chaplaincy

Chap (Maj. Gen.) Doug Carver, USA (Ret.)

Chaplain (Maj. Gen.) Doug Carver, USA (Ret.): Thank you. Lieutenant Governor **Patrick**, distinguished committee and guests, thank you for this opportunity to give my public testimony about religious liberty in the armed forces. It was my humble honor to have worn the uniform for 38 years, eight years as a field artillery officer and 30 years as a Chaplain, appointed as a 22nd Army Chief of Chaplains during the Bush era, I asked God for a scripture that I could use during my time as the Chief of Chaplains. It was from Psalm 28:9, which basically I prayed and continued to pray over the members of the armed services. Basically, “Lord, save your troops, bless your troops, shepherd your troops and carry them forever.” That remains my prayer today for those who serve have answered the call to duty. Less than 1% of our population ever wears the uniform. And so, they are very, very, very important to me. And one of the important resources that exist within the armed services is that of the military Chaplain.

We’ve just celebrated 250 years of our heritage. And so, in my remarks today, I’d like to kind of talk about three things:

- One, the legacy of the military Chaplaincy.
- Secondly, the landscape of what it sort of looks like today.
- And then maybe with some lessons learned.

In 1775, the new Continental Army commander in Chief George Washington, one of his first requests of Congress was that a religious leader, Chaplain, might be appointed to serve the needs of this new military. And if I can move forward to December the 17th, 1777. It was a distinctive point. On that particular day, a day of prayer and fasting took place before the Continental Army moved into Valley Forge, where they would spend a six-month hard winter and a deployment. On that particular day, a young 30-year-old Chaplain, Israel Evans, was asked to speak and his message was from Psalm 115, verse one, not to us, O Lord, not to us, but to your name be the glory, because of your love and faithfulness. And he went on to say in a very lengthy sermon, which I will summarize, that it’s not the size of the military. It’s not the brilliance of the strategists who lead the military. It’s not the fierceness of the warriors who fight our battles, but it all—all of the glory, all the power, all the honor—belongs to the Lord.

When General Washington heard the sermon, he said, “we need the blessing and the protection of heaven at all times for success, especially in times of public distress and danger.” And he summarized some things that he wanted his Chaplains to instill in the lives and the heart of the Continental Army soldiers: one, that they trust in a supreme being, the providence of God in their lives; and, also, that they would do their best to reflect through their moral character and conduct the nature of that supreme being of which they worshiped. And so, for 250 years, our Chaplains have always been there with in respect to their faith, beliefs and practices as they are sent out by their religious institutions. Of about 225 endorsing agency or religious bodies who send Chaplains into the armed services, I would say one of their missions is always to be there and provide a ministry of presence in the lives of our troops to remind them, should they need to be reminded, especially in times of danger and pain, that a Supreme Being, that God is there with them. Our Chaplains have endured the winners of Valley Forge. They’ve comforted the wounded in action the first time that opposite forces of Union and the Confederate Chaplains all prayed over and buried the respective individuals from that particular battle. We’ve braved trench warfare, stormed the beaches of Normandy, endured the cold winters of the Korean War, slugged through the Battle of Vietnam, traveled the most dangerous roads in Southwest Asia. Our Chaplains were there, and as our Chaplains have been with troops, they have felt convicted to ensure that they are with them, that they are honoring them, that they are caring for them, that they are nurturing the living, that they are tending to the wounded. They’re honoring the fallen.

One of our Chaplains, Chaplain Charles Pierce, in the early 1900s, saw something that was taking place that needed to be corrected. He noticed that during the Civil War that over 40% of those who had were killed during the war were unidentified, and his desire was to ensure that we show the respect and dignity to those who have fallen in battle. And he came up with something called “identification tags” name, rank, serial number, also in the faith of that particular individual, so that we might show the dignity to the fallen. There’s another Chaplain by the name of Oliver Nave. He wanted to ensure that our troops read the Bible, that they read the Sacred Scripture. And so, he worked on a 14-year study classifying various topics in the Bible—22,000 topics, by the way, and Chaplain Oliver Nave produced the Nave’s Study Bible, which some of us are aware of. We had 13 Chaplains jump into Normandy. Four Chaplains on the USS Dorchester as that was sinking. There’s a beautiful picture of a rabbi, a Roman Catholic priest, a United Methodist Chaplain, and a Dutch Reformed Chaplain, all linking arms after they had cared for the troops, many of whom perished. As the as this ship was going down, they also went down, but they stood in unity to their very death, because they had given up their life preservers to those who did not have them. Chaplain Robert Taylor, you may never have heard of him, but he was a POW and was with his troops on a 65-mile Bataan Death March. Emil Kapaun, Chaplain Emil Kapaun, who was a POW in the Korean War, and he served their particular needs until his own demise and death, ensuring that they again experienced the presence of God through his ministry to them even as he was dying. Chaplain Charlie Waters in the Battle of Dak To during Vietnam, again out front, serving the needs

of our troops, ensuring that they were being brought close to the presence of God and receiving spiritual nourishment as God would give that to them. Some of you may have never heard of Dale Goetz. Dale Goetz was our first Chaplain killed in action since Vietnam? He was killed in action in Kandahar in 2010 while supporting a sister battalion, ensuring that they had an opportunity to reflect on the things of God. And even today in Congress, we have two former Chaplains, Navy Chaplains Barry Black and Margaret Kibben, who often, as they serve the 119th United States Congress, ensure that even our congressional leaders have an opportunity to reflect on the things of the Lord.

So, my point is, our Chaplains have always been there. And by the way, Chaplains are noncombatants. They don't carry a weapon, but they are there with our troops performing religious services within their own faith, beliefs and practices, and ensuring that those who are not within their own faith and belief background have the opportunity also to be respected for their particular religious beliefs. A Chaplain is a religious leader and an advisor to the chain of command. A Chaplain is a prophetic voice, one who hopefully will speak truth to power.

The landscape—I entered the army in 1973. At that time, Chaplains taught character guidance classes. They'd been doing it since 1953. Because of some of the challenges of our veterans in World War II and the Korean War, Chaplains had the opportunity to have a duty day with God, one day a month where Chaplains would take troops on fly fishing, hiking, some adventuresome training, and it would include an opportunity to have some spiritual reflection. Our military chapels on the weekends were decorated with flags from units that actually sponsored a military chapel for that particular weekend service.

In 1977, I signed for Field Artillery Battery, a company of 110 soldiers, and part of my requirement was to look in their eyes to ensure they had the ID card, their dog tags, that they were actually present for duty. And after that took place, I had to sign a government document, not for 110 soldiers, but as I recall it, and that was some time ago, I signed for 110 souls. I was responsible as a young 26-year-old officer, for the souls of all those within my chain of command, and that's why I needed a Chaplain. I was raised in a Christian home. I accepted Jesus Christ as my Savior and Lord when I was 11 years old, but I needed some help working with those who were not from my particular religious background. And I looked to my Chaplain to advise me on how properly to ensure the free exercise of religion in my ranks.

As I look at the challenges of the day in the landscape, we are losing ground—as many of you have already mentioned—in the area of religious liberty. And, as a good Baptist. I'll kind of alliterate a

couple of things. There is a defiance to Almighty God, or to the authority of God, or to authority in general. We can read that and see that every day in the news. There's a degradation to the Supreme Being having any input into our lives. I'm not sure how we can change that direction without serious repentance. 2 Chronicles 7:14, "If my people, which are called by my name, shall humble themselves, and pray and seek my face, and turn from their wicked ways, then then God will hear from heaven and forgive their sin and cleanse their land." We need that kind of repentance, especially as we face the 250th celebration of our nation in 2026. Wouldn't it be wonderful to have a spiritual awakening that moves across our nation?

Secondly, there is a dilution of religion's importance in the lives of people. You hear the common phrase, now "I'm spiritual, but I'm not religious." We're almost afraid to use that word religion and religious. And what we now have is this loose spirituality that does not have necessarily a religious leader to lead you in, that there's no Sacred Scripture in which you can walk together in that particular faith group. In some cases, if you're only spiritual without a religious community to grow in your faith and to be accountable, that's where a lot of isolation and alienation comes. So, I would say that religious community is very therapeutic and helpful, as we all learn to grow in the fear and the reverence of Almighty God.

And finally, there is a depreciation or denigration of the importance of Chaplains, military Chaplains as religious leaders. According to United States Code Title X, which appoints and pays for Chaplains, we pay for religious leaders. That's what our government does. What I see a trend that we're almost losing that identity within the context of the armed services. As a religious leader, Chaplains are called, and I just wrote a few of these down spiritual readiness "coaches, combat multipliers, morale officer, the spiritual technician, values facilitator." "Resident philosopher." I added that one. And there's nothing wrong with us taking on other opportunities and duties that Chaplains obviously do. You'll not find someone better counselor in the area of crisis than Chaplains. They know something about crisis and traumatic moments. They know something about family life. They know something about marriage. They know something about working with parents. They know something about working with others and being a reconciliation agent.

And yet, bottom line, their primary role in the context of the United States armed services is that they are religious leaders first and foremost. But the role of Chaplain seems to have been diminished. You've asked what happened in the last 15 or 20 years. I noticed it when I first came in the Army in the early 80s that we would be told, you can only pray a nonsectarian prayer, whatever that means. No one, to my knowledge, even today, tells the Chaplain how to pray. They can pray within the context of their faith, beliefs, and practices. If a Chaplain is told how not to pray or how to pray, you've just established religion and you've violated the religious liberty. And

yet, Chaplains have also, maybe they can't share their theological beliefs or thoughts on the sanctity of human life, or biblical sexuality, or marriage or family. In some respects, Chaplains have been removed from some of these discussions where they need to be front line and center, including in the area of religious accommodation. Our religious apparel, our dietary requirements or grooming standards, or Covid shots. But something happened that it gets too complicated when you get the Chaplain engaged. And yet that's why you absolutely need to hear from this individual who has another set of eyes and experience about what most benefits and helps and can speak to the particular issue. Chaplains who are providing ministry of presence and they are truth bearers and they bring soul care. In two days,

Chairman Lt. Gov. Patrick: General, can I have you kind of come to a conclusion just so we can stay on time?

Chap. Maj. Gen. Carver: Yes, sir.

In two days, Fort Campbell will observe the 40th anniversary of the worst airplane crash in history. December the 12th, 1985. The plane crashed on takeoff at Gander, Newfoundland. There were no survivors. And I still remember our commanding general, who basically, as he looked at a room full of Chaplains and commanders, he said to the senior Chaplain, "Chaplain, tell us what we need to do." And I close my remarks. Basically, with this, there is still, within the context of the armed services, those questions that are being asked that I believe Chaplains have an answer to soul questions. "Chaplain, what I need to do to take away the guilt, the pain, what I need to help me sleep or to ease my conscience, or to forgive others, or to forgive myself." "Chaplain. What will help me break addiction? What will help my marriage? What will help me love my family? What gives me hope?" And I believe that's why we need to really emphasize within the context of this, of this Commission and this hearing, to reemphasize the critical role that Chaplains play as religious leaders within the context of the armed services.

Chairman Lt. Gov. Patrick: Thank you. General. Rabbi.

Chap. Rabbi (Col.) Dresin, USA (Ret.)

Chap. Rabbi Col. Dresin: So, I'm sort of grateful that I am following Chaplain **Carver** because to some degree, I'm going to echo much of what he said. I may find myself being critical of the Chaplaincy, but hopefully in a positive way. So let me begin by, ladies and gentlemen of the Commission, I greatly appreciate the opportunity to testify before you to assist in your mission, to mend the very broken and dysfunctional spiritual environment in today's US military. To be sure, President Trump and Congress have taken steps to support religious liberty in the military, such as policy changes under the first Trump administration that protected religious accommodation for beards, for Jewish service members, and legislation by Congress in the 2012 and 2020 National Defense Authorization Act that required protection for religious liberty and mandated military training on religious freedom—mandatory. But as you will see from my testimony today, more work is necessary.

Even the existing protection that are at risk at being rolled back, with Jewish service members being forced to choose between serving their country or their religion. That dilemma runs counter to the very values on which this nation was founded. At every stage of his service member's career, beginning at the recruiting office and continuing through basic training, deployment and beyond, we see mounting obstacles to Jewish religious accommodation and free exercise rights. Given the central place of the First Amendment in our constitutional framework, we believe that religious accommodation should not be treated as an exception to policy. It should be policy.

My name is Rabbi **Sanford Dresin**. I served for over 26 years as an active-duty Army Chaplain, retiring in the rank of colonel. I have been the Chaplain endorser for the Aleph Institute for nearly 20 years. The Aleph Institute was founded in 1981 to serve the needs of Jewish men and women who find themselves distant from the support of a Jewish community. In the 1990s, Aleph served as the US military, first by providing religious supplies and materials, and then in 2007, becoming a Department of Defense-recognized Chaplain endorsing agency. We now endorse over 50 Jewish Chaplains and contract rabbis. We also advise and advocate for Jewish service members to ensure their free exercise rights are respected. We estimate that 50 to 75% of the religious accommodation needs that come to our attention require our intervention. Yet while our advocacy has been strong, Aleph's power is only advisory.

All too often, Jewish needs are dismissed outright. The cases we see each year number in the hundreds, and that does not include those who never reached it reach us because they are in basic training, deployed, or have a simple or simply given up. Let me walk you through what Jewish

service members experience. Starting with the earliest stage recruitment, recruiters are rarely familiar with religious accommodation, rarely familiar. Moreover, they are incentivized to meet recruiting quotas. It's a numbers game.

Because of that, recruiters fail to advise recruits about receiving exceptions to policy. Religious exceptions to policy. Many recruits who do request accommodations are told that will be taken care of in basic training, or you will request that when you arrive at your unit, when in fact it is not. Testimonies in the packet you will receive illustrate this chronic situation. We have packets for many of you here which have the anecdotal material, so to speak, of what I'm talking about. At basic training, these problems intensify. Trainees are intimidated easily by cadre, and the religious liberty rights are routinely disregarded.

Many troops report that during basic training, the religious preference on the dog tags and personal records is automatically set to a generic "none." That's the kind of default or non-denominational, and they are told to fix it at their first duty station. This is unacceptable. In addition, kosher meals ready to eat (the field rations) are not consistently available. The need for Jewish Sabbath and holiday worship is regularly not acknowledged. Non-Jewish Chaplains rarely advocate for their Jewish personnel, and most training bases do not have a Jewish Chaplain or contract rabbi assigned to them, so the burden is left to the individual recruit.

Unfortunately, the struggles do not end. After basic training. Jewish service members face regular impediments to their religious observance at all stages of their careers. They could be a private, they could be an officer, a field grade officer, or even higher. They need to fight for accommodation for every Sabbath and holiday, and fight to receive kosher MREs at every field, training, exercise and deployment. That brings me to our first major area of concern: food rations. Religiously observant, and even many less observant, Jews keep a kosher diet. The parameters of kosher diet are complex and beyond the scope of these proceedings. The US military does provide kosher MREs. However, there are many problems with the availability and distribution of these MRE's. Pre-session, or pre movement requests for kosher MRE's are not taken seriously and orders don't get processed. The process of acquisition of kosher MRE's is complex and lends to breakdowns in communication. This ordering process must be simplified.

Who is responsible to order these rations? No, no one has identified clearly in the regulations—supply chains, the unit or the Chaplain? How does the information flow to the Jewish Service member? How can the servicemember follow up to ensure their food will be available? A Jewish soldier who currently who is currently deployed, wrote us to just wrote to us last week. Most of

my calories are stuff like chips, honey buns, and chocolates because they can't get MREs. Why is that okay? Why is that acceptable? Even when supplies exist, how do personnel get them? A command Chaplain, a senior command Chaplain in the Middle East told us that he has a warehouse full of kosher MREs in his area of responsibility. But our Jewish service members arriving on station can't easily access them. In one case, an officer in the Space Force was interrogated by a wing Chaplain when she requested kosher MREs. It was only when Aleph intervened that she was given the MREs.

In addition, there is a lack of training as to what constitutes kosher. As you will see in your packets, many supply sergeants have substituted non-kosher alternatives—vegetarian, halal or pork-less food instead of kosher. I can only recall anecdotally when I was the command Chaplain for the seventh Medical Command in Germany, when we deployed to at the beginning of the Iraq War, our medical teams went in there, and they decided to drop MREs to the Kurds. And not knowing that Kurds do not eat pork. And what, lo and behold, what was in the MREs? Pork products. Well, our doctors, when this came out were scared stiff because they thought the Kurds were going to wind up shooting them. So, there is a lack of education here when it comes to things like that. Finally, the quality of kosher MRE's is far below nutritional standards. Thanks to an amendment in the 2026 National Defense Authorization Act, which is was shaped by Aleph in concert with Representative Abraham Hamadeh, the law now requires functional parity and equitable treatment for kosher MREs. We look forward to seeing that requirement implemented before July 2026 as required.

And, focusing on commissaries. You know, commissary is like a military supermarket, but few substantive kosher products are found in their facilities in comparison with the average American supermarket. I know down south here, I can walk into a Piggly Wiggly and get bagels and lox and cream cheese and find a lot of kosher food. That doesn't hold true in many of our commissaries. This is because commissaries in the United States are limited by local distributors. For commissaries outside the United States, the situation is exacerbated by,

Chairman Lt. Gov. Patrick: Rabbi. Excuse me, can I have you kind of conclude and wind up recommend you wind up?

Rabbi Col. Dresin: Yes, I will wind it up. Basically, there is a lot of ignorance in terms of the role of Chaplain. You know, many commanders will accept the Chaplain if they see him as a combat multiplier. Yes. You know, but otherwise, if he functions in traditional spiritual domains, it's he's like a fifth wheel. And so, I have much more to share with you. But I would, you know, given the

pressures of time and so forth and the patients and the bladders of our people here, I would I'm willing to relinquish my time. And if there are any questions, be happy to answer them.

Chairman Lt. Gov. Patrick: Thank you. Rabbi, any questions? Yes. Bishop **Barron**.

Commissioner Bishop Barron: Yeah, thank you both very much for the presentations. And this has been eye opening in many ways. To me, this whole hearing today, one thing I'm intrigued by, I've been following this whole question of disaffiliation for a long time. Young people, especially going away from the faith. But in recent years, we've seen a halting of that, even a little bit of an uptick of interest. I spoke at the Naval Academy a couple of years ago, and was met with this extraordinary enthusiasm from these young kids. My question is, do you sense a resistance to the religious dimension among the soldiers and sailors themselves, or is it higher up in the chain of command, like where is the institutional opposition coming from? If you sense, you know, things have shifted. My guess is among the young, you know, soldiers and sailors themselves. It's not there. But I'd be curious to know.

Chap. Maj. Gen. Carver: I work with our Chaplains at our basic training out installations. Let's take Fort Jackson, I think, which averages the highest number of new recruits, and also on the service academies. And both of them, I can say the same thing. They are hungry for truth. Any truth. They are hungry for relationships. They are interested in spiritual things, and they are interested in religion and community. And you find that within the context of, of, of a religious community of which we can provide. And so, I can tell you, there seems to be an uptick, especially in that initial entry training. But something happens as they go forth from their basic training outfits to the new units. And I could argue that it might be, as the Rabbi has mentioned, it could be training that does not take place within the within the context of units that they go to, or any mandatory training discussions on, on RFRA, discussions on the worldview. Just there are so many things that could take place. And I do remember back in the 70s, at least, we used to have some of these philosophical discussions on race relations or on character guidance. But something's happened. It's like, no, it's all about war fighting. We don't have time to talk on some of these soft areas of which there is an interest, including in the area of religion.

Chap. Rabbi Dresin: Yeah. I would just like to add to Chaplain **Carver** that I was a race relations facilitator in the early 70s following the Vietnam War, where we did experience a lot of racial conflict there. And so, Chaplains were the facilitators doing this type of work. And I would like to also point out that I find the average troop is quite amenable to the Chaplain. I think a lot of it is top down. The problems that we're experiencing are top down. So, if we have mandatory training

in RFRA or free exercise issues, then I would demand that senior officers be required to attend, not simply be able to sign off on a site and say they were present, but I would like to see them there as a requirement.

Chairman Lt. Gov. Patrick: So fine. We'd love your recommendations to what you think we should put in the report for the president. Because again, our charter is to report not to Congress, but directly to the president. So, if you will do that, thank both of you for your long service. And thank you for your testimony. And I apologize for having to hurry you along a little bit, but we lose the room at a certain time, and I have a few more witnesses. So, General. Thank you, Rabbi. Thank you.

Rabbi just said, in a crazy way, he may be related to me. So that's a whole 'nother story. We got to go back there. That's very funny. Thank you. Rabbi. Our next two witnesses. Our next two witnesses.

Amy Vitale, Government Affairs Counsel, Becket

Amy Vitale: Thank you.

Chairman Lt. Gov. Patrick: Please tell us who you are and why you're here.

Amy Vitale: Mr. Chairman, thank you for the honor of this invitation and the chance to be in this incredible building. The love of history and attention to architectural detail is around every corner. It's delightful. My name is **Amy Vitale**, and I serve as government affairs counsel with the Becket Fund for Religious Liberty. It's fitting that we're here today to talk about military Chaplains, because the Army Chaplaincy turned 250 years old this July, military Chaplains have been meeting the religious needs of our service members since before the very Founding of our nation. We've heard so much about this this morning.

Many of us do not understand the duties of a military Chaplain, because we will never encounter the challenges of deployment or the harsh realities of war. Chaplains are an often unseen but critical part of the support structure needed by the brave men and women and their families who take up that burden. They follow service members directly into harm's way, and they do so unarmed as noncombatants. Because the military Chaplaincy is unique, I'd like to highlight three components of the Chaplain Corps, and its supporting legal structures.

First, the Chaplaincy is necessary to fulfill the government's constitutional obligation of providing for the religious exercise of service members. Religious liberty is core to what makes America a great nation. In the context of military service. That First Amendment promise creates an additional duty to provide for religious exercise. That's because those who answer the call to defend our nation, leave their faith communities and support structures to deploy to new and foreign places. They are asked to take on challenging, stressful, grueling duties far from home. And that's why the Chaplaincy exists to bring God to soldiers and soldiers, to God on the front lines, where no one else can. George Washington understood this, which is why, in 1775, as the general of the Continental Army, Washington created the Chaplaincy that is still in existence to this day. The Chaplaincy ensures that the government is meeting this constitutional duty to provide for the religious needs of our men and women in uniform. It is not optional. It is an essential element of support for our military service members.

Second, the role of a Chaplain is inherently religious. The panel before us touched on this as well. Of course, the government isn't qualified to decide who can be a Jewish rabbi or a Catholic priest or a Muslim imam. So, all Chaplains are endorsed or certified by their own religious groups, who are best fit to judge those religious qualifications. These Chaplains then perform two roles. They are both commissioned officers in the United States military, and they are religious leaders. But, at all times, they represent the ecclesiastical bodies that certify them to the military branches as fit to provide pastoral care. Military Chaplains distinctively serve members of all faiths, not just their own. There are approximately 3,000 Chaplains across the entire United States military, and they are responsible for supporting almost 1.32 million active-duty personnel, counseling them, providing pastoral support, and leading congregational worship—3,000 Chaplains, 1.32 million active-duty personnel. If there is a religious need that a Chaplain cannot meet, they work to connect the service member with somebody who can.

When Chaplains perform their duties, they are doing so as pastors, priests, rabbis, imams of their own faith groups. This means that the Chaplains Council is inherently religious, and it's protected by the First Amendment, which places a structural protection around Chaplains' performance of their religious duties. Chaplains, along with all service members, are additionally protected by multiple federal statutes, including the Religious Freedom Restoration Act or "RFRA," and conscience protections that the National Defense Authorization Act has that Congress has passed in the NDAA. Collectively, these laws ensure that Chaplains are not forced to abandon the very religious beliefs that animate their service.

These federal protections are not just window dressing. In the mid-1990s, after President Clinton had vetoed the Partial Birth Abortion Ban Act, the Pentagon issued a gag order forbidding military Chaplains from speaking about important moral issues and legislation. It was RFRA that protected the ability of a Catholic priest, Father Vincent Rigdon, and a Jewish rabbi, Rabbi David Kaye, to speak to their congregations about protecting life. It was RFRA that stood in the gap between military orders and sermon censorship. Chaplains are religious ministers who exist to meet the religious needs of soldiers. Congress has repeatedly reaffirmed the Chaplaincy's religious role, and it's imperative that the religious distinctives of the Chaplaincy be maintained for the future.

Third, Chaplains are an essential part of advising the chain of command. We've heard a lot about this today as well. Chaplains advise commanding officers and JAGs to ensure they're meeting the legal obligations of providing for religious exercise, but they best fulfill this role when they are fully integrated into the decision-making process by the officers that they serve. Ensuring the proper integration and support of Chaplains through all levels of command improves the quality of our military force. Chaplains are able to help provide advice that both protects the rights of

service members, and that ensures we're able to maintain the best and brightest recruits of the highest moral character.

A Chaplain can advise on the sincerity of a Jewish or Sikh member's desire to have a neat and conservative beard, consistent with their religious beliefs. They can help provide modest accommodations for this. They can weigh in and should be weighing in on questions of COVID vaccinations. And, of course, they help to ensure they can help ensure that the command is not running roughshod over these religious beliefs. With all of this in mind, I'd like to propose four recommendations that this Commission can consider to maintain the Chaplaincy effectiveness:

1. First, the executive and legislative branches can ensure the role of a Chaplain that it remains fundamentally religious. Chaplains are pastoral, and they should not be diluted to something more general than that.
2. Two, the President can support and Congress can maintain full application of RFRA to protect religion in the military. Proactive support for RFRA's consistent application from the highest levels—the Secretary's office, military brass, down. That will cultivate a culture that is protective of religious liberty first. If we prioritize it, it will change.
3. Congress can work with the Secretary as well to better integrate Chaplains as advisors in the chain of command, and to implement training for commanding officers, JAGs, Chaplains on constitutional and statutory protections for religious freedom. If they know about the protections, they can better enforce them.
4. And, last but not least. Congress can ensure that an adequate number of Chaplains and the necessary commission and contract staffing are maintained. Prioritizing something means funding it and backing it so that the resources that need to be there are there.

Thank you for your time and your commitment to protecting religious liberty for all.

Chairman Lt. Gov. Patrick: Thank you. **Amy. Monsignor.**

Monsignor Anthony Frontiero, S.T.D., Vicar General and the Moderator of the Curia, Archdiocese for the Military Services, USA

Monsignor Anthony Frontiero: Thank you very much. My name is **Monsignor Anthony Frontiero** and I serve as the Vicar general and the moderator of the Curia of the Archdiocese for the Military Services, USA. So, Mr. Chairman and distinguished members of this Commission, ladies and gentlemen, thank you for this opportunity to be with you. I am with the Archdiocese for the Military Services of the United States is headquartered in Washington, D.C., and the Archdiocese provides pastoral and spiritual care to the nearly 1.8 million Catholic men and women and their families serving in the military installations in the United States and overseas to Catholic release staff and patients at Veterans Health Administration facilities, and to staff and other federal services located abroad.

And I'm pleased to speak with you today, particularly about the importance of Catholic sacraments and the military Chaplaincy. As Vicar-General of the Archdiocese, I offer my testimony as someone who intersects with the realities of constitutional law, pastoral practice, and military readiness on a daily basis. My testimony will be limited to a few brief, but fundamental points. First, constitutional foundations and military realities. Religious liberty, as has been said here by every speaker, is not a luxury good. It's a constitutional right with direct implications for morale, cohesion and ethical conduct within the ranks. The First Amendment protects the free exercise of religion, and the Supreme Court has repeatedly emphasized that this protection does not disappear upon entry into military service. Nevertheless, the military's unique institution, hierarchical, mission driven, and necessarily restrictive in many aspects of personal liberty.

The challenge, therefore, is not whether service members enjoy free exercise rights—because they do—but how those rights are operationalized in the demanding environment of military life. The more control the military exercises over an individual, the greater the military's responsibility becomes to ensure the free exercise of religion of service members and their families, especially during deployments or assignments abroad. Catholic service members and their families, currently one of the largest religious groups in the Armed Forces, rely on Chaplains not simply for spiritual encouragement, but for sacramental access. This is an essential distinction for the Catholic tradition. Sacraments such as the Eucharist, confession, anointing of the sick are not symbolic gestures or optional rites. They are indispensable channels of grace instituted by Christ himself. So, denying access to the sacraments denies full religious practice. The role of Catholic Chaplains. The US military Chaplaincy exists precisely to bridge the gap between constitutional principle and operational need. Chaplains serve the religious needs of their own faith communities, while facilitating the free exercise rights of all personnel in a pluralistic environment.

We know this. Catholic Chaplains bear an additional burden, though, because many sacraments require a priest, they are the sole providers of those rights. In deployed a remote environment, no other personnel, religious or secular, can substitute for sacramental ministry of a Catholic priest, such as the celebration of the Holy Mass, the Sacrament of Penance, confession, the Sacrament of anointing of the sick, and the dying.

This creates a critical dependency when Catholic Chaplains are in short supply or overly restricted in their movements. Catholics service members may effectively lose access to their faith. This is not an abstract concern. In forward-operating bases, ships at sea, submarines, and expeditionary medical units, the absence of a priest can mean weeks or months without mass of the ability to receive absolution before dangerous missions. The military has long recognized that such deprivation harms morale and undermines the spiritual resilience essential for those serving under extreme stress. Spiritually, souls are at risk without the sacraments. The stakes cannot be higher. In recent years, the constraints and pressures, several pressure points have emerged. Personnel shortages. The number of Catholic priests entering the Chaplaincy has declined dramatically, creating coverage gaps across all branches. This shortage strains the ability of Chaplains to provide minim levels of sacramental access. Operational restrictions, increased security protocols, transportation limitations, and bureaucratic hurdles sometimes impede Chaplains from traveling to remote units or from conducting services in field conditions.

While safety is paramount, the unintended result can be de facto suppression of sacramental practice. Conscious protections Catholic Chaplains must be allowed to minister according to their faith tradition. This includes adhering to Catholic teachings and counseling, sacramental practice and liturgical conduct, clear and forced conscience protections ensure Chaplains are not coerced into actions that contradict their sacred and ecclesial commitments. Pluralism and misunderstanding. Genuine religious pluralism is a strength of our armed forces. We all agree with this. However, misunderstanding arises when Catholic sacramental needs are viewed as mere preferences rather than doctrinal obligations. The Chaplaincy model must maintain room for faiths with non-interchangeable rites. Decreased budgeting for religious support. To Amy's point, the dietary shortage and requirements for priests to serve in operational units also necessitates adequate staffing of installation chapel communities with administrative staff and religious education professionals to support the daily activities of Catholics and priests in their ministry.

It is impossible for priests to fulfill the work of operational unit and equally demanding roles of pastoring the installation chapel community without proper support. We've recently had a challenge with this with the Army, they're canceling contracts, all over the place. Now, as a result of the intervention of Archbishop Broglio, we've seen some positive movement towards rectifying

the situation. And that should be noted. Mission readiness and human dignity. The military has long recognized that providing reliable access to religious support is not a distraction from mission readiness. It's mission enhancing soldiers, sailors, airmen, Marines and Coast Guardsmen carry enormous burdens. They face life and death decisions, separations from family, exposure to moral injury, and the psychological weight of operating in high-risk environments. For Catholics, the sacraments offer not only spiritual meaning, but profound emotional stability. Confession, for example, helps address guilt and moral injury. The Eucharist strengthens a sense of identity, community, and purpose. Anointing of the Sick provides comfort and hope in medical crises. Pastoral counseling grounded in Catholic moral teaching helps guide difficult ethical decisions. A military that preserves the sacramental life of its Catholic members is one that respects their dignity, supports their resilience, and reinforces the moral fabric essential to honorable service.

Finally, recommendations. To ensure the robust religious liberty for our service men and women and their families, I respectfully offer several recommendations:

- Strengthen recruitment and retention of Chaplains, including Catholic Chaplains through improved outreach, career pathways, and collaboration with the Archdiocese of Military Services;
- Reduce unnecessary barriers to Chaplain mobility and deploy to isolated settings, allowing priests to reach personnel who rely on them;
- Ensure rigorous enforcement of conscience protections, preventing Chaplains from being pressured into activities that conflict with their religious obligations;
- Integrate religious liberty impact assessments into operational planning, to identify situations where sacramental access may be impaired,
- And finally, educate commanders and staff on the non-substitutable role of Catholic sacraments to foster informed accommodation at every level, and to encourage adequate support staff to equip the priest to succeed in ministering to service members and their families.
- Finally, the United States military has a proud tradition of defending religious freedom, often in the most difficult of circumstances. Upholding that tradition today requires a clear recognition that Catholic service members cannot fully practice their faith without access to the sacraments, and that Catholic Chaplains are indispensable for providing them for preserving this access honors the Constitution, supports the moral and psychological health of the force, and strengthens the readiness of our armed forces.

Thank you very much for your attention.

Chairman Lt. Gov. Patrick: And just questions, comments, questions, comments. I just had a thought as I'm listening, and we've had a number of witnesses on this issue, because it's important if we're talking about religious liberty, what all of you are talking about, you can't deliver that

opportunity to the soldiers if you're not there. It would be like taking a community in America and removing all the churches and all the synagogues for what we might say are a part of the population, particularly at war, or even just away from their families that are very stressed individuals. So, in the area of some of the most stressed individuals we have in performing their duties, without a strong Chaplaincy, we have removed the church, we've moved the synagogue, we've removed all these opportunities from them. That only makes compounds that issue. And I think this is really important part of the testimony today. So, thank you very much for being with us.

Msgr. Frontiero: Thank you very much.

Ms. Vitale: Thank you.

Chairman Lt. Gov. Patrick: Thank you.

State and Local Religious Liberty Issues

Pastor Dr. Robert Jeffress

Chairman Lt. Gov. Patrick: We're going to move to some Texas issues now of religious liberty since we're here in Texas and many of you know, Pastor **Robert Jeffress** from First Baptist, I've been there a few times with you. And it's one incredible church. It is, and we're going to stay on the clock. So, I'm going to give you the majority of this time here. Dr. **Ben** may be short on your time, but I want you to have your full testimony on what happened to your church.

Pastor Dr. Robert Jeffress: Well, first of all, thank you, Governor **Patrick**, for this opportunity. Doctor **Carson**, thank you. It's good to see you again. And we thank this Commission. With me today is Doctor **Ben Lovvorn**, our executive pastor and attorney himself, who helped lead our legal team in the case that we're going to talk about today for just a moment. And I promise, governor, nine minutes and no more. I've got a timed out, but we want the bulk of the time to be for you to ask any questions. On June 8th, 2020, our church, the First Baptist Church of Dallas, hosted its annual Celebrate Freedom Patriotic Service to celebrate our nation's Christian heritage. Every year, at this service, we honor the various branches of the military. And then we invite a guest speaker to talk about our nation's Christian heritage. In 2017, we held this service at the Kennedy Center in Washington, DC, and President Trump was our guest speaker. For this service, in 2020, President Trump sent his Vice President, Mike Pence, and the cabinet member, Doctor **Ben Carson**, to represent him. Although neither Vice President Pence nor President Trump was the official nominee of their party yet that would come later in the Republican convention, we carefully followed the guidelines the IRS had for treating potential candidates who speak in a church. Neither I nor anyone else during the service officially endorsed Vice President Pence, President Trump, or anyone else. Instead, the Vice President and Doctor **Carson** shared their faith journeys of how they came to faith in Jesus Christ.

Shortly after the service, the Freedom from Religion Foundation filed a complaint with the Internal Revenue Service against our church for that patriotic service. It's interesting that we did not hear anything from the IRS for 11 months, and four months after Joe Biden became president. It was on May 6th, 2021, that the IRS informed our church that they were initiating an inquiry into the tax-exempt status of our church because of our patriotic service. It's important to note that our church has never had an issue with the Internal Revenue Service. I have a history of encouraging pastors to follow IRS regulations and not endorse candidates from the pulpit. In fact, on Sunday,

November 1st, three days before the 2020 election, I appeared on Fox and Friends and explained why our church does not endorse candidates but instead urge our members to vote their biblical convictions.

Later that morning of November 1st, during our worship service in our church, I reiterated to our congregation that we do not endorse candidates. We encourage Christians to vote their biblical conviction. On that very same Sunday, November 1st, while I was speaking in our church, Joe Biden was speaking at another Baptist church in our country, the Sharon Baptist Church in Philadelphia, where he and the church's pastor openly encouraged members to vote for Biden, while both men were standing in front of a campaign banner in the church. When we pointed out the contrast to the IRS between our non-endorsement policy, and this church's flagrant disregard for the Johnson Amendment, the IRS officials conducting the examination had no response. As a result of the church tax inquiry, we enlisted several attorneys to help us. One of those attorneys in Washington, DC, was the former head of the tax-exempt division of the Internal Revenue Service. He said this investigation was unprecedented. He had never seen anything like it before. And he said it's the first time, he believes, the IRS ever threatened a church for anything that happened in the worship service of that church. After we carefully provided all the information the IRS requested, we were notified that the IRS was not satisfied with that information and announced that they were going to pursue a complete church examination that would last more than a year and end up costing our church hundreds of thousands of dollars in legal fees. After months of discussion and attempts to try to resolve the matter with the IRS, the IRS apparently recognized the constitutional issues inherent in threatening a church's tax-exempt status based on concerns about the worship service, so the IRS abruptly expanded its focus to statements I had made in support of President Trump on Fox News, where I serve as a contributor.

Now, our church has always posted my television interviews on our website on a variety of topics, with a clear disclaimer that these interviews are posted for information purposes only for our members, and that my views do not represent the views of the First Baptist Church of Dallas. And we reiterated on the website that our church does not endorse candidates. Our church's YouTube page contains hundreds of interviews I've done on a variety of topics, including my November 1st appearance on Fox and Friends when I said our church does not endorse candidates. Ironically, while the IRS actively pursued our church for statements I had made supporting President Trump, the IRS area manager overseeing the church tax examination had regularly posted comments and images on her social media pages supporting Joe Biden and Kamala Harris Throughout the IRS examination. Our church announced our resolve to pursue this matter to it's just conclusion, including going to the United States Supreme Court if necessary. We believe that our church's steadfast resolve not to waver on this issue and vigorously defend the rights of all churches is what led the IRS to suddenly close the examination. And a letter dated July 8th, 2022, the IRS

acknowledged that the First Baptist Church of Dallas did not engage in any improper political intervention or violate the US tax code.

So then why am I here before you this morning, before this Religious Liberty Commission? Although our church could afford to spend hundreds of thousands of dollars defending ourselves, most churches could not do that. And no church should have to do that. The government has absolutely no business determining what is proper and improper speech in the worship service of any church, the IRS and any government agency lack the ability to distinguish between political speech and biblical conviction. And that's illustrated in the case of my friend, and fellow Texan, Bunny Pounds, the Founders of the organization Christians Engaged, which educates and motivates Christians to vote. In May of 2021, the very same month the IRS announced they were coming after us, the IRS also denied Bunny's organization, Christians Engaged, their application to become a tax-exempt nonprofit organization because of their desire to educate voters on what the Bible says about the sanctity of life, the definition of marriage, and US-Israel relations. In their letter of denial, the IRS identified these beliefs as, quote, "Bible teachings typically affiliated with the Republican Party and candidates." End of quote. Although the IRS reversed their decision against Christians Engaged after a public outcry, this initial decision by the IRS to equate biblical beliefs with forbidden political speech illustrates how easily the Johnson Amendment could be misused to silence churches directly or cause them to engage in self-censorship to avoid costly litigation.

I want to make it clear I am not arguing against any government regulation about how a church spends tax exempt money or doesn't spend on political campaigns, but what I am saying is the government has absolutely no right to regulate what is said in a church. What I preach from the pulpit of the First Baptist Church of Dallas, or any pastor preaches from his church, is none of the government's business. Governor Patrick and Vice Chairman Doctor **Carson**, I want to thank you. I want to thank our great President, Donald Trump, for appointing you to this Commission to safeguard our most cherished freedom, the freedom that has been called our first freedom. And that is the free exercise of faith. God bless each one of you.

Chairman Lt. Gov. Patrick: Thank you. Pastor. We had a case in Houston where I live from a former mayor, and there was a sermon that this mayor didn't like. And, you know, the story. She actually said they should send the sermons to her office. And my pastor responded, "I'll send them if she'll read them." They didn't send them. Dr. **Lovvorn**, if you want to add to this and we'll open for some questions on this.

Dr. Benjamin Lovvorn: Thank you, Mr. Chairman, and members of the Commission, just to provide some additional context for our discussion today. The issue at hand really is what is known as the Johnson Amendment, the Johnson Amendment, when amendment was adopted in 1954 as an amendment to the Internal Revenue Code, specifically section 501(c)(3). Now, as you know, for almost the first two centuries of our nation's history, it was churches that served as the primary source to which our citizens would turn to learn about politics and the most important issues of the day. It was churches, and it was pastors that served as the driving forces for positive societal change. But in 1954, then Senator Lyndon B Johnson from Texas was unhappy because two secular nonprofit organizations were opposing his candidacy. And so, he proposed this amendment in three sentences, and it was adopted without hearing or debate. And since that time, it has been used to silence and threaten and chill free speech and the free exercise of religion. It was never intended to apply to churches, and yet churches were swept up in this issue simply because we are classified as 501(C)(3) organizations. The Johnson Amendment is unconstitutional on its face, and it's unconstitutional as applied.

And yet it has rarely been challenged because it has rarely been enforced, when it has been enforced, or when the IRS has threatened to enforce it. It has always been inequitably enforced, unfairly enforced, and applied only to those churches that support conservative values and conservative, conservative leaning candidates. It is currently being challenged in federal court in a lawsuit that was filed by the National Religious Broadcasters Convention. They have actually entered a consent decree in which the IRS acknowledges that the Johnson Amendment should not be enforced against churches. The IRS, in that consent decree, notes that this is based on our nation's history and the normal practice that churches should be permitted to instruct their congregants in political matters, and that an enforcement of the Johnson Amendment against those churches would, in fact, be a violation of their constitutional rights. That consent decree, though agreed upon by the IRS, is still being challenged by third party in that federal court, and that order is currently under consideration.

Now, even though the Johnson Amendment has rarely been enforced against churches—though it was, they attempted to enforce it against the First Baptist Church of Dallas for something that happened in a worship service—it's not so much the enforcement of the Johnson Amendment that has infringed upon our freedom of speech. It is the threat of enforcement. For too long, the Johnson Amendment has served as the Sword of Damocles that is hanging over the head of Bible minded pastors, and it's that threat that chills free speech and chills the free exercise of religion. As our pastor has said, no pastor and no church should have to spend every Sunday concerned about whether what they say may rise the ire of the Internal Revenue Service. And, in fact, Justice Clarence Thomas recognized this in a concurring opinion in a recent religious liberties case. He actually cited back to a 1987 opinion by the Supreme Court. He said it is a significant burden on a

religious organization to require it on pain of substantial liability to predict which of its activities a secular court will consider religious. The line is hardly a bright one, and an organization might understandably be concerned that a judge would not understand its religious tenets and sense of mission. Fear of potential liability might affect the way an organization carried what it understood to be its religious mission.

Chairman Lt. Gov. Patrick: Thank you. Doctor. I want to open up for some questions—**Kelly Shackelford**, you're up first.

Commissioner Mr. Shackelford: Yeah. I just want to bring out one point that I think some people know, and I want to make sure we all know. We had three cases over the last year, big churches and small churches where they got this kind of inquiry letter, threatening letter. They're going to look through all your records and all this. Every time we sent a letter to the IRS saying you have zero authority in the pulpit of a church in the United States of America, we cite a lot of cases, and we say, "get lost." Every time they drop their case because they do not want this in front of a federal judge. So, the constitutional issues can't be decided because then their fear approach, you know, would, would, would be lost. And so, the question is how to—and this is I think the real question for us is—how to do something that will be permanent, that will stop this. Obviously, you've got the lawsuit that's in front of Judge Barker that you mentioned with the NRB. Of course. Will that just apply to those parties before it? Right? So, we've really got to be creative in our thinking and do something to take care of this because it's just blatantly unconstitutional, but we can never get in court. And that's the problem with the churches. So, we can't get a precedent that then will protect all the churches and religious organizations. So anyway, I don't know if y'all thought about that, but that's the problem we have.

Pastor Dr. Jeffress: And by the way, I have to note, Governor **Patrick**, that **Kelly**, 30 years ago defended my daughter, who's on the front row, when she was eight years old, her right to share water bottles that had a Bible verse on them in school. So, we're always grateful to you, **Kelly**, for that. You know, this is going to have to have a legislative fix of some kind to it, whether it's complete abolition or rewriting or carve outs. But, here's the challenge that you all are going to face as a Commission. Polls overwhelmingly show that pastors do not want to endorse candidates, and congregations don't want their pastors endorsing candidates. That's very clear. But that's not the issue here. The issue is not whether they should, but whether they can. And if you ask in the same poll people, do you believe the government ought to be able to regulate what is said in any church? The overwhelming number of people will say no. So, it's how you frame it that's going to be important. But we do think legislative fix is important. You know, I talked to President Trump

like you do. And he says, you know, we've got this thing taken care of as long as I'm in office. But there'll come a day when there'll be another person in office and it can be weaponized again.

Dr. Lovvorn: And in that regard, we have three specific recommendations, if you will.

1. First, of course, we would support a repeal of the Johnson Amendment, but if not, repeal an amendment of the Johnson Amendment. This is not unprecedented. For example, an application of the substantial amount test which is applied in lobbying cases would be appropriate consideration of funds that are directly attributable to political speech being nondeductible to those donors would even be more appropriate than a complete blanket prohibition against political speech that cost you not a portion of your funds, but your entire tax-exempt status. If you violate it in any sense, or at least a narrowly tailored and specific application of the Johnson Amendment, so that it is not so broad and vague that the IRS itself serves as judge, jury, and executioner and how to interpret and apply it.
2. Secondly, challenge it in the courts. We mentioned that pending consent decree, but churches are harmed today because they're not able to exercise their free speech.
3. And finally, to advance legislation like the Fair Speech Fairness Act, which is currently pending before the House and the Senate for their consideration.

Chairman Lt. Gov. Patrick: I'm going to go down to Doctor **Phil** and I'll come back to you, Bishop **Barron**. Doctor **Phil**.

Commissioner Dr. Phil McGraw: You know, part of this is, you know, we've talked about that the secular is not neutral. And the strategy here is management by intimidation. The whole approach is you may beat the rap, but you're not going to beat the ride. You in the end, they drop it before it goes to court. So, their weakness is not shown, but they're going to make it so painful that church that's not as blessed as the First Baptist Church of Dallas is going to say we, you know, we can't do this. So, they're intimidated and step back from it. And that's why your recommendations about the amendment are so critical. Where and, you know, there can be some kind of element where if it gets to that point where they drop it, they've got a 10x your fees back, attorney fees back in some way, where they start having a little trouble making their numbers. There's got to be some way where they have a hard time making the ride also. But it's just management by intimidation. They just think you're not going to get a conviction here. You're not going to get their status pulled. But we can sure make it painful. They know it when they start. They know they're not getting there. Right, **Kelly**? They know they can't sustain this.

Dr. Lovvorn: Well, we felt strongly that they viewed the First Baptist Church of Dallas as an example case. And we knew that if they prevailed against us, churches across the nation would be intimidated and scared to speak out. And so, we felt that the Lord had called us to stand in the gap to defend those churches against that type of intimidation.

Chairman Lt. Gov. Patrick: Bishop **Barron**.

Commissioner Bishop Barron: Yeah, thanks very much for the presentations, and, you know, the Catholic policy is very much in line with what the pastor mentioned, that we don't advocate candidates from the pulpit. I mean, so that's very clear. But I do worry a lot—a lot of us do—about the kind of creeping influence of the Johnson Amendment. And I go back—if we're going to add to the philosophical section of our recommendations—it was Tocqueville who famously said, democracy cannot function without a moral religious foundation. And it comes, he said, from fiery pulpits, you know, that he witnessed when he came to America. And to Reverend **Graham's** point, you know, about our pulpits being silenced. So that's our problem. But also, we can't let the government silence our pulpits because that's how the people are formed. And then to the general point, too, about the non-neutrality of secularism, there's a moral ideology attached to that, and it's being very aggressively foisted upon our people. And if we're silenced in our own pulpits and we can't articulate a moral vision, we're in some serious trouble. So, I think it'd be good to talk about Tocqueville, maybe a bit the philosophical section, but to see this as a real case in point.

Chairman Lt. Gov. Patrick: Thank you. Bishop. Doctor **Carson**.

Vice-Chair Dr. Carson: Thank you all very much for your courage in doing this. You know, I'm reminded of the Congressional Record, January 10th, 1963: The 45 Goals of Communism in America. I think we may have found out who "they" are. That 27th one is "infiltrate the churches and replace real religion with social religion." And that seems to be what's going on. Pastors putting their finger in the air and saying which way the wind is blowing, and trying to tailor the sermons to that rather than preaching the Gospel of God. How can we get more pastors? Pastor **Jeffress**, you're very courageous man. How can we get more of them to have courage? "God has not given us a spirit of fear, but of power and of love and of a sound mind."

Pastor Dr. Jeffress: I wish it's something we could legislate, but we can't. And you know that as well. I just think it has to begin inside that people realize if they've been called to preach, they've

been called to God, and they've been called to preach not what's popular but what is true. And that has to be the beginning point for everyone.

Chairman Lt. Gov. Patrick: Ryan.

Commission Dr. Anderson: So, I wanted to float an idea to see what **Kelly** and **Allyson** think about this, but, you know, put it on the table for something we could deliberate about in our formal recommendations, because it strikes me that we're never going to get 60 votes in the Senate to get rid of the Johnson Amendment, or to modify or to amend the amendment right. So as long as the legislative filibuster is in existence, nothing is changing.

But what about going through the formal rulemaking process when we have a favorable administration, like right now, and the IRS was to explicitly go through the notice and comment period, put out a regulation saying the Johnson Amendment does not apply to churches or synagogues or any house of worship precisely because of First Amendment protections. Right. They cite that as the reason that they're making this formal rule. Then when you get a hostile presidential administration, they would have to go through the formal rulemaking process to rescind that rule. If they get it through, it strikes me you can then sue them that they've just issued a regulation that violates the First Amendment, and that could be how we could actually get a fix to this, not just for, you know, this four-year administration, but for future administrations as well, without having to go through the legislative process. So anyway, I just wanted to—something we should mull over, because I'm not a lawyer, but I know something about the administrative state. And, you know, it's worth kicking the tires on.

Chairman Lt. Gov. Patrick: Any other questions? So, I'm going to hesitate to ask this question. But it is a committee and we're here to ask questions. Have all of the times that the IRS has come in? I think you said it's been towards churches that seem to support conservative issues and Republicans. Is that the history?

Dr. Lovvorn: Well, of course, we don't know every investigation they've undertaken. What we do know is those churches who have pushed back against the Johnson Amendment have always been those conservative minded churches. We also know that Joe Biden, Barack Obama, Hillary Clinton all made campaign stops at churches on a regular basis. And there's certainly no record of those churches ever being investigated.

Chairman Lt. Gov. Patrick: So, here's where I want to be careful. So, if a Republican in the White House were to instruct the IRS, or the IRS on their own would go and do the same thing, to one of those churches where President Biden or whomever it was, was speaking and put them through the wringer like they put you through the wringer. Do you think that would bring a little bit more of attention to maybe where you get 60 votes because they're being threatened, and we don't want to see any church threatened? You should every pastor, every priest, everyone should be able to say what they want in the church. As people gave you a standing ovation, but one side is getting away with it and the other side's being punished. It seems to me that it'd be interesting to see how the other side would react if suddenly, when a Democrat presidential nominee showed up, if they heard from the IRS like you did and you didn't even do anything wrong.

Pastor Dr. Jeffress: I think it would certainly make news. But I agree with what you said. We don't want to see that happen. We don't want the IRS coming into any church. But this is not being uniformly enforced. I mean, let's all be honest here. Ethnic churches, minority churches have candidates all the time, and nobody says a word about it because they don't want to be called racist. But the fact is, I mean, can you imagine what if the IRS had gone after Martin Luther King Jr for mixing politics with civil rights? Well, he should mix them. He was preaching out of his heart what he believed was the truth. We don't want to see them coming into anybody's church. And I would just stay with that.

Chairman Lt. Gov. Patrick: Yeah, well, I totally agree. And that's why I was a little hesitant in asking the question. But I did want to point out it's not an even playing field.

Pastor Dr. Jeffress: No, it's not.

Chairman Lt. Gov. Patrick: And so, it's being enforced in an uneven playing field. And only one side is being pursued. And things might change otherwise. So again, thank you. I had to ask the question. Any other questions. Thank you. Always great to see you. And the fiery pulpits that Tocqueville talked about. Thank you for bringing one here today. We appreciate it. All right.

Pastor Dr. Jeffress: Thank you so much. Thank you. Thank you. Thank you.

Chairman Lt. Gov. Patrick: Yeah. We are. This is our last panel of the day.

Chaplain Dr. Andrew Fox, Former Chaplain, Austin Fire Department

Chairman Lt. Gov. Patrick: As we bring our two last witnesses forward. And we have Doctor **Andrew Fox**, and we have **Phyllis Morris**. So, thank you for joining us today. And I like to do ladies first. So, if it's okay with you do you want to go first or you okay. They want you to conclude. So, you'll be the final voice of this day of great witnesses. Doctor **Fox**.

Chaplain Dr. Andrew Fox: Thank you. Well, thank you to this Commission and President Trump for the honor of speaking with you today. I'm profoundly grateful for this administration's commitment to protecting religious freedom, not as a partisan priority, but as a foundational duty for anyone entrusted with a measure of power. It is my conviction that government should be freedom's best friend and not its worst enemy. Now, you can probably tell by my accent that I was not born in Texas. I was not born here, but I was adopted and raised in England. It makes July the 4th a very interesting day for me concerning tea taxes, monarchy, and just about everything else. Now, 26 years ago, my wife and I packed up our young family and we came to the United States. I arrived on a religious worker's visa, eager to live in a nation where religious freedom is written into the Bill of Rights, into its very first few lines. In other words, right into the heart of the Constitution.

I've come to know, and I'm proud to say, that the United States has the most enduring Constitution in the world. It's what makes America great, and it's the best refuge for people who want to live and work here, consistent with their deepest beliefs. Now, this promise drew us here with a strong sense of God's calling. And that's why, along with my family, we are now proud citizens of the United States of America. And they are watching live on this feed, this moment. I've always had a fire in my bones, so to say, from the Book of Jeremiah, for serving others, especially the least of my brethren, as Jesus would say. I've learned that from my own father and his peers. Now, as a teenager in England, I volunteered at my local church and learned many more things and was in trouble for chasing girls and a number of other things that included stealing from the offering. As a teenager, I got reprimanded, disciplined. But that was all for my good.

I married my wife eventually, and I've been married to her for 33 years and began planting churches in the south of England and settled in the county of Devon. That's right near Cornwall. Pastoring a church in 1999. That fire in my bones carried my family and myself across the Atlantic Ocean. I pastored a church in Washington state for ten years, where I became very good friends with the chief of police in the city of Kennewick. He asked if I'd consider serving as the

department's volunteer chaplain. I responded positively, and that not only reshaped me, but it changed the trajectory of my life. I walked with officers through scenes of gang violence, suicide, shooting, death in all of its gruesome ways, and especially fires. I saw moments where the fragility of human life was laid bare behind the iron steel of first responders. My calling was to be the hands and feet of Christ to everyone I met within the department and outside in that priestly role.

And then in 2013, my family and I moved to the great state of Texas. And in many ways, I wish I'd have moved straight here and avoided the other two states that I lived in. But that's a story for another day. I mentioned one state, I won't mention the other, but I'm looking for a lobotomist to remove it from my head. I met the then-chief of the Austin Fire Department, and she told me that they'd been without a chaplaincy program for 15 years. Now, she had no observable or discernable faith, but she valued what chaplaincy could bring to the uniformed personnel under her command. I had the privilege of building Austin's first chaplaincy program at the Fire Department from the ground up, that served 1,400 uniformed, civilian and uniformed and civilian members and their families for about eight years. You know, and I know, that firefighters run towards danger. But when the smoke clears, what you're left with is human beings who carry the weight of trauma and loss that they've seen in others. They need prayer.

We've heard that from chaplains today—counsel, support, and sometimes someone just to have a drink with them and listen and they will talk about anything except the very thing that they need to talk about. The value of this is priceless, and it takes a lot of effort to become part of that, usually with a firefighter trying to wrestle with trauma and loss. There are extramarital affairs, violence and substance abuse, and all of that has to go to the grave with you. You cannot disclose that to anyone else. That was my privilege to walk alongside some of the most courageous men and women I've ever met. And I miss them, I do, I miss them. I remember Austin's devastating ice storm years ago. Two battalion chiefs got on the phone and called me from Georgetown, where I live.

When I arrived, I found that there was a family just trying to stay warm, a poor family that had perished. As firefighters were pulling the bodies out of the house, it was my job to cover them on the sidewalk and stand with them with your back to the media, so no one can misinterpret your face, and prayerfully stand there. And there is mystery in that. The presence of the unseen Christ with us. Firefighters are able to carry out their duties when those human capacities are dealt with. I went back to the fire station with many of the firefighters, and during that night, some would want prayer, they'd want to talk, or they'd simply want help before the end of the shift, before they go home to their wife, their husband, and to their children. I was able to serve those first responders because I'd spent time building trust with them.

And those in the military and paramilitary groups, now, the more polite people are to you, the less you are accepted, the more insults and sarcasm that is thrown at you, the more welcome you are. You can imagine again July the 4th being a wonderful day for me amongst firefighters. I was able to serve these good men and women, and I served every firefighter, every family, every person in need. I knew those that identified as LGBTQ and all the other letters as well, but the same compassion that I had for everyone was shared with everyone. When someone is grieving, when someone is afraid, you never, ever ask, how do you identify? You simply ask, how can I help you? You serve those who serve themselves selflessly, selflessly. But exactly four years ago yesterday, the ministry that I loved and founded from the ground up and was considered my contribution to the country that accepted me came to an abrupt end when the City of Austin fired me. And this is why I miss my brothers and sisters in uniform and the civilian personnel.

They fired me simply because of my Christian faith. You see, on my own time, I shared on my own personal blog the history of women's athletics and the importance of protecting women's sports. In short, I argued that a biological man transitioning to become a woman competing against women was yet another onslaught against the beauty of what God created in a woman. I express myself and my beliefs rooted in Scripture, that God created men and women in his image equal, distinct, and beautiful. But Austin officials. But Austin officials disagreed with me. They found my words in a private blog that had nothing to do with the Fire Department an offense, and so they demanded that I write a letter of apology open for the city to read. I could not believe this was the America that it had become. It wasn't the America that I'd moved to. I told them that my intent was to foster respectful dialog, not hurt anyone, and if someone felt offended, I was truly sorry. I could not renounce God's truth precisely because the Gospel is for everyone, every person made in the image and likeness of God with inherent dignity and worth, and needs to know about Christ, mostly by actions, and sometimes with words.

I am clear what Scripture teaches me to love God and love my neighbor as myself. And as Jesus said, "upon these two things depend all the law and the prophets," the whole canon of Scripture. Now I got terminated anyway. Regardless. Now I'm a big fan of C.S. Lewis. I've been to his house, sat at his desk where he wrote *The Chronicles of Narnia*, been to his college, his grave, and so much more. I've got everything he ever wrote and some very rare recordings on tape. One thing that he shared highlights my own convictions. "Courage is not simply one of the virtues, but the form of every virtue at its testing point." My testing point came when it became very clear that to keep the ministry that I felt God was leading me into, the very reason I moved to the United States—not to get a job, I had one—but to serve the country that accepted me. The only way I could keep that was to renounce my faith and apologize for biblical convictions about gender.

I couldn't do that. I won't do that, and I will never do that.

For eight years, I'd served in the Fire Department with compassion and equal treatment, with no exceptions. I knew I had to be faithful to God and not to Caesar. So, with the help of the Alliance Defending Freedom, I sued the city of Austin for violating the First Amendment. It was not an easy decision, but one I stick to. I knew, I knew I had no choice. You see, my children are watching this broadcast. I want them to know, and my three beautiful grandchildren to know, what it is to inherit an America that was, that is moved off base, and needs to come back to the central base. To be American is to be courageous, curious, civil, and most of all free in what you have to say.

However, if government can punish clergy for posting something on a personal blog about Scripture and the importance of preserving women's sports, then all American rights are in jeopardy. After all, religious liberty ensures that no political regime can ever have ownership of the human soul. Only God has that. Today, my prayer is that my story will infuse courage to us all, that we remain a nation where people can disagree passionately and live peaceably with pastors, clergy, where they can preach, citizens can speak in the government remains in its rightful place as freedom's greatest protector. Again, I did not move to the United States for a job; I had one in England. I moved here out of a sense of calling. And it seems to me over these 26 years, the Christian voice has been pushed back into the wilderness. However, it is from the wilderness that there is a strong voice, "Prepare ye the way of the Lord." God bless you at this Christmas time abundantly. Thank you.

Chairman Lt. Gov. Patrick: To all your grandkids out there. Be proud of pop-pop. What do they call you?

Chap. Dr. Fox: Many things I can't mention publicly, but it's usually Grandpa-saurus just like any other grandpa, but better.

Chairman Lt. Gov. Patrick: Well, you've made them proud. Thank you.

Mrs. Phyllis Morris, Sweetwater, Texas

Chairman Lt. Gov. Patrick: Phyllis, you will be our last witness today. And the microphone is yours.

Mrs. Phyllis Morris: Okay. Thank you for the honor of just a normal citizen being able to come and tell a little Christmas story. Nativity scenes have always been very meaningful to me. I was reared in Dallas, which always had great Christmas displays. The most memorable one was a live presentation with the Holy Family along with shepherds, wise men, the lamb, sheep, oxen, and even camels, which I'd only seen before in a zoo. And so, my mother loved Christmas, and she also initiated a manger scene for many years in her neighborhood. Perhaps due to my father's advice.

Also, my love for the nativity presentation was inspired by a visit to the Holy Land in 1971. In the town of Bethlehem, there were workers who worked on carving various objects from olive wood. One of the most popular items was the nativity set that was produced. Assembly line style, with the most proficient carvers advancing to the face carving. My husband and I purchased a large set that was central in our home for many years, and we also later purchased several versions for our daughters. Over the years, Sweetwater, Texas has provided many types of Christmas activities, including Santa Claus decorations, various booths, and parades.

A number of years ago, the parade theme pertained to the Christmas story. My church had a float commemorating the birth of Christ, which was a standard depiction of Mary and Joseph, Baby Jesus, etc. but none of the other entries had any religious significance at all. The focal point was Christ's birthday, so why was not the emphasis there? I began to wish our town would include a nativity scene along with other secular Christmas displays. A few years later, I became part of the Sweetwater Women's For. During a general meeting, the Civic Improvement and Beautification Committee asked for suggestions for funding, so we decided to start Christmas projects. I made a motion to purchase an outdoor nativity set. The vote to do that was unanimously approved, but the committee's approval was just the first step. Next, I had to contact the county judge to see if we could place it at the courthouse. I knew the judge might be apprehensive and might oppose the proposal, so I wanted to be thoroughly prepared, knowing our First Amendment rights.

So, I researched some documents, and I learned that in 2020, in the case of *Woodruff vs. Jackson County, Indiana*, the Seventh Circuit of Appeals held that a nativity scene on government property

did not violate the Establishment Clause of the First Amendment. The court reasoned that the display fit with a long national tradition of using the nativity scene in a broader holiday displays to celebrate the origin of Christmas, a public holiday and this holding, the court departed from the long standing doctrine that evaluated holiday display cases using the *Lemon* Test, which required any holiday display to have a secular purpose. In compliance with the First Amendment, Jackson County was able to continue the display of a creche model representing the scene of Christ's birth in a public place. My conclusion was that the Sweetwater Nativity was not only permissible, but it was, was, and is protected. After doing this research, I met with the judge in our meeting, and I shared what I had learned about the First Amendment's protections. After hearing about the current cases, the county judge was somewhat satisfied but said that it also would have to get permission from the county commissioners. At that point, I became apprehensive myself because I know how things go. I requested that the for receive written approval prior to continuing the project, and we did receive that.

Yet almost immediately after the scene was set up, a letter to the editor of the local newspaper, The Sweetwater Reporter, was published, decrying the exhibit and requesting that the religious display be removed from the Nolan County Courthouse. The letter claimed that religious expression, like the Nativity, violated the separation of church and state, allegedly according required by the Constitution. However, because of my research, I knew better, so I quickly drafted and hand-delivered a response to the editor. I hope the letter would answer questions raised by the malcontent and others. But after the public meeting was announced, many groups and churches in the area developed an interest in the situation. After county commissioners decided to call a public open meeting. So, there was a large public outcry when the day of the public meeting came, the room was overflowing out of the hearing room, into the halls and clear to the entrance. Representatives from Abilene, Texas. News and television stations from neighboring counties came to report and televise information about the situation. Many people spoke during the public meeting, and the vast majority were in favor of keeping the display. In the end, the commissioners did not remove the Women's For Nativity set. They simply clarified that if other citizens wanted to display religious representations or secular ones, they could do so with the same permission. But the story was not over yet. As an aftermath. What a surprise.

On Christmas Eve, the Sweetwater reporter had a large front-page headline and article reading Citizens of Sweetwater Recognized with Religious Freedom Award. We were honored to receive Becket's Tiny Tim toast for inspiring hope and perseverance in the face of adversity during the Christmas and Hanukkah season. And I'm grateful to say that the Women's For Nativity is now a permanent part of our annual Christmas display and is out in the courtyard outside of our courthouse, even as we speak. In addition to commemorating the Christmas season, the Women's For desires that will continue to be a staple in our hometown celebration to give joy to many lives

in this major victory for religious freedom. While we talked a lot today about law and policy, I would like to close by remembering the person I believe is the reason for it all, with this poem by Doctor James Allen Francis, it begins.

He was born in an obscure village, the child of a peasant woman.

He grew up in another obscure village, where he worked in a carpenter shop until he was 30.

For three years he was an itinerant preacher.

He never had a family or owned a home. He never set foot inside a big city.

He never traveled 200 miles from the place he was born.

He never wrote a book or held an office.

He did none of these things that usually accompany greatness.

But while still a young man, the tide of popular opinion turned against him.

His friends deserted him.

He was turned over to his enemies and went through the mockery of a trial.

He was nailed to a cross between two thieves.

While he was dying, his executioners gambled for the only piece of property.

He had his coat.

After he died, he was taken down and laid in a borrowed grave.

Twenty centuries have come and gone, and today he is the central figure for much of the human race.

All the armies that have ever marched, all the navies that have ever sailed, and the parliaments that ever sat, and the kings that ever reigned put together, have not affected the life of man on earth as powerfully as this one solitary life.

Thank you. Is there any questions?

Chairman Lt. Gov. Patrick: Questions? Comments? **Carrie.**

Commissioner Mrs. Boller: Well, I need a tissue now. You are such a beautiful example to us. You're just a normal woman. I don't know you well, but I can tell you're a good woman. And I want to thank you because you did exactly what we should all be doing. We need to go on offense as Christians, and we need to thank God for the *Lemon* test for liberty and won that case. That said, *Lemon* is dead. It's bad law. So now nativity scenes need to be going up. Now. They need to be going up everywhere. And we as Christians have to really rise to the occasion and stop playing nice. We're so nice and it's a good quality and I'm grateful for that quality. But you are just such a beautiful example to all of us and such. I love that we ended with this story because it's a success story of just an everyday, average woman who decided to stand and look at what has happened because of you. So, you have really encouraged me to go back to my crazy town in California. I didn't think things like this happened in Texas, but they happen everywhere. So, I'm so sorry what happened to you? That should never happen to anyone. And thank you. As someone who has a daughter in girls' sports, thank you for standing up for women and for my daughter. Thank you so much.

Chairman Lt. Gov. Patrick: Kelly.

Commissioner Mr. Shackelford: Yeah, I think it's great that you found the *Jackson County* case as you had a case in your favor. And I think that was before we won the Coach Kennedy case and overturned the *Lemon* test. So, it was it was even legally allowed then. But now it should be obvious because of what happened at the Supreme Court and the Coach Kennedy case. And so, the problem is people don't know. And so, but what's going to be great is when your county puts up display, the next county is going to go, we can do that. And we have lost so much as a country to not have more as up for Hanukkah, to not have our religious heritage is so important to our country. And to push all that into the closet is just the secularization of our landscape is why we've suffered so much. And if we can bring those values, those truths back, I just really appreciate you are the example for what we're hoping is going to happen this Christmas season all across the country.

Mrs. Morris: Thank you.

Chairman Lt. Gov. Patrick: Thank you, **Kelly**, for the people watching. Just give a brief explanation of the *Lemon* test because a lot of people say, well, what was that *Lemon*?

Commissioner Mr. Shackelford: It's a test 50 something years ago that, I won't go through all the steps of the test, but it was based on the this concept of the wall of separation led to all kinds of hostility to religion. For 50 years, over 7000 citations to that opinion through the years. And in the Coach **Kennedy** case, they said *Lemon* is bad law. And they threw it out and they said the test from now on under the establishment clause is it consistent with our nation's tradition and history? And if it is, it's presumptively constitutional. And so, a lot of things that we've had since the beginning of this country that were taken out, maybe in the 1960s or 70s from these bad cases following *Lemon*, that's not the law anymore. And so, it's up to citizens to bring faith back in their community. They have the freedom now to do it. They just have to be willing to stand up like **Phyllis** did. Thank you.

Chairman Lt. Gov. Patrick: Rabbi.

Commissioner Rabbi Soloveichik: Thank you, chairman, and thank our witnesses. And just to build on what **Kelly** just said, it seems that one of the opportunities that we have as commissioners and one of our obligations as commissioners is, is to serve as educators as to the demands of religion, because throughout the day, we have heard of about how so many do not really understand what the demands of faith actually are. And so often those in a bureaucratic role treat those demands as guidelines rather than rules. And as well as educators as to what the true relationship between American history and the fostering of faith has always been about. As the bishop referenced in the past during Doctor **Fox**'s moving testimony, referenced C.S. Lewis, big fan of C.S. Lewis as well. Not to be competitive at all, Doctor **Fox**, but I went I went to pay pilgrimage to the Eagle and Child, the pub where Lewis would read all of his writings to Tolkien, you know, and of course, you know, if I had to also support that institution by having a beer there, that was a sacrifice I was willing to make. But as you spoke, I thought of Lewis's great work, *The Abolition of Man*, where among many, many other noteworthy quotes, he said that "The task of the modern educator is not to cut down jungles, but to irrigate deserts. The right defense against false sentiments is to inculcate just sentiments." And it seems that having this commission, as we're prepared to mark the 250th anniversary of this country, provides us with the opportunity to rediscover American history itself. So, thank you both very, very much.

Chairman Lt. Gov. Patrick: **Carrie**, to your point, and I think it was either Reverend **Graham** or Doctor Phil in one of our earlier hearings about we need more combatants. I believe one of you said that to your to your point and in the book of Jude, right before revelations, I still love this phrase. Jude said, we have to contend earnestly. I think I said it at that time, that hearing in today's parlance, it would be we have to fight for what we believe in. But from the very beginning, Jude said, we have to contend earnestly to protect the church. From what you talked about in the articles

from the communists, it's all comes back together. So, this concludes the hearing. I want to thank again, Harlan, thank you for hosting us. Thank you so much. I hope we met the expectations that you had. Thank you. And I want to thank Lauren of your staff and your entire staff for letting us come in. I want to thank Mary Margaret Bush, who heads up our committee for us. From the White House we have Brittany Baldwin. Mary's parents are here, came in from Chicago. We need for you to move to Texas. That's what we need. And I want to thank all the witnesses. I want to thank all the Commissioners because you came from all over the country. We had to reschedule this because of the government shutdown. So, you had to all change your schedules. And so, it's been wonderful. And, **Phyllis**, you said you were just an average citizen. You're not an average citizen. If all of all of our citizens were as average of you, we wouldn't be here to have this hearing. So, from all of us, Merry Christmas. Thank you for being here. God bless you all and we will see you in the New Year. All right. Thank you all.



Presidential Religious Liberty Commission

Fifth Transcript Hearing Transcript

February 9, 2026

Museum of the Bible

Washington, D.C.

Fifth Hearing

Ashleigh Bondoc: Good morning and welcome to the fifth hearing of the White House’s Religious Liberty Commission. My name is Ashleigh Bondoc, and I am the designated federal official for today’s proceedings. I’m delighted to announce the official beginning of today’s hearing and now turn it over to our commission’s chairman, Lieutenant Governor **Dan Patrick** of Texas.

Lieutenant Governor Dan Patrick: Thank you very much. Good morning, everyone. Meeting comes to order. We love to start on time, but we’re a little late this morning, so forgive us. Rabbi Soloveitchik, you have the opening prayer for today. Would you bless us?

Rabbi Soloveichik: Please join me in prayer. *Ribono Shel Olam* Almighty God, your servant David sang in his psalms he named *Ravah haTovah ve-haRatzah l’achayim lehitchabru b’echad*. Behold how pleasant and goodly it is when brethren dwell together in unity. We thank you oh God, for the privilege of gathering together, representing faith, difference in unity, thanking you for America and for the blessing of religious freedom that is bestowed upon all of us. We thank you as well for the privilege and the obligation of gathering together, charged by the presence of the

United States to protect faith and to protect the vulnerable and the minority religious communities in our society. Help us as brethren to be successful in this quest so that the words with which David concluded his psalm in Jerusalem so many years ago will be applied to us as well, *Lə-achar Elohim hikriv ha-shalomah kə-mishlah chaiyim olam*: For their God has placed his blessing a source of life everlasting. Amen.

Lieutenant Governor Dan Patrick: Alright, thank you.

We have been blessed with great speakers throughout our hearings and once again today we have a person of great faith, a friend of mine for I guess now 20 years. He served in the Texas House. He's now our secretary of HUD, a person that we all look up to who has been guided by God and has lived in a country that allows him to express his religious beliefs and that's what this committee is about, representing all faiths. We have two more hearings scheduled, one in March and one in April before presenting a report to the President of the United States, as it is under our charter, and our focus on this committee, for those of you joining us for the first time, is clearly on individual liberty and the last several years, many people of all faiths in this country have had their liberty denied and we've had powerful testimony, powerful testimony, at times, bringing tears to our eyes. And today we will have another committee. We will continue as our schedule without a lunch break all the way until this afternoon. And before we begin with our first witness, it's my honor to bring out the Secretary of HUD, my friend, you might call him Reverend sometimes, Scott Turner. Scott.

Secretary Scott Turner

Scott Turner: Well good morning. Thank you, Governor **Patrick**, Dr. **Carson** and commissioners' so great to be with all of you here this morning. Freedom of religion is enshrined in the First Amendment as America's first freedom. It is not an afterthought, but it was a declaration of priority. It's the foundation on which all other freedoms depend on. And governor, pastor, you spoke of this in your remarks in Davos, the liberty to worship God is grounded in our freedom to assemble as a deeply personal and inherent right. A government that tramples such vital rights will treat nothing as sacred. President Ronald Reagan once declared that freedom is never more than one generation away from extinction. We have witnessed firsthand the onslaught of what just four years of the Biden regime could accomplish and the enemies of faith have no intent to stop with their systematic dismantling of our constitution and the freedom of our forefathers that they fought for.

That's why President Trump has made the protection of America's foundational freedom a clear and unapologetic priority. And, I thank him. Today marks exactly one year and three days that the President signed the eradicate, an anti-Christian bias executive order which reverses the Biden administration's hostility towards believers. No longer will we turn a blind eye. At HUD, our center of faith has been integral to carrying out this executive order. To eradicate literally means to pull up by the roots. Eradicate means to pull up by the roots, and that's exactly what we've done in anti-Christian bias at HUD. Through this work, we've invited faith-based organizations back to the table. Many years faith-based organizations were not allowed to come to the table. After the Biden administration shut them out, for many years they were stiff armed, but no longer. We'll welcome them back to the table. I have personally witnessed and seen our faith-based groups and organizations care for our homeless neighbors around the country.

I've seen them help Americans recover from addiction. I've seen them provide food and shelter to the most vulnerable people in our country. The Trump administration is restoring the founders' intent to permit the free exercise of faith, the free exercise of faith. The growing threat across America is the intimidation and the threatening of those who seek to assemble freely to live freely. And that's exactly what is being done and targeting of our Jewish neighbors and the Jewish faith. The October 7th massacre in Israel, it was a wakeup call not only for our Jewish brothers and sisters, but for all people around the world that hate is still alive and well. The shooting in Bondi Beach Australia was a reminder that if we leave this hatred unchecked, the next antisemitic massacre could very well take place in our homeland. We will no longer leave it unchecked. Accountability is on the rise.

A recent report found in more than three and four American Jews felt less safe in our country following October, the seventh, and almost half of Jewish college students feel threatened on their campus or they felt pressured to hide their Jewish identity to avoid harassment. Jewish students, all students should feel safe and secure on college campuses. Hate is learned and college campuses across the country are fomenting it. It's an incubator. They're instigating the spirit of hate. We've all watched the antisemitic rioters turn America campuses into battlefields, viscously attacking Jewish students, vandalizing historic monuments and buildings, invading classes, ruining in graduation ceremonies and harassing innocent students who just want to go about their day. No longer will we turn a blind eye to these activities. President Trump acted swiftly upon his return to the White House to combat this wave of antisemitism. He signed an executive order to restore order and make clear that the glorification of terrorists and brutality against Jewish Americans will no longer be tolerated.

The task force to combat antisemitism, which the DOJ has played a central part, has been crucial in fighting this battle. And I want to thank everyone who is part of this fight. It's about what President Trump will continue to wage for Jewish Americans, for Christians, and for all Americans of all faith who the First Amendment freedoms are under attack. It's fitting that we're here at the Museum of the Bible. The Word of God is powerful. Amen. And it's a powerful reminder of the importance of the First Amendment. For centuries, believers have been imprisoned, persecuted, and killed for simply reading the Bible or sharing God's word. Friends, let us never take for granted the freedom that we enjoy in our beautiful country. Let us never take that for granted. Look where we are. We're in Washington DC at the Museum of the Bible, freely assembled together. Let us never take these freedoms for granted. I'm grateful to the President and to this entire administration who embraced this responsibility and are committed to protecting American's freedom of religion. God bless you. Thank you for your time, and I'm praying for you daily. Have a great day. Thank you, Mr. Secretary.

Lt. Governor Patrick: Thank you, Mr. Secretary. I told you he had a little bit of preaching in him. Before we bring out our first witness, and I believe we're going to make a change out from the podium to the tables so I can put in the record here because this record will be memorialized. Our great leader, Mary Margaret. Mary Margaret Bush, who has been our right-hand person running our committee and doing so much work, had a baby last week and little baby Grace, Sienna Grace Bush. So, Mary, I know that you're watching, and so we wish you well. We look forward to having you come back after you get some sleep because you're not going to get much sleep from here on out. Little Sienna Grace Bush.

If our witnesses will come out for the first panel. **Itsy Frankel, Shabbos Kestenbaum, Coach Bruce Pearl** from Auburn University, great basketball team, and Rabbi **Ari Berman**. Good morning gentlemen. **Yitzchok**, you are first up to give your testimony. Welcome.

Anti-Semitism in Higher Education

Mr. Yitzchok Frankel

Yitzchok Frankel: Thank you, Chair **Patrick**, Dr. **Carson**, members of the White House religious Liberty Commission for inviting me to speak today. My name is **Yitzchok Frankel**. I'm a father of four adorable children, eight and under, a recent graduate of UCLA law school, and unfortunately a firsthand witness to the erosion of religious freedom on American college campuses. As an orthodox Jew and descendant of Holocaust survivors, my faith isn't just a part of my life, it's the core of who I am. I wear kippah, keep kosher, observe shabbat, and pray daily. These practices sustained me through law school, and it is my faith that made me a target when antisemitism surged at UCLA after October 7th, 2023. In the wake of Hamas' brutal attacks, UCLA's campus became a breeding ground for hatred. Activists chanted, genocidal slogans like "from the river to the sea" and "Antifada revolution." Jews at UCLA classmates smashing a pinata of Prime Minister Netanyahu while yelling "beat that f-ing Jew."

But the worst came in spring 2024 when activists set up an encampment on Royce Quad, the heart of campus and created a Jew exclusion zone. Masked enforcers set up checkpoints, barricades, and required wristbands for entry. Jewish students like me were stopped, harassed, and physically blocked unless we disavowed Israel's right to exist and hid our religious symbols like our Star of David necklaces and kippahs. To illustrate how chilling this was, I brought something with me today. This is a copy of my grandfather's Nazi-issued work permit Complete with a swastika. This was the only paper that allowed my grandfather to pass safely, has a non-Jewish identification. My grandfather, Solomon Frankel, had to hide his Jewish identity and go by a non-Jewish name, Yvonne Bondrovski.

It is the greatest pride in my life and a rebuke to Hitler and the Nazis that 80 years after the Holocaust, I had the honor to name my son after my grandfather. He now proudly carries the name Solomon Frankel. The same 80 years later on an American college campus, I was shocked that I was expected to wear an activist approved wristband and disavow my Jewish faith just to access public spaces. This is not the first time someone in my family has needed the correct identification to pass safely, we must ensure it is the last. 80 years after the Holocaust, many of my Jewish classmates lived in fear on an American college campus. The way I was treated as a Jew on UCLA's campus violated my rights to freely exercise my religion in public. Turning UCLA into a place of contempt rather than learning. This wasn't just mob rule, this was enabled by institutional failure.

UCLA's administration didn't just stand by, they actively aided the exclusion. It was UCLA itself that provided the barricades used to create the Jew exclusion zone, the station security to enforce

checkpoints. And despite their public admissions that they knew Jews were being blocked, they instructed campus police to stand down, seeding public property to violent antisemites, even UCLA's own task force to combat antisemitism condemned all of this as structural antisemitism and a violation of the first amendment. The Justice Department agreed, finding in 2025 that UCLA acted with deliberate indifference creating a hostile environment under the Equal Protection Clause and Title VI. My experience, my experience mirrors, a national crisis. Similar discrimination and harassment happened at Columbia, Harvard, Northwestern and beyond, where antisemitism masquerades as political protest but targets religious identity. Post October 7th, Jewish students nationwide have faced isolation threats and chilled expression of faith. Wearing a kippah or attending a Shabbat service has become a risk.

That's why with the help of brilliant attorneys at the Beckett Fund for Religious Liberty, Clemente Murphy, and Davis Polk, I sued UCLA alongside two other students and a professor. We brought numerous claims including under the First Amendment free exercise clause and the KKK act. We argued that UCLA illegally excluded Jews from their own campus by kowtowing to the activists and their anti-Semitic acts. In August, 2024, Judge Mark Scarsi issued an injunction. He faulted UCLA for continuing to open its campus to other students, even as the university well knew that Jews like myself were being illegally blocked. He rightly called their mistreatment of Jews on UCLA's campus unimaginable and abhorrent.

Unbelievably, UCLA initially appealed this ruling. They eventually dropped their appeal and still they fought for a year and finally surrendered in July, 2025. The settlement included a federal court order barring exclusion of Jewish students and faculty plus \$6.13 million symbolizing the 613 commandments in the Torah. That sum included donations to worthy Jewish organizations like Chabad at UCLA, the Jewish graduate Organization and the Orthodox Union Jewish Learning Initiative on campus. This outcome wasn't just a personal victory. It exposed lessons for the nation. Litigation can hold failing institutions accountable, but it cannot be the only tool. UCLA's penalties including frozen grants and proposed fines show that accountability matters. Yet some critics even from Jewish organizations, call these punitive. I disagree. Without consequences, universities will continue facilitating antisemitic hate. My case proves that swift enforcement protects religious liberty, but gaps remain looking forward. I urge this commission to recommend policies that safeguard religious minorities like Jewish students.

The administration must strengthen Title VI enforcement by the DOJ and Department of Education mandate investigations within set timelines and tie federal funding to compliance. I'll close with this. Several days after October 7th when UCLA's chancellor issued a weak statement that failed to unequivocally support Jewish students or condemn the celebrations of Jewish death sweeping campuses, I wrote to him directly, I quoted the book of Esther. In it, Mordecai gives Queen Esther a dire warning. Do not imagine that you of all Jews will escape, if you keep silent in this crisis,

relief and deliverance will come to the Jews from another quarter. And who knows, perhaps you have attained this royal position for just such a crisis. Leadership hesitated then as it has too often since. But in three weeks, we'll celebrate Purim the story of how silence nearly doomed to people. Yet courage and providence brought deliverance. I take more Mordecai's words to heart. This is why I stood up to UCLA and I'm not afraid to call them and others out. This commission and the policies it recommends, can be our modern Mordecai and Esther, a call to action before it's too late. Let us ensure that no Jewish student or any believer must ever again hide their faith to access education, public spaces or safety in America. Relief and deliverance must come from here now through bold protection of religious liberty for all. Thank you and I look forward to your questions.

Lt. Gov. Patrick: Thank you, members. As we have done before, we will wait until all four testify then we will take any questions. **Shabbos Kestenbaum,** Is that right? Close enough. Alright, close enough. Thank you. I appreciate it. Thank you

Shabbos Kestenbaum

Shabbos Kestenbaum: For sure. Well, let me start off firstly by saying that in Jewish theology when we wake up, we say a prayer that is called *Modeh Ani*, which is literally translated as “thankful am I.” And the rabbinic commentators are always puzzled by that phraseology because it should not be *Modeh Ani*, “thankful am I.” But *Ani Modeh*, “I am thankful.” And the lesson we learn is before we can say anything, before we go about our day, the very first thing is we must show appreciation. So, before I even get to the testimony, I just want to say what a remarkable breath of fresh air this commission and this hearing is. As an individual who registered to vote as a Democrat the day, I turned 18, nobody’s perfect. We could not get help from the Biden-Harris administration. They did not lift a finger as American students were being denied access to education on their college campuses.

And I remember on the campaign trail when President Trump said that religious liberties would be a priority when he gets into office. And this is a testament to the fact that the promises made on the campaign trail have in fact become promises kept. All of you on this commission are a testament to that. Many of the individuals in this room, like Martin Marks, like Jennifer Korn, like Leo Terrell, like Harvey Dylan, like Dr. Sebastian Gorka, you have been fighting the fight that I wish the previous administration would’ve cared to fight as well. So first and foremost, thank you for doing this. The second point I want to say is that in 1790, President George Washington writes a letter to the largest Jewish community in the United States numbering 25 families in Newport, Rhode Island. And he says here in the United States, we want you as descendants of Abraham to come to our country and practice your faith because in his own words, “bigotry will be granted, no sanction and persecution, no assistance,” and how shocked and how embarrassed and how appalled would President Washington and President Adams and President Jefferson and our founding fathers be today to know that in the 21st century, American students and American citizens were denied access to education because of their religious identity and the people denying them that access were those who were allegedly in the upper echelons of our society, the most elite, the most progressive, the most well-educated.

Why do we care about Harvard and UCLA and Columbia and Penn and all these other morally bankrupt institutions? It’s because these are institutions that purport to train the next generation of American leaders and by and large, they’re not wrong. Statistically speaking, it’s not an exaggeration at all to state. I probably sat in a room at Harvard with a future congressman, a future senator, even a future President of the United States. And if these are America’s future policymakers, if these are America’s future judges and jurors, if these are America’s future authors of the books your kids and grandkids will read who are taught to hate western civilization, to hate the founding of our country and to hate other people based on their religious identity, then this is no longer simply a Jew-y issue or an antisemitism issue.

But this is an issue that cuts at the core of our American democracy, our liberal values, and our western civilization. And I have to say, even though of course this hearing is focused on antisemitism, and I will get to that, I promise I started a timer, but I do want to say that when chants at Oklahoma State of “F the Mormons” are being sprung out, that is an attack against the Jewish community. It’s obviously an attack against the Mormon community, but it’s also an attack on every single American when we have in Long Beach, California, just a week ago, a Catholic school being vandalized to the point whereby they can’t even renovate the school anymore. That is not merely an attack on the Catholic community, but it’s an attack on the Jewish community and it’s an attack on every single American and that unfortunately brings me to Harvard University.

I will in the interest of time, skip to October 7th, which was not only the largest massacre of Jews since the Holocaust, but it was also a massacre in which 45 American citizens were butchered by the rapist Islamic regime of Hamas. And I just want to quote what was happening on the night of October 7th amongst the most educated, the most elite and the most progressive of our society. Quote: “two days after Hamas’ deadly attack on Israel last year, senior administrators at Harvard University wrestled with how to respond, drafting a public statement.” They edited out the word violent to describe the attack. When a dean complained that it sounded like “assigning blame.” They debated whether to explicitly disown a declaration by some Harvard student groups that Israel was responsible for the violence, but ultimately, they decided not to. And when they did eventually come out with their statement, it did not in fact include the word violent.

The largest demonstration I saw at Harvard University was a few days after October 7th where a masked student gets up in front of a thousand students and professors and he says, Hamas, which is the only time Hamas was mentioned, is not a terrorist group. We will look upon them as freedom fighters. Who are we to condemn the resistance and note, the immediate reaction is of the 1,000 students and professors, thunderous applause not one thinks is to challenge, to condemn, to walk out of that statement. It is no coincidence. Therefore, that two weeks after that statement, a Jewish Israeli student was physically assaulted on Harvard Business School. You can watch the footage, it’s free on YouTube. The assailants of that attack, one of them was awarded a \$65,000 fellowship by Harvard Law School to intern at the Council on American Islamic relations, which has noted eyes to Hamas and the Muslim Brotherhood and the other assailant was given the honor of being class Marshall at Harvard’s graduation.

It’s no coincidence that three weeks after that an Israeli student at Harvard was told by her professor to leave the classroom because her nationality made other students uncomfortable. It’s no coincidence that a month after that a Jewish American citizen at Harvard was spat on for wearing a Yamaka. It is no coincidence that three weeks after that, a Harvard employee vandalized all of our hostage posters writing on Kfir Bibas a nine-month-old baby who was kidnapped, “His

head is still on, where is the evidence?” who then wrote on Noah Argamani another kidnapped Jewish victim that “Jews are best friends with Jeffrey Epstein,” who then challenged me to debate him in a secluded underpass as to whether Jews orchestrated 9/11 and then posted a video of him waving a machete with a picture of my face saying he wants to fight. He’s coming after more than blood, and he’s coming after the Zionist Mafia.

And perhaps the icing on the cake is of the dozens of phone calls and emails we sent to Harvard University simply inquiring about his employment status. To this day they have not once responded to us. It is inconceivable that any other minority group would be treated with the disdain, the disregard and the contempt that Harvard has historically routinely and consistently treated its Jewish student population. But to me, I can forgive and forget there is one thing I will not forgive and I will not forget, and that was the encampments. Forget about the fact that these students chanted for a globalized Antifa at all hours of the day. Forget about the fact that they violated all time, place and manner restrictions. Forget about the fact that some American Jewish students were actually living on Airbnb’s off campus because they didn’t want to be confronted each day.

Every single time I went to class, I cut through my own campus. Every time I did that masked-students who decided to name themselves safety marshals. When they would see me and other visibly Jewish students approaching, they would take out their phones and they would start following us on our way to class and they would start recording us and we would ask them to stop, but they would never respond. And we told the President of the university and the President of the United States, but again his mental acuity was questionable at the time, we told him that American students were being followed on their way to class as a result of their religious identity. And not only did the President of the university, Alan Garber, who is still the President of the university today, not only did he never respond to our concerns, he actually told the encampment leaders, if you agree to pack up your tents, we will allow you to meet with the Harvard Management Corporation with overseas Harvard’s \$59 billion endowment to discuss divestment from Israel.

If you agree to pack up your tents, we will allow you to meet with senior Harvard faculty to discuss the establishment of a Palestinian study center. And of the hundreds of students who took part in the encampments who violated internal Harvard policy and followed American students on their way to class: zero were expelled, zero were suspended, or zero were disciplined in any measurable way. The message that Alan Garber told American students was if you call for an Antifada loud enough and if you follow American Jewish students long enough and if you vandalize enough private property, at one point the encampment students at Harvard University tried using bolt cutters to try to break open the locks on Harvard’s Gates, says President Alan Garber, if you do all of those things, we will grant you a seat at the table, which is why we filed a civil rights lawsuit against the university.

We are the first lawsuit of its kind pertaining to the civil rights violations of Jewish students, students on a college campus to be allowed to go to trial. I'm very proud of the fact that there are currently seven lawsuits brought by Jewish students across this country that have cited *Kestenbaum v Harvard* as legal precedent and as it pertains to recommendations, because I know I'm out of time, any institution of higher learning that violates the civil rights of any group based on gender, based on religion, based on ethnicity, it does not entitle itself to American taxpayer funding. If you truly want to help, and I know all of you do, especially our President, you would continue to do what you currently are doing, which is ensuring that Harvard University does not receive a penny of American taxpayer money in perpetuity ever, ever again. You would ensure that any institution that violates the rights of Christians or Jews, any religious group does not afford themselves the right to American taxpayer money.

It is that simple. We would ensure that students who come to this country who are not American citizens who do not believe in the values of the West, who like Mahmud Khalil call for the eradication of Western civilization are not allowed within 50 feet of this country. They are not Americans. They do not stand by American ideals, and we have no obligation to bring them into our country. And I will end by how I opened, which is an attack on one Christian is an attack on one Jew and what attack on one Jew is an attack on one Christian. We are in this together and post-Charlie Kirk, who is a remarkable role model, not just for me but for millions of young men and women across this country. There has been a dearth of role models of people who tell young people the value, the importance, the meaningful-ness of having religion in their lives.

And I would encourage as well that this commission seriously look into the ways that we can encourage Gen Z men in particular to be better as it pertains to their religious affiliation. America was founded predominantly by Christians, by a shared, Hebraic tradition and Judeo-Christian values. And I know as an orthodox Jew, America would be a much stronger and better country if more young Christian men went to church. If more young Christian men studied and learned the New Testament and the Old Testament, and if young Christian men believed and learn the values and teachings of Jesus. So, I want to thank all of you for doing what the previous administration did not do and recognizing the fundamental importance of religious liberties in our country. Thank you.

Lt. Gov Patrick: Our next witness, Coach **Bruce Pearl** from Auburn. And I must confess my brother and sister-in-law live in Auburn and they're big fans and never miss a game and you finally convinced them to watch a committee on religious liberty, so thank you. You are the founder of the Jewish Coaches Association. Coach, you're up.

Coach Bruce Pearl

Coach Bruce Pearl: Well, thank you for inviting me to speak today and thank you all very much for your work. What in the world did you think a college basketball coach could do here today? Can you play? It doesn't feel like you necessarily belong here, but I'm honored to be here. I've been outspoken about the dangers of the rise of antisemitism as a dad, as a former college coach and as a current basketball analyst for Turner and CBS sports. I grew up as an athlete. I grew up Jewish and in Boston. I was a minority and early on I recognized that there were obstacles, but I did not look at them as roadblocks. And as a result, I have lived the American dream. Since October 7th. It has become increasingly clear that we're facing a real moment of danger, not only for the Jewish people, but for the principles of religious freedom and human dignity that are central to this great country.

I have spent decades building and leading teams made up of people from every background, race, ethnicity, and religion. I know firsthand that when people judge each other by anything other than the content of their character, their work ethic and what they contribute, then the entire team suffers. That truth extends beyond sports. History teaches us that when a society begins to scapegoat, exclude or target a group based on their identity, the decay rarely stops with that group. Unfortunately, we're seeing those warning signs right here in the United States of America. The poison is coming from across the political spectrum. On the far right, we see conspiracy theories about Jewish power and hidden Israel influence. We see Holocaust denial and efforts to demonize Jews as enemies of Christianity. On the far left, the Jewish people's basic rights and sense of belonging are being attacked under the guise of anti-Zionism. From Islamist extremists including terrorist groups like Hamas, Hezbollah, the Houthis, and their sponsor, the Iranian regime, we face openly genocidal threats. This Muslim brotherhood, literally wants me dead as I sit here and speak to you today. Why? Because I am Jewish or I support the state of Israel or I am a Zionist.

While many different aspects of the Jewish religion, the ethnic identity are being attacked, it's important. It's vital to recognize the specific role that Israel and Zionism plays in our faith. According to Pew, the vast majority of Jews believe that caring about Israel is essential, an important part of what it means to be Jewish. Similarly, polls show that the vast majority of Jewish people consider denying Israel's right to exist and chants "from the river to the sea" to be anti-Semitic. This has nothing to do with criticizing the Israeli government, which Israelis and Jews do all the time. It reflects the fact that Zionism is central to Jewish religious ethnic identity and is rooted in thousands of years of history. Language, culture, faith, geography, Jewish prayer, scripture and ritual are filled with references to Zion. Jews have prayed towards Jerusalem from millennia. Our holidays end with the words "next year in Jerusalem."

Half of the world's Jews live in Israel today creating an unbroken connection between the Jewish people and our ancestral homeland Israel. Bad faith actors will twist these facts and use them to claim that Jews are disloyal to this country. But the truth is we're like countless other groups that have immigrated here. We're proud of our unique heritage and we're also proud Americans who have helped make our country great. As I said, I grew up in Boston, a town with great ethnic neighborhoods, which sometimes led to a lack of integration, which sometimes led to some mistrust and tension. But the Italians of the North end, the Irish of South Boston, the African-Americans of Roxbury, or the Jews of Dorchester, Mattapan weren't any less American because they love their ethnic backgrounds or their culture or their history. Because many people don't fully understand who Jews are, they also can't recognize a lot of the bigotry we experience today.

So, let's be clear. When someone dehumanizes Israelis or promotes discrimination against the world's only Jewish state or denies its right to exist, those are not simply controversial political opinions. They are forms of hate that have real world consequences right here in America for me and for my family, much of the hostility spreads in ways that are not easy to see. And in too many university classrooms, the notion that Israel is a settler colonial state is a taken it's given even though it's a lie that erases 3000 years of Jewish history and connection to the Jewish homeland. Some students are so poisoned by such lies that they vandalize property or tear down posters with faces of Israeli children and mothers and hostages being held in Gaza. Organizations such as students of justice of Palestine or CARE try hard to intimidate Jewish peers on their campuses.

Just last month, a young athlete burned down the historic Beth Israel synagogue in Mississippi and later told police that it was the synagogue of Satan. That phrase has recently become popular again because far right podcasters are spreading it to millions of millions of people online seeking to turn our Christian brothers against their Jewish neighbors. This return to religious intolerance builds on years of some Americans just blaming the Jews for every problem in their lives. Replacement theology takes the Old Testament and Jesus' life on this earth as a Jew out and it replaces it with the church only, with America only, and without and with white only. This can be a powerful attraction to many young white Christians experiencing a delay in trying to live the American dream. The end result of all the disinformation radicalization is deadly violence. Last year, a far-left terrorist murdered a young couple Yaron Lischinsky and Sarah Milgram outside the Capitol Jewish Museum just a few blocks away. I was in DC that morning speaking to members of Congress in the Capitol. We were celebrating Jewish heritage month with a combating antisemitism movement that could have easily been me and with the entire life in front of your own and Sarah, if given the option, I wish it was me. I will leave here today with my head on a swivel.

I recognize that I'm a target. You think I'm exaggerating. In Boulder, Colorado, when Islamist terrorist hurled Molotov cocktails at participants who are part of a weekly solidarity walk just

calling for the release of hostages, many of them Americans, the terrorists ended up murdering 82-year-old Karen Diamond, a Holocaust survivor who came to this country for a better life and was murdered by the same hate that fueled Nazi Germany. In 2018 and 19, white supremacist terrorists, targeted synagogues in Pittsburgh and Poway murdering 12 Jewish worshipers. This is not who we are, but it is who we will become if we don't take dramatic and urgent actions to fight antisemitism. Now this commission and our federal government and American jury have an essential role to play in that fight right here and right now. First civil rights laws must be fully enforced and apply consistently and even handily for the protection of all groups, including Jewish Americans.

Second, institutions including our own Congress should be encouraged to adopt and use a clear widely accepted working definition of antisemitism. The IHRA definition of a nine binding tool. The clarity of this definition help protects the civil rights while fully respecting First Amendment freedoms. And third, choose in America must do more than report antisemitic incidents. The Jewish community is wrong in assuming that antisemitism comes from ignorance and that if we document it and shave it loudly enough, it'll just stop. American Jew-ery needs to build a stronger Jewish identity and stop apologizing for it. Our success is an example of the American dream, our thriving, our educating, our contributing has and will continue to make America great. We need Jews to participate in Jewish life, to support day schools and camps, synagogues and temples, visit Israel and support the state of Israel and stop apologizing for it.

Reporting on to antisemitism is not the same thing as fighting antisemitism. And we do need our institutions to impose consequences on those who enable or excuse hatred. And finally, education is crucial. Academic and civil institutions must teach what antisemitism looks like today and all its contemporary forms. Universities want to be institutionally neutral. They don't want to take sides for fear of protests or stirring the pot. Look, we first teach the difference between right and wrong, good and evil, truth and lies and propaganda. The truth is that Israel has been surrounded by Islamic neighbors who rule their people and who simply don't want to live next door or side by side. They want the Jews gone from the land. That's the truth. The truth is that if the Jews had lost any of the wars that we were thrust into 48, 67, 73 or October 7th, 2023, Jerusalem would not be the free sea that it is today that would protect all faith from visiting there.

Live and worship. Yes, somehow, we are afraid to teach our kids those truths on our college campuses today, I love the United States of America. This country saved my family from the Holocaust and from pilgrims. Jewish Americans should be our greatest patriots, should be the most grateful citizens in this country because of its promise of liberty. My family was able to build a life here. But we all know that freedom must be protected. It does not preserve itself. And today that responsibility is more urgent than ever. The Jewish people are running out of places to live. Where else are we supposed to go? Some say go back to Israel and some say that Israel is not ours

to go back to. So, do you see the problem? We have a choice. We could hope that this moment passes or we can stand up and say clearly this is not who we are. In 2025, the Auburn basketball team won the SEC championship. We got to our second final four. And publicly and proudly we call God, and we thank God for the blessing. Last year there were three Jewish coaches that participated in the final four, three out of four teams. Don't tell me this isn't the greatest country in the world, and this is an opportunity for everybody. Thank you for allowing me to participate today and thank you for your commitment to defending religious freedom for all Americans. God bless America. [inaudible]. Thank you.

Lt. Gov. Patrick: Coach. Thank you, Bruce. Rabbi **Ari Berman**, you're our next witness.

Rabbi Ari Berman

Rabbi Ari Berman: Thank you so much, Chairman **Patrick**. And thank you for the invitation to be here. The next time we speak, perhaps do not put me after Coach **Pearl**. This has really been a great honor to be here with you, to be with Dr. **Carson**. My dear friend, Rabbi **Soloveitchik**, Reverend **Graham** who I last was with in Washington at the President's inauguration, Dr. **Phil**, everyone here in this commission and these incredible witnesses, it's so important that we're here today for the issue of antisemitism and higher education is not simply a Jewish concern, it's an urgent national one because antisemitism is not the fundamental problem. It's a symptom of a disease. The disease is the moral erosion and cultural amnesia afflicting some of our most historic institutions of higher education. I am the President of Yeshiva University, our nation's premier Jewish university. And what I will share with you today is from the perspective of a university president for after October 7th, I was in communication with presidents from across the country.

And what I saw was profoundly disappointing and, in some cases, inspiring, and I think you need to hear both to best diagnose and treat this disease. On October 7th itself, I was in Jerusalem and witness firsthand what it means to be attacked by a terrorist army. The missiles in the air, the sirens urging us into the safe rooms. The day that I sent my son a senior in college and combat reservist in the IDF off to war, while my son risked his life defending the Jewish state, I was across the Atlantic working to defend the United States. When I returned to America a few days later, I was horrified by the weak response of many of my colleagues this assault on innocent civilians. I drafted a statement condemning the rape beheading of children and taking of hostages, affirming our support for Israel, for the Palestinian people who suffer under the cruel rule of Hamas and with all people of moral conscience.

And then I devoted the following weeks to enlisting support from other universities to create a coalition of universities united against terrorism. From these calls, two conclusions became clear. First, we have partners in this fight, and we need to rally the angels. One of the first calls that I made was to Rochelle Ford, president of Dillard University, a historically black college and university. She said, **Ari**, the Jewish people prevail when Moses holds his hands up, referencing the biblical story. But who holds Moses' hands? It is Aaron and Hur. Let us be your Aaron and Hur. You can lean on us.

My next call was to Shirley Hoogstra, president of the Council for Christian College and Universities. And her office said to me, **Ari**, I will sign whatever you write. You don't even need to show it to me. We stand with you. One by one, Presidents for major public and private universities. HBCUs and faith-based universities joined us more than a hundred universities signed on, culminating in a full-page Wall Street Journal ad that declared that moral clarity actually can exist in higher education in America. That was my first conclusion, that we need to rally the angels.

But secondly, I saw the depth of the crisis. Many presidents privately acknowledged Hamas as the villain, but they were too afraid of campus backlash to speak publicly. Fear had replaced leadership.

Now it was no coincidence that institutions unable to speak with moral clarity after October 7th often stood by while Jewish students' rights like Shabbas and Yitzchok were violated because that same loss of purpose was at work. And this is the crux of the story. Historically, admissions to a university meant entry into an intergenerational moral and intellectual community. Students did not attend college to merely acquire credentials. They joined the conversation of cortex and values stretching from antiquity into the future. In the late 20th century, however, universities embraced a moral and cultural relativism abandoning their roles as custodians of inherited wisdom. Liberal arts fractured into narrow specializations. Students graduated without a shared foundation without the tools to distinguish truth from falsehood, justice from cruelty or courage from convenience. Into this vacuum stepped ideological extremism, dividing the world not by values but by power. The oppressor and oppressed. The colonizer and colonized. Vast sums of unreported foreign money fueled its spread.

Dissent was punished through cancel culture. And Jews, among history's most persecuted people, were starting cast as oppressors. While Hamas among the world's most brutal terrorists were perversely recast as the oppressed. Most students on college campuses know little about Israel or Jewish history. They follow cues from peers, professors, and institutions that reward conformity rather than understanding. Now, this context matters for the commission's work. For this is not only a battle for Jewish students' safety, it's a battle for the future of the soul of our nation. America is called to greatness, to be a beacon of light and a mover of history. And what makes America great is our foundational story of freedom and our foundational biblical values, moral responsibility, civic virtue, human dignity, and the pursuit of truth. If we fail to propagate these values in education, we fail all of our children. To be clear, I'm not calling for a return to some imagined golden age.

Ours as a nation conceived and promised not perfection. But that promise advances only when we stand on the values that made it possible and carry them forward with clarity and courage. For since the failure is cultural amnesia, the solution is not censorship, but memory, recovering the values we hold here. And here's the good news: across the country, students are signaling that they want grounding context and moral seriousness. This helps explain one of the most significant and under-discussed developments in American higher education, the rise of faith-based colleges and universities. FBCUs, which now educate roughly 10% of undergraduates and consistently outpaced national and [inaudible] growth. My own university, Yeshiva University, has recently doubled in size and my colleagues report similar skyrocketing growth. In the moral intellectual vacuums left by many elite institutions, these universities demonstrate that rigorous scholarship

and moral formation are mutually reinforcing. Their growth reflects a renewed hunger for education that connects intellect to meaning and parents progress with purpose.

And this is our moment of opportunity. As I mentioned during my benediction at the President's inauguration, Americans are searching for meaning. We need to rise to meet this moment, we need to build a coalition of angels. In addition to governing the universities that are failing to protect their Jewish students' civil liberties, we must also gather and strengthen those that successfully transmit America's story and American values. A government initiative to fund faith-based colleges and universities, especially for research engaging questions of faith would be one way to support this effort. In summary, antisemitism on campus will not be defeated by defensive policies alone. It will be defeated when universities understand themselves as moral actors shaping judgment, character and civic conscience. When institutions recover the courage to speak clearly about right and wrong, truth and falsehood, dignity and hatred, then Jewish students and all students will flourish. Outside my office door hangs a letter from Thomas Jefferson to Mordecai Noah addressing antisemitism. Jefferson wrote that our laws have applied the only antidote to this vice protecting our religious as they do our civil rights by putting all on an equal footing. And then he added six words that summon us today, "but more remains to be done." That unfinished work is now ours to ensure universities renew America's moral inheritance. To see that freedom is not emptied of meaning nor equality, stripped of conscience to fulfill America's promise not only by loss, but by the values we teach, the courage we model, and the future we choose to form.

Lt Gov. Patrick: Thank you, Rabbi. Members, welcome up for questions. **Kelly,** your light's on.

Question and Answer

Kelly Shackelford: First, thank you for your testimony. It was really powerful. Every one of you, and I just hate what you had to describe, it should not be happening in our country. And I'm amazed because I've been doing religious liberty work for 37 years, and I saw this start to get worse. We have synagogue cases all over the country. They just want to build a synagogue. They just want to have their synagogue and the attacks are just unbelievable. But I've seen more, it started before October 7th, so this was building before that as well. But I just want to thank you for coming and giving testimony. And Coach **Pearl**, I also want to say something. There was an incident at Auburn. There was a large, at night after work hours, a large event at one of the auditoriums led by the students, and a few of the coaches were attacked.

Coach Freeze and Coach **Pearl** by the Freedom from Religion Foundation saying that they shouldn't allow that. It's like people can go to whatever religious service they want to at night, but I just want to thank you because when you first called me when Coach Freeze first called me for legal help and making sure there was no problem, the first thing you both said is, I'm not going to back down from my faith no matter what I'm told, no matter what the consequences. I thank you for that stance. That's what we need to keep religious freedom. I just want to thank you for your example, your leadership and standing for, I think that was a big Christian gathering, and you stood with all those people in that gathering. And then the last thing I'll say, just if anybody has any ideas, I've been trying to write down any recommendations. I know there's a mention of enforcing civil rights. If there's any new particular policy law that is not already covered that you have to mind, let us know about that. Anybody on the panel as well. Thank you

Lt. Gov Patrick: Bruce Pearl.

Coach Bruce Pearl: It was an honor to have my foundation and my family help sponsor about 9,000 kids worship in an auditorium, hear testimony and witness. And about 250 of 'em jumped in the water, got baptized that night. I got criticized from some in the Jewish community for proselytizing. I'm a basketball coach. Most of my kids are Christian. I've got a few Jewish kids on my team, but I have always had a team pastor, and I want my kids to get closer to the Lord. There was a revival going on in this country, and I think it's actually going to save our country and it's a wonderful, wonderful thing. But my message and I've so it was amazing that events called Unite and Tanya and Chad Pruitt have taken that event all throughout the country and it's, it's wonderful. This may be uncomfortable to hear, but again, my job is to bring people together, players together from different side.

Abraham is the father of all. And for me being in a Christian world, I'm always talking to my Jew, my Christian friends. I'll say, so who are you having over for Passover this year? And they'll say,

coach, we're not Jewish. I said, you're always telling me you want to be more like Jesus all the time. You want to be more like Jesus. Jesus celebrated Passover every year of his life, right? He held the door open for Elijah. Why aren't you celebrating Passover? And again, it's a way of obviously connecting us. I tell people all the time, do you know the two most popular Jews in Alabama are me and Jesus? That's good. These things connect us. They connect us. I believe that we should embrace them. I think it just brings us closer together. And I do remind people that 12 Jewish men died horrific deaths bringing Christianity to the world. Those are facts. Read your Bible. Again, these are things that should unite us. And you're right guys, we have allies, we have friends. But for such a time as this, this commission and this country has got work to do,

Shabbos Kestenbaum: Can I quickly add to policy?

Coach Bruce Pearl: Sure, go ahead.

Shabbos Kestenbaum: Yeah. So, the answer is kind of yes and no as it pertains to policies that already exist and the new policies. So, the laws on their books are actually pretty good. The problem was, especially with the last administration, they were just objectively never enforced. So, in the Department of Education, the Department of Justice, the Civil Rights Offices refused to enforce the laws. Then it's irrelevant how strong the laws are if they're not being enforced. So, for example, president Eisenhower, after *Brown v. Board of Education* told racist schools in the South, if you do not integrate your schools, we will cut off all federal funding to those schools. And interestingly enough, the segregationists used the argument that Harvard University is using now, which is that is going to affect innocent white students who did nothing wrong. And President Eisenhower response was, that's too damn bad. Make sure you have black kids in your class on Monday.

And lo and behold, that's exactly what they did. And they did not get a single penny in federal funds being cut. President Obama and then Vice President Joe Biden did the exact same thing with college campuses. They said in 2014 that one in three women would experience some form of sexual harassment on campuses. Therefore, they had a whole college tour. And they told these colleges, if you do not eradicate the systemic and pervasive nature of sexual harassment, we will cut off all federal funding. And lo and behold, all of the colleges reported plans to the federal government as to what they would do to combat sexual harassment. President Trump has done the exact same thing, but for whatever reason, he's wrong to do it now, even though they're strong president of American presidents doing that thing. The expenditure of federal dollars is also a manifestation of our values.

We value religious liberties. We value religious freedom. So much so that we are not going to fund institutions if they violate those things. So, in terms of the policies on the books, I think a lot of them are pretty good. The things that can be improved as we have great Secretary of Education,

hopefully she'll be the last Secretary of Education for the Department of Education. That's a conversation for another time. And under section 117 of the Higher Education Act, she has produced and streamlined the amount of foreign funding coming in from foreign actors. The problem is we don't know what we don't know. So, for example, Gale University was under reporting how much they were receiving from Qatar by \$25 million alone. Qatar is the largest state sponsor of American institutions of higher learning. There should be a blanket ban on foreign adversaries funding our campuses.

So, for example, there are so many Chinese communists at Harvard University, and this is true, there's a Wall Street Journal on this, that the Chinese Communist Party literally refers to the Harvard Kennedy School, which is their school of public policy and government as quote, "the party school." Chinese communists or individuals who work against American interests should not be allowed on American campuses for any reason. They should not be allowed to donate money to American campuses for any reason. So, that would be one example of new policies that we should be looking into. Why is it that the Chinese communists or Islamic nations know that the secret to undermine the United States is to sort of politically indoctrinate young people? We have to recognize that as well and get those who do not believe in American values off our campuses and out of our country as fast as possible.

Yitzchok Frankel: Okay, I'll just quickly add, no one threatened me with a sword and maybe we'll get fencing Shabbos lessons. But at the encampment, there was a student who came out of the encampment, stood behind Jews, including me with the inverted red triangle, is on camera throwing punches at Zionists, has given interviews where she says it's cool to punch Zionists. UCLA says, we can't discipline these students because they're masked. A real mask ban, an enforced mask ban would clear up a lot of problems.

Lt Gov Patrick: Yes sir. Rabbi. Go ahead.

Rabbi Ari Berman: That when we talk about new policies, and it's important to do with the stick, but we also have to have the carrot. It's important to focus on everything that the universities should not be doing. But actually, coming around with the coalition of universities that are transmitting American story and American values, right, matters. And I've said this to the Secretary and Department of Education directly, even when it comes to international students, international students coming to universities aren't good or bad. It depends what universities they go to. If they go into universities that teach 'em to hate America, then that's bad. But when they go to universities that teach 'em to love America, that's actually good. And we have thousands of foreign students that just had a group of South Korean students. They came to Yeshiva University, and they wrote me a note. They said, dear President Berman, we love Yeshiva. We stand with Israel. Now, we never told them to stand with Israel. We told them to love America. And they know when you love America, you naturally will stand with Israel. And this is part of our education

and we need to gather, coalesce, and reward those universities that are actually transmitting the American story and American values. That is essential for policy that this group, and this hasn't been done yet, that this group can uniquely recommend and further to help strengthen America.

Lt Gov Patrick: Dealing with the question or the issue of finance. I can tell you, as the president of the Senate in Texas who oversees 180 billion budget, if I want to get the presidents and the chancellors to Austin immediately on their jets, all I have to do is say, your funding is going to be cut. They respond to that more than anything else, whether it's federal or state funding. **Ryan,** you're up next. And then Rabbi.

Ryan T Anderson: Yeah, thank you. And thank you to all four of the witnesses. That was just very compelling testimony that I doubt I'll ever forget. And as I was listening, two thoughts went through my head, that's evil but probably not illegal. And that's evil and probably illegal in terms of what you were describing as what you experienced on campus. And then of course the stuff that was evil and illegal. You didn't have anybody either campus leadership or in the Biden administration that would actually enforce the law. And I guess my question, and it's for anyone who wants to answer it, how should we, as a commission and how should, ultimately, we're offering advice to the Trump administration, how should we think about where that line is between evil but legal. Sorry, evil but legal versus evil but illegal. And the reason I asked the question is you had helpfully said that an attack on Mormons is attack on Jews is an attack on Christians.

Religious liberty needs to also extend to people whose theology we disagree with, including their theology about the Jews or their theology about Israel. We may disagree with that theology. The religious liberty Commission still has to defend their liberty to hold it. Likewise, what came to my mind when you described an attack on a Jew as an attack on a Christian as an attack on an LDS, also the First Amendment hangs or falls together religious liberty and freedom of speech and freedom of assembly. And it's obvious to me that some of the stuff that went on at UCLA and Harvard is just clearly illegal, but other of the stuff, look stupid people get to exercise their free speech rights too. But, as you mentioned, there are time, place and manner restrictions. There're fighting words, there's incitement to violence, there's harassment. Help us think through what's on what side of the line.

Shabbos Kestenbaum: Okay, this is actually my favorite question. I really like talking about this is like Christmas morning for me. Okay. There are two ways, sorry. Hanukah morning for me is totally confused there for just a moment. Sorry. Don't tell my rabbi I said that.

There are two ways of answering the question. I want to first focus on Harvard University and then broadly apply that to the American legal system. So, I find it really remarkable that the attacks on American Jews, myself and Yitzchok in particular have been that we're trying to silence free speech. I find that remarkable because on our college campuses, the only people who have ever silenced our classrooms who've disrupted our learning were those calling for an Antifada. I cannot

point to a single Jewish student on a single American campus who drew swastikas at the Muslim Student Association who threw rocks through dorm buildings who pitched encampments in the middle of the quad and disrupted lectures.

I can't point to a single one, unfortunately, I could point to almost every single anti-Israel group on a college campus. The second point as it pertains to Harvard University is there was a study done by the Foundation for Individual Rights and Expressions. Four years ago, FIRE ranked 248 American universities as to how well they committed themselves to free speech. In the First Amendment out of 248 American universities, Harvard was ranked 248th. They were ranked dead last. This is an institution that when you enroll as a freshman, you have mandatory training where you are told that fat phobia, that sizeism and that ableism are grounds for discipline. You are told that words are violent and in fact the former president of Harvard University, Claudine Gay, was instrumental in demoting an African-American professor for coming out against Black Lives Matter. They fired another professor from fulfilling his legal obligations and representing an objectionable client.

They disinvited a controversial speaker who was deemed transphobic. They unenrolled 12 admitted students who had posted a sexist meme on a private WhatsApp group, which is really remarkable because Harvard has zero track record or history of protecting or even trying to pretend to promote free speech. The only time they suddenly had an interest was when Claudine Gay randomly said that she wished she could protect American Jewish students, but she has this newfound commitment to free speech in the First Amendment, which is objectively not true when you look at the history of Harvard University. Having said that though, and I want to be absolutely clear because I get attacked for things that I have not said. You have a right to say things that are hateful. There is no legal distinction between free speech and hate speech. Hate speech is absolutely free speech, and students should be allowed to call for Antifada.

Students should be allowed to call for the freeing of Palestine "from the river to the sea". They should be allowed to do those things. The problem is the double standard. So, Harvard University will tell students from day one there are certain things you can't say, so you cannot engage in sizeism, whatever that is. You cannot engage in ableism. You cannot engage in fat phobia, but the only exception they make is antisemitism. So, all we are asking for is a standard that is applied equally. If you want to say that all speeches fine, then great, I would be in favor of that. Students should be allowed to call for an Antifada, but if you want to make the distinction that we will unenroll you if you are a sexist, but we will promote you if you are an antisemite, what we are calling out is not the speech, what we are calling out is the hypocrisy. You have a right in America to hate Jews. I don't recommend it, but you can do it. You should be able to exercise that right. And this goes into a broader theological problem that I think our country is facing, which is if young people in particular which, Coach, he brought this up, if they truly believe that I will never

get ahead in life, I will never have a successful relationship, I'll never get a good paying job or find a wife because something the Jews then they will tap out of society. They will give up their role in building a better life for themselves and for their community. That's why I care so much about antisemitism, not because it's mean words to me. I mean I don't like the death threats, but it's more so because I recognize that this is fundamentally a cancer for Gen Z and Gen Z men in particular. If they truly believe that there is a cabal of Jews who control their lives, then it is no wonder they have higher rates of depression, higher rates of anxiety, and engage, whether it's in the far left or in the far right, in actual violence. That's why it's so problematic. It's not merely a Jewish problem. It is a profoundly and uniquely American problem as well.

Lt Gov Patrick: Let me go to some more questions. I try, we started late. I want to try to keep us on time, but we have more questions but go ahead please. **Yitzchok**, we'll just shorten our answers

Yitzchok Frankel: A little bit. Sure. Really quickly. Not a judicial scholar. The only way I'll ever make a bench is if Coach **Pearl** puts me on the team, but when deciding between my free rights to cross campus and their free rights to call for Antifada and block me, UCLA, turned off the sprinklers.

Lt Gov Patrick: Let's go to Rabbi, did you still have your light on? And then I'm going to come to you Dr. **Phil** and then Dr. **Carson**.

Rabbi Meir Soloveitchik: First, I want to express my gratitude to all the witnesses, and I want to thank the chair for his leadership. As we prepare to do our duty, which is to advise the President and the administration. It struck me, especially as **Ari Berman** was speaking that at a part and parcel of addressing the endangerment of religious liberty in America when it comes to Jews in America or when it comes to all sorts of faith communities in America, part and parcel that is addressing education in America and while an essential aspect of the way the administration has to address this is focusing on what happens and what are the penalties that are applied to university when the civil rights of any group within the student body is violated. We also have to think as **Ari Berman** said, and this is really at the heart of all of your testimony, how do we nurture a teaching and a love of the heritage of the West in general and of the United States in particular, and thereby help foster the future leadership of this country.

And so, it seems to me you do see this at the state level. States are thinking about this. How are we educating and how are state universities educating when it comes to American history and again within the limits of the First Amendment as **Ryan** described, how can the government support civic education at the highest level, love of America, celebration of America? I know that President Trump's chair of the National Endowment for the Humanities has done wonderful work on this and it seems to me, and it's just struck me for the first time, sitting here, that recommendations in that regard, the positive along with the punitive might be part and parcel of

the recommendations that we make as to how to foster the future of religious freedom in America. And I'd love for reflections from any of you. Thank you.

Lt Gov Patrick: Any reflections, if they are short? But, go ahead Rabbi.

Rabbi Ari Berman: I couldn't agree. I couldn't agree more. And this is essential for the future of our country, and if we don't think about what's positive and how to gather universities who are doing it right, we are missing this opportunity because students are looking for it. And I just want to say, and it touches on **Ryan's** point and also Rabbi **Soloveitchik** in terms of the rights. It's not just about the rights, it's also about the purpose. And I tell presidents of universities all the time, there is no conflict between institutional neutrality and moral clarity. It is okay for a president to be able to say, I'm institutionally neutral, but raping women and beheading children is morally wrong. And if they're not willing to say that, what does that tell you about the education that they're giving over to the students to the purpose of their education? And that's why to rally the universities that see as part of their responsibility is civic and moral ethics as part of what they're doing, which is so essential in the formative times of their lives. That is who we need to promote and to support, and the government playing a role in that is essential today to move this story forward.

Lt Gov Patrick: Dr. **Phil** and then Reverend, I'll come to you next and **Carrie** and then Dr. **Ben**.

Dr. Phil: Thank you, Mr. Chairman. I'm not sure given our schedule that I have adequate time to say what I want to say here.

Lt Gov Patrick: Take all the time.

Dr. Phil: We're preparing a report for the President of the United States about religious liberty and I think you have to follow the money. If we want to do this as an academic exercise, then we can talk about it until the cows come home. If we want to actually make a difference, then it's probably going to come down to funding. I'm not Jewish, but I've really invested in this cause and what these gentlemen are saying is not being hypersensitive. It's true. I've seen it. I was on UCLA campus the day and night they took that encampment down. I was with Jewish students on that campus that day as they stood and looked at these activists, these demonstrators saying "We want you dead." It's just that simple. We want you dead. This is not a private university. This is a public, we pay for this university, our tax dollars.

I understand free speech. I understand they can say I suppose that "we want you dead," but they can't push them around physically. They can't impede their ability to get into the library, they can't intimidate them to the point that they don't feel safe going to class. And I saw all of those things happen. I heard their lives threatened. I actually stood with them in the Halil as they called

campus police for assistance, and as soon as they said what they wanted, they heard a dial tone. They just hung up. They didn't say, Hey, can't help you call. They just hung up.

If you look at the ratio of left liberal to conservatives on college campuses at the administrative level, it's 25 to one. If you look at it at the professional level, it's anywhere from 60% to 11 to 26% conservative. And at Harvard it's 80%. For example, who by the way have had \$385 million from foreign countries in the last five or six years. And listen, if you listen long enough, people will tell you what they believe. We heard from the presidents of Harvard, MIT and U Penn testifying on Capitol Hill with sickening smugness, condescension, arrogance, and dismissiveness. When asked the question, the simple question, does calling for genocide of Jews violate your policy against bullying and harassment? To really understand the gravity of that question, you just have to take out the word genocide and just put in a dictionary definition of genocide, which is the deliberate killing of a large number of Jews with the aim of destroying the Jewish ethnic group and the nation of Israel, does that violate your policy against bullying and harassment? Well, the answer was it depends on context. It depends on context. If calling for the deliberate killing of a large number of Jews with the aim of destroying the Jewish ethnic group and the nation of Israel, does that violate your policy for bullying and harassment? Well, I'll give you some context. While you were intellectually selling out, I was in Israel talking to hostage families, visiting the kibbutz, going to the site of the Nova concert, interviewing the Prime Minister, looking at the damage that was done, viewing footage that others haven't seen. This is all real. This is all real. If we want to make an actual change here, we need to be prepared to make a recommendation that they may have the right to this speech, but we have the right to not pay 'em to do it.

We have the right to not use public funds to pay people to single out a group and intimidate and harass them and call for their murder. We have intellectual rot at our elite universities in the absence of critical thinking, and if we're willing to sit by and allow Jews to be singled out and continue to pay for that infrastructure, that ideology, and we have impressionable kids going for an education instead getting indoctrination from these ideologues, then we get what we ask for, and you deserve better. As a commission, we need to be very clear about that and the leverage we have, I suppose, is funding of these universities. Harvard has a \$56.9 billion endowment, so maybe they don't feel like they need the money, but that's a bluff I would call, that and a whole lot of other universities that are replacing critical thinking and education with intellectual rot and indoctrination.

And I think we need to be very bold about that when we have administrators endorsing students demonstrating for known terrorist groups, which by the way have killed 48 Americans. It seems to me we need to take a strong stand and be very bold in our report about this and thank all of you for having the courage to be here. You live it every day. I talk about it a lot, and I just know the

death threats I get are insignificant to what I'm sure you must endure. Thank you for your courage in speaking out here today. Thank everyone.

Lt Gov Patrick: Thank you, Dr. **Phil** and members, since we did start late and powerful testimony, great questions. We have more witnesses. We're going to extend our time. We're going to end at 1PM. We'll go to 1:30 or 1:40, so if anyone has a flight they need to change, you're can change that. Or if you had to leave at one, I sure respect that Reverend **Franklin**.

Reverend Franklin Graham: Thank you, Mr. Chairman. I've got just a simple question. Where in the last 20 years has antisemitism come from? Who's behind it?

Lt Gov Patrick: It may go unanswered.

Yitzchok Frankel: I think the general hatred for western culture and religious values is where it comes from. It's all in bed together. I spoke at a Christian high school on Friday, shout out to Mans Academy, and they had me in orthodox religious Jews speaking to them and I said, you need to stand for your religious values and the western values, and when we let that slide, when we let communists take over the country through Qatar and Iranian funding, this is the result.

Shabbos Kestenbaum: Yeah, I would agree with that. I would add just two things quickly. One is it comes from the absence of something else. So, antisemitism or the hatred of the Jew to me is an indicative of a much greater societal ill, which is people looking for meaning or purpose or answers in their lives. And because they have abdicated religious institutions, then antisemitism is sort of seen as a scapegoat or rationale for why their lives have not ended up the way they wanted it to be. That's sort of my thinking on this, but as it pertains to college campuses specifically, the best example I can come up with is Luigi Mangione. So, Luigi of course shot and killed Brian Thompson, the United Healthcare CEO, in broad daylight in Manhattan. Every single age demographic in the United States condemned that assassination because it was in fact an assassination with one glaring exception.

That's 18- to 24-year-olds, 18- to 24-year-olds. My generation overwhelmingly support what Luigi Mangione did because we on our college campuses have been fed a diet of political indoctrination whereby all peoples can be classified into two groups, the oppressors or the oppressed, and if you are on or if you score high enough on the victim-hood Olympics, if you are oppressed enough, then you have carte blanche freedom to do whatever it is. You need to rid yourself of that oppression, which is why you can show my classmates at Harvard the most horrific images and videos of October 7th. And in fact, we were the first university in the world to show the October 7th footage, and ironically enough, Claudine Gay, the president of Harvard University refused to go because she was busy preparing for her congressional testimony the next day which went swimmingly. And you can show my classmates those images, it will not move them in any measurable way because as they will tell you, as they told me, resistance is justified when people

are occupied. So, whether they raped or killed or beheaded, it doesn't really matter because that's what they had to do, and they had a permission structure to do that thing. That's how I view antisemitism is the moral abdication or perhaps the permission structure to blame others for your lack of personal fulfillment in life.

Lt Gov Patrick: Dr. Phil, you want to make a follow up? Reverend **Franklin**, were you finished? Did you want to make a follow up? Reverend **Franklin**,

Reverend Franklin Graham: In the last 25 years there has been a seed of antisemitism that has taken root, and my question is who's behind that? Maybe the Coach knows.

Coach Pearl: I just want to go on record that I'm answering Reverend **Graham**, if there's a question about faith or religion, this is really,

Lt. Gov Patrick: We all feel the same way, Coach, so you're just fine.

Coach Pearl: Reverend I, and I know you've been to Jerusalem many, many times and some people are afraid to go there for whatever reason. I just think it brings us all together. I am just amazed by seeing all the faiths there at the same time, free to worship. And Reverend, I think that faith can be a choice. In this sense religion has divided us in many ways instead of uniting us, and I think that's part of the foundational problem with antisemitism. I just choose to look at our faith and our father God the same way you do

Lt Gov Patrick: Dr. Phil. Do you have a follow-up outcome to you? **Carrie?**

Dr. Phil: I just wanted to share last week I had the honor to sit and interview the Israeli ambassador to the United States, Ambassador Leiter, and I asked him that very question. I said, where does this come from? I think of late; it is the oppressed-oppressor sort of dichotomy. And he said, he is by the way, his son, a medical student was killed in this conflict and a wonderful young man. But he said after much study that he does believe that there is this conspiracy theory that is bandied about that the Jews are in control of all the financial markets. They're in control of everything that's going on that dominates economy and society and that they're manipulating that and it gives people someone to blame, someone that they can push off their woes onto. And he also said that he really believes that it is fear of the unknown, that there's a difference, that the Jews have different practices, that they sometimes look different, and it's that fear of the unknown and difference that it's easy to hate what you don't understand and that those two things that he believes has driven this for centuries, and he still sees it and hears it today in Israel and around the world.

He said, you even see it in the United Nations in talking with people. So, he thinks that it is this conspiracy that Jews control the world economic markets and that they fear what they don't understand.

Lt Gov Patrick: Carrie.

Carrie Prejean Boller: Thank you, Mr. **Frankel**. This is for you. You described very painful experiences at UCLA, and I take that very serious. At the same time, many of the students who I've spoken to personally created who created those encampments say that they were protesting the killing of tens of thousands of Palestinian civilians in Gaza, and their university's financial ties to that war. So, I need to ask you, in a country built on religious liberty in the First Amendment, do you believe someone can stand firmly against antisemitism including what you experienced and at the same time condemn the mass killing of Palestinians in Gaza or reject political Zionism or not support the political state of Israel? Or do you believe that speaking out about what many Americans view as genocide in Gaza should be treated as anti-Semitic? Because in my view, the United States cannot and must not make loyalty to a particular theology about Israel, a litmus test for protected speech or moral legitimacy.

Yitzchok Frankel: Charlie Kirk said that Jew hate is brain rot. Some people don't have brains. I don't need. I'm not going to assist them in setting a double standard for the Israeli government and the Jewish people as they fight to defend themselves. These were students calling for Antifada within days after October 7th, before Israel had even entered Gaza. So, it's not about them and their using Palestinian civilian death, which is horrendous and horrible. They're using it as a prop, and it doesn't matter. My religious beliefs are violated. You don't get to block me because I'm Zionist and a Jew. You want to protest Israel? Great 100%. Go ahead, and do it. But the university let them wear masks even though there's a mask ban. They violated all time and time, place and manner restrictions, amplified sounds. It went on for years. They kept doing this time after time again, and that's what the judge saw and said, that's not okay. They can protest. They can't block Jews and you can't assist them in doing it.

Carrie Prejean Boller: I'm really grateful that we're having this discussion because I think this is a topic that is really affecting so many Americans. Rabbi Shapiro, he's based in New York. I invited him here today, but he's not here today. He says, and I would love your opinion on this, American Jews are increasingly treated as less fully American. Our loyalty question, our belonging made conditional because Zionist ideology falsely claims Israel is the nation state of Jews everywhere and that every Jew is nationally tied to it. He says this framing is antisemitic at its core. It strips us of our identity as Americans recasts us as foreigners in our own country and arms antisemites with accusations of divided loyalties and collective guilt for actions we neither chose nor control. No other foreign country does this. No sovereign state claims to politically represent an entire worldwide group defined by religion or heritage and bind its members to its deeds. Yet Jews alone bear this unique unjust burden, that dangerous lie must be rejected openly and firmly. The remedy is clear civic education that teaches unconditional American belonging through citizenship alone, not ethnicity, heritage, or any fabricated foreign tie. We are Americans full stop and we reject any doctrine that treats us otherwise. Would you say that statement is antisemitic?

Yitzchok Frankel: What I'll say is that Natan Sharansky says there's three things that you shouldn't do with Israel. You shouldn't delegitimize it, you shouldn't demonize it, and you shouldn't apply a double standard. You can abide by those three things. You're not antisemitic.

Carrie Prejean Boller: So, by not being a Zionist, does that make you an antisemite?

Yitzchok Frankel: I don't think you need to be a Zionist to support a country that defends itself and is free and religious in a hostile neighborhood.

Carrie Prejean Boller: Is anti-Zionism antisemitism?

Carrie Prejean Boller: Yes.

Carrie Prejean Boller: It is. It is?

Yitzchok Frankel: Yes.

Rabbi Ari Berman: To take that point for a second.

Lt. Gov Patrick: Let me back up. I didn't want to step over that answer. I didn't know you were still, both of you still talking. Just

Carrie Prejean Boller: To be clear, is anti-Zionism, antisemitism? Yes,

Yitzchok Frankel: It is.

Carrie Prejean Boller: Under IHRA?

Lt. Gov Patrick: Rabbi, you're up next. You're not sure that definition. So, what is the definition?

Rabbi Ari Berman: I would love to speak to that. Undoubtedly anti-Zionism is antisemitism and, undoubtedly, and one does not have to support the specific policies of the government of Israel, but to not support the right of Israel to exist, which is what anti-Zionists do. While not taking that same stand to the 28 Muslim countries and 13 Christian countries in this world is a double standard, is hypocrisy and is absolutely antisemitism.

Carrie Prejean Boller: I think it's also important that we not make Islamophobic remarks while we're here today. I would appreciate that.

Rabbi Ari Berman: I just want to say, God forbid was anything like that said. But, if the Jewish people are the only people that you deny the right to have its own state, that is absolutely a double standard hypocrisy and antisemitism.

Carrie Prejean Boller: Well, as you know, I'm a Catholic. I'm a Catholic, and Catholics do not embrace Zionism, just so you know. So are all Catholics Antisemites, according to you,

Rabbi Ari Berman: As I said, anti-Zionism, by denying the right of the Jews to have their own state while not saying the same for any other peoples', that is a double standard hypocrisy and antisemitism.

Rabbi Ari Berman: So just to be clear, are Catholics antisemites?

Lt Gov Patrick: Carrie? Excuse me, I'm going to interrupt the discussion. Our committee is focused on religious liberty taken from all people, whether it be Muslims, Jews, Christians, Sikhs, we've had all those witnesses here. This is not a commission on defining religions or calling out any theology or this is not the commission for that, right?

Carrie Prejean Boller: But we're talking about a foreign nation. So, I want to be clear on what the definition of antisemitism is. If I don't support the political state of Israel, am I an antisemite? Yes or no?

Lt Gov Patrick: They already answered, asked and answered.

Carrie Prejean Boller: Yes, according to you on the record, yes, I don't support the political state of Israel.

Rabbi Ari Berman: I don't personally label people, but what I'm saying is if somebody states, if somebody says they're an anti-Zionist, they are saying about themselves that they have a double standard and hypocrisy and they're taking anti-Semitic positions.

Lt Gov Patrick: Okay, Carrie, you feel like you have your questions in.

Carrie Prejean Boller: I don't agree with that because as a Catholic, I don't agree that the new modern state of Israel has any biblical prophecy meaning at all. So that's my stance, and I'm Catholic.

Audience member: Catholic support the Muslims.

Lt Gov Patrick: Dr. Ben.

Dr. Ben Carson: First of all, I want to thank you all for your passionate stance and bringing some clarity to this issue. I've known a lot of Jewish people, worked with a lot of Jewish people, some of the finest people that I know sitting in the front row here. Dr. Henry Brim, 25 years, the chairman of neurosurgery at Johns Hopkins is one of the kindest fairest people I've ever worked with. And

I wonder why do people really think that Jews are separate entity in the United States of America? Jews have been here since the very beginning. They too were interested in a place where they could practice their religion freely. When George Washington's army was about out of cash, it was him, Solomon, a Jew, very rich Jew who gave up virtually all of his money and encouraged other people to give, which saved the union. I don't know that we would've ever become a country without the input of Jews. So that's something we need to remember. We need to remember that during the civil rights movement who was standing right there with the rest of us who were interested in freedom for everybody in our society, it was the Jews. Many of them died for the cause of civil rights. And, I just want to make that point that they are not a separate entity from Americans. They're very important part. And how do we get people to recognize that and not think of Jews as something separate?

And by the way, as a Yale-y, I should be happy to hear all this about Harvard.

Lt Gov Patrick: Okay, any other members have any other questions? How about **Allyson**?

Allyson Ho: First of all, thank you to all of you, not just for being here today, but for your courage in standing up, because we know that when attacks come, it's not just against the person. You're being attacked to send a message to others. And so, thank you so much for your courage in standing up. Before I went to law school, I had the great privilege of teaching at a Christian liberal arts college, and I remember having a discussion with a former colleague in graduate school. I said, well, don't you feel restricted? Don't you feel limited? And I said, I have more freedom as an intellectual, as an academic at my Christian liberal arts school than I would have on any other campus, certainly not on an elite campus. And, I just want to underscore what Dr. Phil said. When the college presidents were asked, they weren't asked, does this view violate the first amendment? They were asked, does this violate your rules, your own rules on bullying? And couldn't answer that question. It is the hypocrisy. It is the hypocrisy to wave around the free speech banner for this when most college and university campuses, if anything, have been free speech zones. So, I think as the commission, as we gather to try to focus on religious liberty, on increasing religious liberty in ways that we can suggest and recommend to the President to increase it, I think it is vitally important to acknowledge that for years college campuses around the country have been the furthest thing from places where free speech has been allowed to flourish. So, we should be horrified, but we should not be surprised at what we see happening on particularly elite college campuses across the country. But thank you again for being here. We're very grateful for your testimony and your presence and your courage.

Lt Gov Patrick: **Carrie**, do you have a follow up? Your light was on?

Carrie Prejean Boller: Yeah, I just want to confirm because you didn't really answer my question about the Rabbi. Were his statements antisemitic?

Rabbi Ari Berman: If, he's applying the double standard, then yes.

Shabbos Kestenbaum: Can I answer the question?

Carrie Prejean Boller: Yeah, please. Thank you.

Shabbos Kestenbaum: Are you referring to Rabbi Shapiro of the empty wagon?

Carrie Prejean Boller: Yako Shapiro?

Shabbos Kestenbaum: Yeah, so he's an incredibly discredited Rabbi. I think he lives in Lakewood. He wrote this book called *The Empty Wagon*, where he deliberately mis-translated works from rabbinic sage is like Ahan and Wasserman for example. That's why he doesn't have a community of his own synagogue because, I encourage everyone learn Hebrew, he deliberately mistranslated the text, whether it's antisemitic or not. I mean who really cares? That's kind of the point we were discussing earlier. You can hate Jews or not hate Jews. I don't really mind. What I do mind is when people violate the law, and that's why this commission is so important. So, hate Jews, think they control the banks, think they have horns. I mean go for it. I don't mean you, but one can go for it. But what matters is when they're violating the law, and that's what the purpose of this commission is, whether they're violating the law against Jewish students or Muslim students or Christian students, that is when it becomes a federal issue.

So, as it pertains to foreign countries, look in Saudi Arabia, it's literally illegal to practice Christianity. But interestingly that was not asked. So, if we want to apply the same standard against all foreign countries, then absolutely any country that discriminates against people based on their religion should probably not be considered an American ally. But I find the fixation on Israel exclusively when that is the only country in the Middle East that guarantees free access to Jews, Christians, and Muslims. I encourage all of you, next time you're in Israel, go to the Church of the Holy Sepulcher, go where Jesus was baptized, go to Capernaum, go to Nazareth, go to Galilee. Those are really good places to go to, and thankfully it is under democratic control. I unfortunately can't say the same thing about Jewish sites that are under Muslim control in the Middle East. So, for example, as a Jew, I'm literally not allowed to enter the Jewish holy sites that are controlled by predominantly Muslim countries in the Middle East, which is a big problem, and I'm happy to discuss that more. But I would imagine for the relevancy of this commission, we care about American students, we care about American citizens and any American citizen who's being attacked, Jew, Christian, Muslim, that should be an issue of concern for this commission and for President Trump.

Carrie Prejean Boller: Thank you. Yeah, just a follow up, just a follow up. One last follow up. Since we've mentioned Israel total of 17 times, are you willing to condemn what Israel has done in Gaza?

Shabbos Kestenbaum: No, because I unilaterally, I unilaterally reject that it's not a genocide. The only genocide ever carried out was on October 7th when Hamas tried killing every man, woman, and child. They could possibly find.

Carrie Prejean Boller: 70,000. Hang on, 70,000 innocent civilians killed? Lemme respond.

Lt Gov Patrick: As chair of the committee,

Carrie Prejean Boller: She's already, I think it's important we have this discussion.

Shabbos Kestenbaum: I agree. I'm happy to answer. And **Carrie**, it is important.

Carrie Prejean Boller: I think we'd be great friends. Yeah,

Lt Gov Patrick: Happy to answer. **Carrie**, we have had the discussion. Good questions, good answers. This is a commission of religious liberty. If there's another commission,

Carrie Prejean Boller: This issue in America, I don't know why we're talking about a foreign country.

Shabbos Kestenbaum: To be fair, you brought it up

Carrie Prejean Boller: You did.

Shabbos Kestenbaum: At no point in my testimony did I mention Israel, I was very clear about American jury. Oh, you did. Again, I did not mention Israel. But that's technically not true. I did not mention Israel.

Lt Gov Patrick: This can be another discussion on another day and you two can have coffee. Let's go to Rabbi to close this up, and then we'll wrap this panel.

Rabbi Soloveitchik: On. Thank you, Chairman. I thought I conclude this session with just two comments. The first is just building off the double standard that to which our witnesses referred, I am in a unique situation because I sit on two separate religious liberty commissions. I'm on the President's Domestic Liberty Commission and I'm also a member of the US Commission for International Religious Freedom. And of course, everything I'm saying now is not representing any of my fellow commissioners on either commission, it's just me. But what's so striking to me, especially as the past year and the bid has gone on, is that if you're on the US Commission, national Religious Freedom, you are constantly seeing reports of genuine persecution and massacres around the world of religious groups. And you see by and large in the world and certainly in the University quad, total silence. You see what's been described by the State Department as a genuine genocide by China of the Muslim Uyghurs and not a single mention in contrast to libelous descriptions of a

situation in Gaza where as described by the World Health Organization today or yesterday, the number of child vaccinations in Gaza and the number of therefore children in Gaza has actually gone up since October 7th, 2023.

Thereby reflecting how titles, how terms such as genocide applied to that conflict is utilized to describe what has occurred in Gaza is either ignorant or pernicious and often both. My second comment is that one of the great privileges I've had is to travel around this country and to speak to different religious communities and religious institutions. Before October 7th and after October 7th, I've spoken at Catholic universities. I've spoken at Latter Day St. Universities. I've spoken to evangelical Christians in gatherings in Dallas and Little Rock in North Carolina. This is an incredibly diverse country, and the one thing we should be careful about is speaking on behalf of all members of a religious community, even if one is a member of that, a religious community. I certainly wouldn't claim to speak for all Jews on all subjects. We're not known for agreeing on everything, and that certainly should be said for speaking about Catholics in America by whose friendship I've been blessed.

And so, I thought maybe I'll just close our session by just citing the words of our incredible Secretary of State who also happens to be a very devout Catholic. Marco Rubio who said the following, he was speaking in Israel, but he was reflecting on the larger state of the Jewish people, and the persecution had suffered throughout the centuries. Marco Rubio has said standing in the what is called the pilgrimage road near the Temple Mount, and he said as follows, "to stand here today on the very road where not 2000 years ago, so many from everywhere venture to fulfill that desire to be closer to the creator is a humbling and honoring experience as you go through the layers of history." This is Secretary Rubio, "You realize that all the civilizations that conquered the city, all the ones who tore it down and built on top are all gone. The Roman empires no more nor any of the others that sought to conquer and rule this land, but one people remain, they have returned for God's promise is eternal, and it is perfect and His word is always true." That's the secretary. Thanks very much.

Lt Gov Patrick: Members, we've had a little different question and answering here, but I think it's been healthy. You wanted to bring up several points. **Carrie,** I hope you feel you've had that opportunity and other members, I want to thank the witnesses. One closing comment here about education. So, Texas, because of President Trump helped us get the largest school choice program across the line last year for a hundred thousand students, a billion dollars. In the first three days, over 60,000 families signed up and most of the schools that they're going to are different schools of faith. So, I believe there is this hunger, not just by I lose track of the generation. Is it ZXY? but of the latest generation? What am I on Shabbos? I mean, you messed up Christmas so I can mess up what my alphabet here.

Shabbos Kestenbaum: We're Gen Z. I think you guys are boomers, no offense.

Lt Gov Patrick: Alright.

Shabbos Kestenbaum: But you all look very young,

Lt Gov Patrick: Dr. Phil. We didn't have letters for us, did we? We're just getting older, but I do think there's that hunger. I see it everywhere that young people are looking for relevance and obviously for the parents because we are going to surpass a hundred thousand applicants for private schools pretty quickly in probably just a few weeks, and I think that's a very positive sign, a very positive sign. I want to thank all the witnesses, all the commission members, thank you for all of your questions, and now we'll go onto the next panel. Thank you very much.

Anti-Semitism in Our Communities

Dr. Ben Carson: We are going to be moving on with a second panel in just a couple of minutes, so please make yourselves comfortable.

Well because we have a time issue and all the panelists are here, and half the panelists are here on this side. We have with us today for this panel about antisemitism in our communities where we live and work. **Liat Cohen-Reeis**, it's pretty good. And Pastor **JC Cooper**, Dr. **Moshe Glick**, and **Jonathan Gross**. We are delighted that you all are with us. We know you have some dynamic testimony, and we'll start with Ms. **Reeis**.

Liat Cohen-Reeis

Liat Cohen-Reeis: Members of the commission. Thank you for this opportunity. I'm the founder and director of the Christian and Jewish Alliance in San Diego, California. Last year I became the director of the antisemitism task force at StandWithUs, an international organization devoted to combating antisemitism and misinformation on Israel through education and outreach. I'm here to share about the hostility we have faced from antisemitic agitators who continuously disrupt our worship services. With the help of First Liberty Institute, we have filed a lawsuit seeking federal protection, so that we can worship in peace. As a devout Jew, I believe that Hashem, God, created an everlasting covenant with Abraham described in the Torah. My religious beliefs call on me to support and pray for Israel as a safe homeland for the Jewish people. The term commonly used by Jews worldwide to describe our connection to the Jewish ancestral homeland of Israel, an integral part of my religious, ethnic, and cultural identity, is Zionism.

The massacre on October 7th, 2023 in Israel was the largest slaughter of Jews since the Holocaust. During that time, many of us in the San Diego Jewish community felt isolated, yet I refused to believe that we were actually alone. I reached out to local Christian leaders, including the Mission Church, and we formed the Christian and Jewish Alliance based on our shared religious beliefs about Israel. At first, we regularly hosted events bringing Christians and Jews together from intimate Shabbat dinners at local churches to large worship events. But hostile agitators have consistently targeted our public events, attacking us every time we've come together. Our first event was an outdoor worship service in October of 2024 at a Jewish community center, a group of individuals tried to drown out our message with sirens and bullhorns because we were in a gated area within a large field, they had to stay at a distance. But the agitators, along with code pink San Diego posted on social media saying, we need to disturb their peace. Little did we know how these harassers would make their threats a terrifying reality in the year ahead. Their campaign of disruption and harassment at our worship services, in 2025, has made me feel even more alone than when I founded the Alliance. One of the ultimate goals of antisemitism is isolating Jews by attacking anyone who dares to support them. That's why Christians who support us have experienced antisemitism too. Pastor **JC Cooper** will share about that. Next.

Pastor JC Cooper

Pastor JC Cooper: Thank you very much. Check, check, Perfect. Thank you. Thank you very much, members of the commission, and it is such a joy to be here today for this opportunity to share with each of you the truth of what is happening on the West coast between Jews and Christians as we seek to unite under the banner of religious freedom. I serve as the assistant pastor at the Mission Church alongside our lead pastor David Menard in the beautiful beach city of Carlsbad, California. But I also not only speak to you as a pastor, but also as a husband and as a father to four children in which both my wife and children have been subject to hate and discrimination in our own house of worship. After the October 7th massacre, our church answered the biblical conviction to stand shoulder to shoulder with the Jewish people in their time of need. We are deeply honored and blessed to partner with **Liat** and the Christian Jewish Alliance.

Our interfaith worship service on March 19th was a part of this mission. Inside our sanctuary, we prayed, we worshiped, and we listened to an educational talk from Dr. Einat Wilf, who is an Israeli citizen, a former member of the Israeli Knesset and an expert on the current conflict in Israel. The sanctuary was packed with more than 450 people, Jews and Christians linked arms and held hands during worship in song. It was a beautiful testimony of unity, the very unity that our nation needs today. But the atmosphere completely changed, when a hostile agitator stood up inside the sanctuary and began screaming hateful language about Jews and accusing both Jews and Christians of genocide, that first agitator resisted members of our church-led safety team to escort him out. But soon after Dr. Wilf began speaking again, a second, agitator began screaming and resisting removal, stalling the service yet again and frightening worshipers.

This systematically occurred seven different times from agitators who pretended to be guests strategically placed themselves in our sanctuary and timed their hostile rants to be as disruptive as possible. Each new agitator shouted in hate and the terror and distraction became palpable in a room full of Christians and Jewish adults and children, including my own. One, agitator screamed to free Palestine from “the river to the sea,” calling for the elimination of the Jewish homeland. Inside our church, they screamed epithets at and in front of my children, including “ef you” over and over again. When we began to guide this particular agitator out of the sanctuary, she forcefully resisted, slammed her body into me and others, and we almost fell down our balcony stairs. While the tension grew inside our sanctuary, a mob was amassing outside of our front entrance doors. They screamed through bullhorns blaring, sirens right outside the church, shouting chants like Mission Church, you can’t hide. We charge you with genocide. They falsely accused our members and our Jewish guests of being Nazis. You imagine calling Jewish people Nazis. My peaceable invitation to speak with these agitators was met with violent rhetoric and hostile body language. One man even charged the entrance of our front doors, our worship service and our opportunity to learn about antisemitism was shattered through the hostile anger and hate of these agitators.

Instead, we experienced antisemitism firsthand, our congregation, our Jewish guests, my wife, my children, and I literally feared for our safety. As the agitators dominated the narrow sidewalk out in front of our church doors, they blocked the exit with their bodies, signs, flags, carts, and blaring bullhorns. The mob completely blocked our path from exiting the church and as several hundred worshipers attempted to leave, we were literally cornered, shielding women and children. Although we had coordinated with the police as a proactive measure, they were hesitant to help because the disruptors were on a public sidewalk, and they were afraid to show favoritism to one group over the other.

When violence became inevitable, the police alongside of our church led safety team, finally cleared a narrow path. Nevertheless, the mob screamed anti-Semitic slurs and hateful rhetoric. Terrified families begged me to be personally escorted to their vehicles due to safety reasons. I have never experienced anything like that mob. Nobody should have to pay that kind of price to worship in their own church or synagogue, and to learn about how to stand with our Jewish community against antisemitism, but to our shock and horror these same agitators returned on Easter Sunday to our church, the holiest day of the Christian calendar to harass members and guests and children.

[SECOND VIDEO BEGINS HERE]

Pastor JC Cooper: Photos of bloody and dismembered children. Once again, the noise and hostility and the visual elements of these agitators was inescapable both outside and inside of our sanctuary. Easter is supposed to be the most joyous occasion for Christians. We had planned children's activities outside in our parking lot, which include a bouncy obstacle course, animal petting zoo, Easter crafts, stories about Jesus, but we had to bring these children inside for their physical and emotional safety. As a matter of fact, hundreds of children were impacted literally to the point of frantic crying because of the hostile noise and the aggression of these agitators even inside their Sunday school classrooms. There was a no escape from the blaring, sirens and deafening chants, many first-time guests drove away. Instead of being able to hear the gospel of Jesus Christ proclaimed at our Easter services, our religious liberty to proclaim Jesus as Lord was hindered and obstructed by these agitators. After we peacefully invited amicable discussion, the agitators threatened to come back on Mother's Day, and then again, and then again, prompting us to retain First Liberty Council and send a warning letter. Yet again, the same agitators return to disrupt our next service with the Christian and Jewish Alliance on September 7th.

Lait Cohen-Reeis: On September 7th, we planned an interfaith worship service bringing multiple synagogues and churches together. We met at the Legacy International Center, a Christian venue that regularly hosts worship services and is also supportive of Israel. I thought it would be a safe space for Jews and Christians to worship there. Together we invited rabbis and pastors to pray and speak, and we sang in both Hebrew and English. We did not advertise the event publicly, but

invited only our distribution list. Over 480 guests registered, but right before the doors opened, the center staff came to me to say they're here. I looked up and saw angry disruptors dressed in black wearing face masks, waving the Palestinian flag on the sidewalk right outside of the event space. They laid down dolls along the driveway, so that guests had to drive over the dolls as the agitators screamed baby killers at them through their megaphones.

My friends, Ruth, Stephanie and Marca, all our devout Jews whose worship experience that day was ruined, and I'd like to share their stories. As Ruth and her husband was driving into the event in their small car, agitators blocked the entrance blaring sirens and shouting angry chants through bullhorns. Several disruptors were swarming back and forth across the driveway, holding signs with swastikas and blocking cars with their bodies. When Ruth pulled up a pink haired woman wearing a full black face mask jumped onto the hood of her car screaming and banging on her windshield. When my friend Marca tried to drive in, the agitators blocked her car too, on foot, she tried to ask the agitators to get off the private property, and four or five of them then surrounded her, shoving their bullhorn into her face and aggressively filming her on their phones. She only escaped because our friend Rodney put himself in harm's way to protect her. The police did nothing to stop the harassers.

When my friend Stephanie pulled up in her car, she was blocked, and her car was swarmed by agitators. One disruptor announced over a bullhorn. "Next, we have the House of Israel President." She's super racist and super hateful. Another agitator screamed at her to get out of the car and fight, while the third smacked her car window and tried to shove a sign inside of it. The disruptors were so aggressive that many guests drove away altogether. Over 100 guests who registered did not attend. Once the worship service started, the disruptors banged drums and siren and blared sirens the entire time the sirens were so loud that they almost drowned out our speakers impeding on our rights to free speech. Many guests had ringing in their ears for days after the event. After the event, two of the speakers and I were followed by a parked car that was obviously waiting for us. For safety, we had to run into the lobby as the car sped off scared. We needed a security guard to walk us to our car. All we wanted was to gather safely, pray, and worship together.

This is what antisemitism looks like today. This is happening not just in San Diego but all over the country. In 2019, President Trump signed an executive order adopting the International Holocaust Remembrance Alliance definition, also known as IHRA, which states antisemitism is a certain perception of Jews which may be expressed as hatred towards Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals, and, or, their property towards Jewish community institutions and religious facilities. That is exactly what we are experiencing. The agitators expressed hate towards us at our worship services, intimidating, obstructing, and interfering with our free exercise. They targeted our Christian friends and allies trying to isolate us by punishing anyone who dares to support us. When people of different faiths

come together in worship and unity, this helps to diffuse conflict and overcome hatred. Our efforts should be celebrated and not vilified. Because we refuse to be scared into silence, we are planning our next event together, and it will be beautiful, but we need protection to ensure everyone's safety.

In closing, I have three recommendations for the commission to consider. First school boards need to adopt IHRA to teach accurate definitions of antisemitism and to ensure that school staff and the younger generation understand how it manifests today. Similarly, IHRA needs to be adopted in city governments so that local police forces receive proper training on how to recognize antisemitism and how to enforce existing laws so that ministries like ours can receive meaningful protection. Finally, I suggest that the local police forces receive training on how to address protests that cross the line into harassment, aggression, and violence. Thank you for considering these important issues and for this opportunity to share our stories.

Dr. Carson: Well, thank you. It's

Pastor JC Cooper: I have one more go with Dr. **Carson** if that's okay.

Dr. Carson: Absolutely.

Pastor JC Cooper: I didn't ever think I'd be asking Dr. **Carson** for permission to keep speaking. I would echo **Liat's** recommendations and add two more. We need consistent enforcement of existing laws. They are there for a reason, but we also need additional laws to protect public places of worship. For example, the FACE Act's provision protecting places of religious worship should be codified separately into federal law. You see, the disruptions have deeply impacted our church, which has taken major safety precautions. Our members literally face this difficult choice to suppress their voices, to support Israel or to risk their own safety to stand for biblical truth. God's word calls Jesus's church to support Israel and her people. Our conviction comes from both the Old Testament and the New Testament, but specifically Genesis and Deuteronomy. When God makes an everlasting and unconditional covenant with Abraham and the nation of Israel to be as light to the nations, setting his love upon his chosen people. The Bible teaches that God loves when his people are protected by others even at their own expense when they stand with Israel.

The mission church takes God's words to Abraham seriously, "I will bless those who bless you and I will curse him who curses you." I would encourage my brothers and sisters in the evangelical Protestant world, if your current theology has somehow taught you not to stand with Israel, read your Bible, rethink your position. **Bruce Pearl** said it well. Replacement theology is dangerous because it puts the Jews on the outside of what God's promise clearly said, and God is not a man that can lie. He's faithful to His covenant forever and everlasting. To translate these beliefs into application, we as shepherds of the Mission church faithfully teach our members the whole council of the Bible, and we provide opportunities for our congregation to help them understand the

modern-day problems that are facing Jews both domestically and abroad. As difficult as the safety concerns are, the deepest harm comes in the form of fear and oppression.

Behind the agitators and their volatile chaos is a pointed message. Israel is the real enemy, and if you stand with them, we will silence you and shame you, even in the sacred spaces where you worship, the agitators have directly attacked our Christian faith. This harmful ideology has seeped even into our own church, especially among young people. The most concerning element is not whether our church members are willing to stand for truth in the face of opposition. It's when truth is manipulated by fear of violence associated in standing with our Jewish neighbors against antisemitism, which is why antisemitism is not just a Jewish problem. Antisemitism is everyone's problem because it is an assault on religious liberty. We cannot let the agitators, the influencers, or even antisemitic rhetoric disguised as academic rhetoric scare us into silence. God clearly calls the church to support the Jewish community, and it should be our honor to faithfully do so for the Jew first and then for the Gentile.

God's church cannot be silent while Jews are facing anti-Semitic attacks. That's why we retain First Liberty Institute in Jones Day, and together with the Alliance and our friend Ruth Mastron, we filed a federal lawsuit in November of 2025. The FACE Act should protect every place of worship in America from interference by agitators seeking to disrupt our free exercise of religion. In closing, we are so thankful for this commission's courageous commitment to protecting religious freedom. We're thankful for the Attorney General and Assistant Attorney General and the many others who are defending people of faith in Minnesota, in New Jersey, in California, and across this great nation. We are hopeful that the United States government will stand with us too so that our right to worship will be protected and existing laws will be enforced not only at a federal level, but at the state and the local levels where people like us on the West coast struggle. The freedom to worship without fear of persecution is sacred, especially at a time when Jews and Christians undeniably are under attack. Thank you for listening to our story. May the light shine brighter in the dark than the darkness as we stand together against antisemitism, and, Commissioner, may God bless you with all his wisdom and boldness. Thank you.

Dr. Carson: We appreciate the courage that you two have exhibited in light of so much opposition. Now, we'd like to hear from Dr. **Glick**.

Dr. Moshe Glick

Dr. Moshe Glick: Thank you, Chairman Lieutenant **Governor Patrick** and Vice Chair **Dr. Carson** and esteemed members of the Religious Liberties Commission. Good morning. My name is **Moshe Glick**. I'm a father of three, grandfather of four dentists from West Orange, New Jersey, and I'm likely the only panelist here who has been arrested, charged with four felonies, that could have meant over 10 years in prison. You can't really call yourself a civil rights activist until you've felt the cold steal of handcuffs close around your wrists, stood defiantly for the mugshot, and been fingerprinted like a common criminal. My crime defending a 64-year-old man from a violent assault during an unauthorized protest that blocked an intimidated worshipers at congregation Ohr Torah in West Orange, New Jersey. On November 13th, 2024, pro-Hamas agitators disrupted a peaceful Jewish Christian gathering, praying for peace in Israel, the safe return of the hostages from Gaza, reciting Psalms and biblical verses and exploring purchasing a home in Israel.

One protestor Altaf Sharif ignored police orders, charged past officers, seized an individual who turned out to be 64-year-old David Silberberg in a life-threatening chokehold body, slammed him to the ground, all captured on video, then provided false verbal and written statements to the police. Mr. Sharif faced no charges. The police didn't even investigate. When my attorney pressed the Essex County prosecutor's office in New Jersey, the response was chilling. No one else was investigated because no one else committed a crime, only your client. This despite clear video evidence of a violent hate crime being submitted to the prosecutor's office, and the assault being fully reported and documented in the official West Orange Police Department incident report. Video evidence initially suppressed by West Orange Police clearly showed the assault, deception, and targeted disruption of Jewish religious life. This is the hallmark of a weaponized justice system, one that buries evidence to serve an agenda.

In stark contrast, I, the one who stepped in to stop a brutal assault, was the only one arrested. I repeatedly pleaded for the police to help, but they did nothing. As a doctor and volunteer EMT, I recognized late signs of a constricted airway: his legs buckling, a critical indicator of impending loss of consciousness. Only then, after all other attempts fail, did I use the small six-inch flashlight I was carrying to illuminate the dark area that night to intervene and free him by aiming to tap Mr. Sharif on the back, rogue local prosecutors selectively targeted me the Jewish event organizer, while letting the video recorded aggressor walk free. I faced four felony charges including Second Degree Bias Intimidation, Third Degree Aggravated Assault, and two weapons offenses related to the flashlight. I was indicted twice. The first indictment was so procedurally flawed, the prosecutors abandoned it.

A law-abiding citizen, volunteer EMT, nonprofit, nonprofit co-founder and philanthropist was zero criminal record suddenly stared into an abyss. Years in prison, the potential loss of my dental

license, the separation from my wife, children, and grandchildren, my faith in America's justice system was utterly shattered. I rejected a diversionary program, pretrial intervention, because that would mean a tacit admission that I had done something wrong for defending an individual from a vicious assault. I fought for truth for justice for the principle that defending others from hatred must never be criminalized. This battle came at a great cost financially, mentally, and spiritually and had a heavy impact on my family. We all paid a huge price. Just over two weeks ago on his final day in office, January 20th, 2026, New Jersey governor Phil Murphy granted me a full pardon. I was never convicted of a crime, and I'm profoundly thankful to Governor Murphy.

Heartfelt thanks to US attorney General, Harmeet Dhillon, Jonathan Gross, and Orlando Sonza at the Department of Justice for their landmark FACE Act complaint that exposed this injustice. Special recognition to Jonathan Gross, the DOJ attorney under Assistant Attorney General Dhillon, whose foresight and fortitude brought the very first FACE act case to protect houses of worship. He is the true hero and without his courage, none of this would've been possible and deep gratitude to Weil, Gotshal & Manges led by partner Yehudah Buchweitz for stepping up pro-bono in October, 2025 when others hesitated due to the taint of my criminal charges. If the Essex County New Jersey prosecutor can weaponize the government against honest, hardworking citizens like me, shielding aggressors while targeting defenders, we are all in great peril. I therefore ask Attorney General Pam Bondi, assistant Attorney General Harmeet Dhillon, and the heroes working at the Department of Justice to investigate this matter fully.

I am all into help providing evidence, testimony or whatever is needed to ensure accountability and prevent such malicious prosecution and selective enforcement from happening to any other American. If police and prosecutors shield aggressors and criminalized defenders in these circumstances, what will happen to communities of faith all over this great nation? Jews have long been the canary in the coal mine. Whenever antisemitism rises, it's a sign that democratic values, religious tolerance, and civil liberties are in decline. I urge this commission to confront these egregious actions, inverting justice risk, normalizing antisemitism within law enforcement, and turning the canaries silence into a dire warning for freedoms far beyond our community. History's warnings rings clear across the centuries. Societies that fail to protect their Jews or worse turn against them often hasten their own decline. When antisemitism becomes policy or norm, it signals deeper erosion of democratic values, tolerance, and liberty.

Ancient Egypt enslaved the Jews oppressed them harshly and defied their cries for freedom only to be broken by devastating plagues that struck at the heart of its power. The once mighty empire pinnacle of ancient civilization was forever diminished, never regained its former glory. Babylon raised Jerusalem, exiled its people and soon vanished from history's stage. Mighty Rome crushed the Jewish quest for self-rule, destroyed the temple only to fade into the history books. Nazi Germany boasted a thousand-year Reich rooted in hatred of the Jews. Yet that hatred devoured it

collapsing in just 12 years, by 1945. All four of my wife's grandparents survived the Shoah, two endured Auschwitz, a testament that unchecked hatred devours its hosts. These are not coincidences. They form solemn recurring patterns. Societies that oppress the Jewish people sow the seeds of their own erosion. History's timeless caution, defend the vulnerable or risk joining the shadows of fallen empires.

The pattern is unmistakable, yet deeper truth rooted in our shared heritage offers real hope. In Genesis 12:3, God declares, "I will bless those who bless you and whoever curses you, I will curse. And all people on earth will be blessed through you." This is no mere verse. It is a divine law of history. Nations that bless the Jewish people, the descendants of Abraham prosper, those that curse them invite ruin. America's extraordinary success flows from its historic embrace of Judeo-Christian values and fierce protection of religious freedoms for all who seek to worship God. We cannot allow violent protestors and radicalization to threaten that divine blessing. I did not come here to beg for protection. I came to call for action. Divine deliverance for the Jewish people will come, as it always has, over our 3,500-year history, but America faces a profound choice at this pivotal moment, our founding fathers built this nation on the bedrock of the Hebrew Bible drawing timeless principles of liberty, justice, and moral law from scripture to shape the Declaration of Independence, the Constitution and the soul of American self-government.

They saw in ancient Israel a divine model of equality under God, ideas that ignited the American experiment, and invited almighty God's favor. True patriots must stand united now to defend religious freedom for every American and every faith community, the sacred God-given right to pray and worship without fear or favor by upholding these biblical principles of liberty, freedom to worship God and moral truth, we secure God's continued blessing on this nation, fortify its moral code, and ensure lasting prosperity for generations to come. I am no great rabbi or scholar. Some might say I'm not even a real doctor, but we Jews believe (it was a Seinfeld reference) but we Jews, but we Jews, believe that heavens, that sincere words from the heart carry weight and summons heaven's grace, so I leave you with the ancient priestly blessing from Numbers 6:24, [unintelligible].

"May the Lord bless you and keep you. May the Lord make his face shine upon you and be gracious to you. May the Lord lift up his countenance upon you and give you peace. May this blessing guide your work, steal your resolve and protect all who stand against hatred." We cannot allow this to merely be a good meeting, one that ends with nice words, polite handshakes, and a handful of tweets that fade away. We stand at a pivotal moment in history, one that calls us to rise together. By addressing Jew hatred, anti-religious extremism, and all forces attacking those who worship God with courage and clarity, we can safeguard the values that define our republic and secure a stronger, more unified future for all of America. I offer my assistance to this commission, and the

White House, recommendations, implementation, whatever is needed, this is the hill I am willing to die on. God bless President Trump. God bless this great nation. Thank you.

Lt Gov Patrick: Thank you. I can assure you this is not going to be a commission that just finishes a report, and no one ever reads it. The President will see it, and we intend to give him action points that we have learned from this, whether it's an executive order or action from Congress. So, we are in this. We were in this all the way. We didn't come this far to only come this far. **Jonathan,** you'll be our last witness here, and then we'll open up for questions.

John Mertens

John Mertens: Good morning and thank you. Thank you, Mr. Chairman and Mr. Vice Chairman and the esteemed panelists, here today. One thing that is very clear from looking at me is that I am not Harmeet Dhillon. She appreciated the invitation and asked Jonathan Gross to take her place. Unfortunately, he was not able to take her place, so I am **John Mertens**, but I am also part of the Civil Rights Division here at the Department of Justice, and I'm personally very delighted to be here. Last year, I was a private attorney in the state of Utah and the outgoing president of our synagogue, the largest conservative and reformed synagogue in the state of Utah. I will tell you that Utah is a great place to be Jewish. There is lots of community support from the state and the broader community, the citizens of Utah, and I want to thank them very much for making it such a great place to be Jewish.

I also want to thank this administration which has made antisemitism a priority and the civil rights division of which I'm a part will of course carry out the administration's priorities. We do have a number of open investigations into topics, like the topics that we've been hearing about this morning, and I was personally inspired to join the department because of these priorities. They've allowed me to serve the Jewish community and the United States as a fighter and an advocate against antisemitism and for the spread of civil rights, one of the greatest triumphs of our country. With the support of this commission, with the support of the administration, the Civil Rights Division will continue the fight for religious liberty, and I will add that if you are listening to this and would like a job that's as fun as my job, please look at usajobs.gov because we need more fighters. With that, I was a last-minute addition to this panel, so I do not have further remarks, but I'm very happy to listen to and respond to questions from this panel. Thank you so much.

Lt Gov Patrick: Thank you for being the substitute. For the substitute. Any question members for anyone? **Kelly.**

Kelly Shackelford: First. Thank you, Ms. **Cohen-Reeis** and Pastor **Cooper** for continuing to stand. I think most people in the country had no idea there was an invasion of a church before what they saw in Minnesota, so this is a disturbing trend. This is kind of a new approach and I know you've got a civil suit. I'm hoping the Justice Department will, because FACE freedom, access to clinic entrances, protects our houses of worship, both on the criminal side and the civil side and it would be up to the government. I guess, you haven't heard anything yet as to whether the Department of Justice is going to bring a case? Well, I hope they will, but thank you for standing for fighting because the precedent you set in your case, it's going to help churches and synagogues and houses of worship all over the country, so thank you.

Lt Gov Patrick: Anyone else? **Carrie?**

Carrie Prejean Boller: Yeah, I was just curious, who was the speaker that you had at your congregation? Pastor?

Pastor Cooper: It was Dr. Einat Wilf.

Carrie Prejean Boller: Okay. Is she a Christian?

Pastor Cooper: She's not a Christian.

Carrie Prejean Boller: Okay. What religion is she?

Pastor Cooper: She is born Jewish, but she is an atheist on her own.

Carrie Prejean Boller: Okay, thank you.

Pastor Cooper: You're welcome. May I ask you a question?

Carrie Prejean Boller: Sure.

Pastor Cooper: In the last panel you mentioned that as a Catholic there was bible prophecy or a lack of Bible prophecy that referred to the support of the Jewish nation. Can you reference where that is in the Catholic scriptures?

Carrie Prejean Boller: Oh, well you do that as an evangelical Christian Zionist. You support the political state of Israel because you believe that is biblical prophecy, and we as Catholics do not.

Pastor Cooper: Can you tell me where that is in the Catholic Bible because...

Carrie Prejean Boller: We want to have a theological discussion. This is a Religious liberty hearing, so I don't know why we're talking about theology.

Pastor Cooper: Because you brought it up in the. . . I'm just asking.

Carrie Prejean Boller: Yeah, so are we going to have a theological discussion right now?

Pastor Cooper: I'll leave that up to Lieutenant Governor.

Lt Gov Patrick: You may answer the question if you'd like. This is not the purpose of the committee, but I want to be sure you have your rights to ask the questions and give your opinions. I'll stop it at some point.

Carrie Prejean Boller: Yeah, thank you. Thank you. Yeah, so what is the definition? I think that's important that we define what is antisemitism to you?

Pastor Cooper: Antisemitism would be the prejudice and or the oppression of the Jewish people at any level, which includes their extermination or singling them out simply because they're born Jewish.

Carrie Prejean Boller: Okay, so as a pastor, are you worried or concerned at all that certain parts of the Bible, particularly the New Testament, would be considered antisemitic specifically to referring the killing and crucifixion of our Lord and Savior Jesus Christ.

Pastor Cooper: Why would that be anti-Semitic? That is simply a fact. . . when Jesus was crucified, it was most definitely at the hand of the Jews and of the Romans.

Carrie Prejean Boller: That would be considered antisemitism under IHRA. Are you aware of that?

Pastor Cooper: If we're talking about 2000 years ago, this is biblical history.

Carrie Prejean Boller: Yeah, that's under the definition of antisemitism.

Pastor Cooper: This is the beauty of God's faithfulness is he made a covenant with Abraham and God is not a man that he would lie, and so when he blesses a people, that blessing continues eternally.

Carrie Prejean Boller: Well, that's your theological perspective. That's not for 2000 years the belief of the Catholic church. I think you should remain quiet and respect this hearing.

Lt Gov Patrick: No, cries from the audience please. **Carrie.** Thank you. I think we've had this discussion.

Pastor Cooper: I did invite it. It's my fault. I apologize.

Carrie Prejean Boller: No, I'm glad you did. Thank you. I appreciate and I'm actually, I'm from San Diego, I live there.

Pastor Cooper: Should get coffee.

Carrie Prejean Boller: I would like that. Yeah.

Pastor Cooper: Do you surf?

Carrie Prejean Boller: No, I don't.

Pastor Cooper: Okay, well I'll take you surfing

Carrie Prejean Boller: Okay.

Lt Gov Patrick: Thank you. Just for the record, the Holy Sea established formal diplomatic relations with Israel in 1993. Agreements between the two explicitly recognized each other's legitimate roles as state and church authorities. For example, the Holy Sea and Israel jointly affirmed each other's rights to operate and protect their communities and institutions. Just for the record panel, thank you, thank you very much.

Carrie Prejean Boller: And they also condemn the genocide in Gaza.

Lt Gov Patrick: Thank you, panel. Thank you very much.

Lt Gov Patrick: Thank you for coming. As we have done all four of you'll speak, and **Seth**, we expect something humorous today from you. I just want to let you know, so the pressure's on for you, and we'll start with someone I've been on Fox with many times, but we've actually never met in person, so **Leo Terrell**.

Anti-Semitism and Religious Freedom

Leo Terrell

Leo Terrell: Thank you, Chairman Lieutenant Governor **Patrick**, and yes, we have been on Fox numerous times. It's a privilege to meet you in person. And thank you commission. I've had the privilege to listen to all the panels today and the questions. I think it's very important that you have solutions, and let me tell you right now, the solution is, what we do at 30,000 feet, it's a local issue. The issue of antisemitism is local. Every example you have heard today is at a school, is in a city, is in a district. That's the problem, and the federal government comes in, but we come in after the event. We're talking about issues that involves school districts, school superintendent, when it comes to curriculum, it involves the local prosecutors at UCLA that does not prosecute. It involves a mayor who doesn't send a message, so you have an unbelievable task.

You're asking, you're required to provide a report to the greatest President in my lifetime on what we can do to fight antisemitism, and the problem is on the streets in every city, in every county, in every state, and they have initial jurisdiction, and I wanted to bring that to you as my recommendation before I get into my speech, because I listened to everything you said, I listened to all the questions and when we talk about antisemitism, we talk about an issue that involves discriminatory treatment. Let me go back to another fact by just listening to you. We are here because of a unicorn, a president who cares about fighting for religious freedom, and we are tasked with trying to set up guardrails for the next administration, and the next administration. President Trump is unique. That's why we're here. That's why we care. How do you put in place people, after this commission, after this presidency? Who cares just as much, who will follow through just as much we care. I care, you care. That's the tough task that we have because the laws are on the book. Oh, there's great federal law, tremendous federal law. It's the execution. It's the commitment to follow through. That is the million-dollar question because we will not be in this position, chairman and coach, vice chairman forever, but we have a three-year window, and I am committed by being head of the task force to combat antisemitism.

It is a commitment that I take with tremendous pride. I think Pastor Paul knows that 35 years as a civil rights attorney, a commitment to treat everyone fairly under state and federal law, understanding the commitment of the Jewish community in this country. I've heard all the testimony. I was a history teacher, chairman, before I became a lawyer, and I know the commitment of the Jewish community to make sure everyone's rights are given on equal basis and their commitment to helping others. For example, my history lessons tells me that the Jewish community helped create the NAACP in 1909, helping black Americans get their rights. My teaching as a history teacher taught me that Jewish Americans walked side by side with black

Americans in the sixties to fight for their civil rights, and may I hark back to a unfortunate tragedy. Mississippi June, 1964, 2 Jewish activists, Warner and Goodman lost their life with a black activist named Cheney fighting for their civil rights. This is a no-brainer. This is an issue of right versus wrong, and it's wrong to have antisemitism in this country.

We talk about the unfairness, the right of Jewish Americans, all they want are the same rights that we have, the right to worship at their synagogue, to go to school. Well, you know, being head of the task force to combat antisemitism, my phone rings every day, every day, and one of the things that they bring up is the Jewish tax. What's the Jewish tax? Well, the Jewish tax is the exorbitant fee the Jewish community has to pay for security and protection to have a meeting at their synagogue or to walk the streets. It's the Jewish tax. It costs tens of thousands of dollars because they're not protected, and that is a problem that they have, a major problem. Oh, I've written letters to various mayors, and guess what? Guess I mean responses. I've gotten zero. See, that's that local issue. That's that issue that is there that you have to work on. How do we get used the power of this great administration down to the local level?

I heard all the discussion about universities and colleges, wrong target, and here's the target you should work on. I had a great meeting with the labor department, and it's not just Title VI and taking the funds away. How about a great law called Title VII? For what? Unions at the local school district level are anti-Semitic, hijacking the unions, hijacking the curriculum, hijacking the lesson plans for K-12. That's our next agenda. The college and universities, I got some bad news, they've already been taken away. The next target is K-12. Our young people, the lesson plans, chairman, the objectives of those plans. They're teaching hate in K, first, second, third, fourth grade, right now as we speak. That's what my phone says every day when I get to my office every day, the hate that is being taught to our young people. You're not born to hate, you're taught to hate, and this is going on my job here as head of the task force to fight antisemitism, and may I say thank you, President Trump for giving me this job.

Thank you, **Pam Bondi**, for giving me this job, and it's a commitment that I have that goes well beyond the term of this administration. This is a lifetime commitment. As a civil rights attorney, this is a lifetime commitment. You'll see me chairman if I leave and go back to Fox talking about this after because my freedom is contingent upon everyone in this great country to share in their right to have their own religious freedom. A few other notes, and I'm pass it to my partner to the left. People say, why do I care? And I say to you, I am proud to be a black Baptist. No, I'm not Jewish. This is not a Jewish issue.

It's an American issue. It's a western civilization issue. We are all obligated. I just came back from Israel last week, and I spoke to a great person who is also non-Jewish. His name is Ambassador

Mike Huckabee. Love Mike Huckabee. You see, we have to expand this fight because our freedom is at stake, and so we have an obligation. I'm talking to the choir to expand this base and when people say to me, hey, **Leo**, you're doing a great job as head of the task force, I said, if you know me, I said, no, I can do a lot more. There's a lot more we could do. I want to go back to that labor issue, that union issue. You can use Title VII against teachers' unions who are discriminating against Jewish teachers. Title VII. I learned that from sitting in a meeting with the labor department. There is so much we can do, so much, but it's not being utilized, and I will leave you with this that people say, hey **Leo**, you're going to lose a lot. You're out there, you're fighting for Jews to have their rights like you and it's going to cost you a lot of opportunities.

I'm willing to pay the price. It's a no-brainer because I'm not going to shut up. Antisemitism is wrong, and you have an obligation, and we all have an obligation to do something about it. God bless America, God bless President Trump and God bless you. Thank you.

Lt Gov Patrick: **Leo**, tell us what you really think here.

Leo Terrell: When you and I go back on Fox, I will.

Lt Gov Patrick: Okay. You are the right man for the job. Thank you. You are the right man for the job. Thank you, and we're all committed long beyond this committee. We're all committed. And, all American should be committed. Our next witness, please introduce yourself.

Dr. Elizabeth Spalding

Dr. Elizabeth Spalding: I'd like to echo everything that **Leo Terrell** just said and also thank the commission. It's an honor to be here. I'm an academic, so I had a specific purpose that I was invited here for and that's to help the American audience understand the ideologies or parts thereof of antisemitism that negatively affect US Politics and sorry, higher education, but there's a trickle-down effect, and undermine our freedoms including religious liberty. I say all of this in the context of that the long history of antisemitism should be over, and in the past, but it is not. My task first requires defining an often-misunderstood term. Ideology is not just an idea or a set of ideas. It is not religious faith. It is not a political, economic, or social point of view. It is not a political party or movement although either can be or become the vehicle of an ideology.

What then is ideology? It is a fixed political worldview that holds within it a plan for fundamental societal change. Ideology is characterized by the belief that man's nature, and thus society are malleable and can be remade and restructured repeatedly if necessary. Ideology is based in truth as defined and therefore relativized by itself rather than permanent truth discovered through the harmony of reason and revelation. For example, as expressed in the American founding. Born during the reign of terror of the French Revolution, ideology fully formed in the modern era. The 20th century is the most destructive in human history in terms of war, tyranny and injustice. Much of that due to ideology. Not every -ism is an ideology and not all ideologies are totalitarian, but all ideologies are extreme in their agenda for fundamental societal change, whether or not they employ violence while not technically needed, it can be helpful to place the modifier radical before the worst cases of ideology.

My task next requires explaining antisemitic ideologies that have made their way, at least in part, to the United States, influencing almost a century of higher education and politics. Communism and nazim have exerted the most impact. For these ideologies, think extremist in terms of intent and effect rather than far left or far right by way of either Karl Marx and his heirs or Adolf Hitler and his adherence, these ideologies reject the God of revelation and are antisemitic, historical or what we might call conventional prejudices against Jews on religious, racial or other grounds may be still present. If so, these prejudices are exacerbated by ideology, so this is a problem on top of another problem, in many cases. In US higher education, critical theory and its various offspring from the 1930s to the present benefited from following progressivism. Then, through a highly adaptable cultural Marxism, they have entrenched themselves in the humanities, law and social sciences.

In this environment, increased polarization in contemporary America has manifested on campuses in viewpoint discrimination, political, religious, and or philosophical, woke-ism, whatever you want to call it, and other extremism. As an inflection point, October 7th exposed antisemitism

preexisting and new, intellectual as well as activist, especially at elite universities. This academic antisemitic ideology deriving from communism is also present in elements of our body politic. Intellectual and activist agendas are sometimes mutually reinforcing. Since the 1960s, a porousness between higher education and politics has spread the effects and effectiveness of antisemitic ideology. Intellectually, cultural Marxism has co-opted identity, a word with concrete meaning for Jews. In activism, cultural Marxist ideology serves as justification for, and its tools are used in antisemitic demonstrations and attacks.

Nazim's effects on US politics and higher education are much less intellectual and more scattered. They reach smaller populations, with young disaffected white men on everyone's minds these days, such groups view Jews and other minorities as the impediment to their standing, if not supremacy. For visceral more than academic reasons, young white supremacists have absorbed the identity distortion of cultural Marxism and joined it with prejudice, discontent, insecurity, and loneliness to prove their superiority. While the world is not their stage, they have microphones and mouthpieces and megaphones on social media. How should Americans respond to reduce and prevent antisemitic ideologies in politics and higher education? One, correct information and non-ideological education are needed at all levels. K-12 through graduate school. Thank you. It's really important. It's all education. Nazism is some internalized and ideolog antisemitism. Communism is atheistic and antisemitic. We must undo the ideologizing.

In tandem, we need a renaissance in hard news. Just the facts. Two, a robust defense of religious liberty and respect for faith traditions are necessary. All of us here are involved in this endeavor, including you, Commissioners. Three, freedom of speech and civil discourse are essential in and of themselves and as supports of religious liberty. America250 provides opportunities galore for all of these. Ending on a personal note, I am perhaps like you a 3-F American, faith, family freedom. I'm also a native Washingtonian and Catholic coming of age under John Paul II and Reagan. In this area, at that time, Holocaust survivors visited all schools and witnessed. Today, I'm chairman of the victims of Communism Memorial Foundation. At VOC, our witness project tells the stories of victims who have survived communism. Too many, including Soviet Refuseniks and other Jews were twice victimized by communism. At this time, we need witnesses in schools, on campuses, and throughout the public square as part of the solution to combat antisemitic ideologies in the United States. Thank you.

Lt Gov Patrick: Thank you. **Dr. Spalding.** I'm proud that this last session, well last year's session, that we passed legislation in Texas to teach communism, and the horrors of communism in our schools. I think we may be the leader in that.

Dr Elizabeth Spalding: Florida, Arizona.

Lt Gov Patrick: Yep. There you go.

Dr Elizabeth Spalding: Thank you.

Lt Gov Patrick: That's 47 states behind us.

Dr. Elizabeth Spalding: I know.

Lt Gov Patrick: Get on board.

Dr. Elizabeth Spalding: That's right.

Lt Gov Patrick: Father Tom.

Father Tom Ferguson

Father Tom Ferguson: Mr. Chairman and distinguished members of the commission. My name is Father **Tom Ferguson**. I'm the pastor of Good Shepherd Catholic Church in Alexandria, Virginia, and I'm very grateful today to be here to offer these brief remarks, as a statement of the Catholic church's teaching regarding antisemitism. This past year 2025, the Catholic Church celebrated the 60th anniversary of the conclusion of the second Vatican Council, which is very commonly known as Vatican Two. Between 1961 and 1965, all the Catholic bishops from around the world met in Rome at the Vatican to address issues relevant to the church's teaching and practice as regards both its internal life, and its mission in the world. For most Catholics, the most significant and lasting impact of the council was its provision for the celebration of mass and other acts of worship in vernacular languages. For those who are not Catholic, one of the greatest accomplishments of the council was to renew the church's commitment to ecumenism, to fostering a greater unity among Christians in prayer, study, dialogue, and service to those in need.

There are also two documents of Vatican, two that are of tremendous significance to the work of this commission, and they are its Declaration on Religious Liberty and the Declaration on The Relation of the Church to Non-Christian Religions. The Declaration on Religious Liberty affirmed as Catholic teaching the idea that the human person has a right to religious freedom. This freedom means that all people are to be immune from coercion and such wise that no one is to be forced to act in a manner contrary to their own beliefs, whether privately or publicly, whether alone or in association with others. The council further declared that the right to religious freedom has its foundation in the very dignity of the human person, as this dignity is known through the revealed word of God, and by reason itself. In the Declaration on The Relation of the Church to Non-Christian Religions, the bishops said Vatican Two reminded all Christians that according to God's saving design, the beginnings of our faith and our election are found already among the patriarchs, Moses, and the prophets. And since the great spiritual patrimony common to Christians and Jews is so great, the council wishes to foster and recommend mutual understanding and respect, which is the fruit above all of biblical and theological studies as well as a fraternal dialogue, and most importantly for our purposes today, the church, mindful of the patrimony she shares with the Jews, decries, hatred, persecutions, and all displays of antisemitism directed at Jews at any time, by anyone.

Thirty-five years after the second Vatican Council, this teaching on antisemitism prompted St. John Paul II in the jubilee year 2000 to seek forgiveness on behalf of Christians of every time and place who might have ever in any way contributed to acts or spirit of antisemitism. Speaking of the Jewish people, Pope John Paul II prayed to God, "we are deeply saddened by the behavior of those who in the course of history have caused these children of yours to suffer and asking your forgiveness, we wish to commit ourselves to genuine brotherhood." In a recent collaboration with

the American Jewish Committee, the United States Conference of Catholic Bishops, echoing the words of Pope Francis stated, clearly “a true Christian cannot be antisemitic.” Before I conclude these remarks, may I offer one brief personal example of how Catholics not only condemn antisemitism, but also reflect a willingness to engage in fraternal collaboration that flows from the common spiritual patrimony of Christians and Jews.

From 2004 to 2008, I was the pastor of St. Thomas à Becket Catholic Church in Reston, Virginia. That church has the distinction of sharing what is one of the most prized portions of a faith community’s patrimony. Its parking lot with a Jewish community. The Northern Virginia Hebrew congregation was established in 1967 with congregants but with no building of its own. The community eventually acquired a portion of the land owned by the Catholic church in Reston and conducted its worship in the same space used by the Catholic parish until its synagogue was built on the property where both communities have since shared not only the parking lot, but also semi-annual Catholic Jewish dialogues on various theological, spiritual, and moral, and ethical issues while also collaborating to serve the material needs of those who are poor in the community. It’s a small example, but it’s an apt to conclusion to this brief description of the Catholic church’s absolute condemnation of antisemitism, and its commitment to respect and collaborate with the Jewish community to make a positive contribution to the common good in our religiously pluralistic American society. Thank you.

Lt Gov Patrick: Thank you, Father. For those who don’t follow the Babylon Bee, it is the master of satire of our generation. I believe, I’m a frequent reader. I’m glad I’ve never been a subject, but you have a lot to work with to be honest. You’ve been the subject.

Seth Dillon

Seth Dillon: I will say though, if you want me to be funny, you should bring me on a better topic, a lighter topic. This is a heavy one. First, I just want to start by saying I'm thankful to the commission. I'm thankful this commission exists first of all, but I'm thankful to all of you for serving on it and for inviting me here to speak today. It's an honor to be here. I am Seth Dillon, I'm the CEO of the Babylon Bee, the world's most trusted, factually accurate news source. For those who aren't familiar, we publish funny fake news like The Onion or CNN.

See? There you go. We got some laughs. We've actually gotten in trouble for CNN jokes before. The first joke we ever got fact-checked for on Facebook was a headline that read CNN purchases industrial size washing machine to spin the news before publication. And for whatever reason, I don't know why that was fact-checked and rated false as if anybody believed that that was true, and Facebook threatened us with penalties and suspension if we continued to publish fake news, we're like, that's all we do is publish fake news. Oh man, there's so many other examples I'd give, but we can't get into all of that today. Our mission is not just to make you laugh, it's to make you think a little harder or differently, at least about things that matter. The use of satire to expose foolishness and mock absurdity is ancient, tracing all the way back to the Hebrew prophets.

To put it as succinctly as I can, our job is to ridicule bad ideas, not just because it's entertaining, but because it's necessary. Bad ideas taken seriously have catastrophic consequences. It should go without saying that antisemitism ranks highly among history's horrifying examples, but it's gaining popularity again today, particularly among younger generations on the right, and it's not always subtle. Transgressive agitators on social media are building massive cult-like followings declaring themselves to be on team Hitler. They proclaim without apology or fear of consequence that Hitler was right. The question is why, and what should or can be done about it. I'm a conservative, excuse me, and it's fair to say that a lot of the bad ideas we make fun of at the Babylon Bee are progressive ones. Recently, however, I've taken fire from fellow conservatives for pointing out what should be obvious. There are bad ideas on the right too never punch, right?

They say focus on the real enemy, the left. They're the ones promoting abortion on demand, gender transition for minors, open borders, censorship, DEI, all of these things, and I've steadfastly opposed these ideas. As a conservative, I've spent years and millions of dollars fighting them in both the courts and the culture, but what if those aren't the only bad ideas? If bad ideas spread like cancer, shouldn't we check for them everywhere? I recently visited an imaging center for a diagnostic CT scan, and I'm glad the technician wasn't only interested in scanning the left side of my body. What I've observed on the right is an equal but opposite reaction to the woke worldview that captured our culture and institutions. Instead of rejecting the woke framework, the radical right has embraced and emulated it. We're all familiar with how the woke left, divides the world into oppressors and oppressed, the powerful and the marginalized.

It's a grievance-based collectivist framework that says all of society's greatest problems are due to hidden power structures designed to prop up the patriarchy and maintain white supremacy. One has to wake up or become woke to see it. Critical Race Theory, DEI, and Radical Gender Ideology were all aimed at equity rather than equality to correct the alleged power imbalance and topple that system and many are now forcefully rejecting this warped worldview, but the radical right or woke right as some have called it, has adopted this framework for itself. They've just swapped out the villain where the left sees hidden white supremacy, the so-called J-pilled right sees hidden Jewish power. The structure is identical, the same conspiratorial lens, the same collectivism, revisionism and scapegoating, the same claim to special knowledge of realities the masses are too cowardly or complicit to accept. Waking up to these hidden realities means seeing Jews rather than white men as the oppressors who scheme and manipulate and subjugate.

It means treating Jews as enemies, but why is this corrupt framework becoming popular with young people on the right in particular, and I think the short answer to that is that they were primed for it and then exploited. Young white men in particular have been told their whole lives that they are the problem. Masculinity is toxic. Western civilization is oppressive. Whiteness carries guilt. That created hunger for any counter narrative that said, you're not the villain. In fact, you're the victim and someone more powerful than you is doing this to you, and there's some truth to that, of course, they were villainized, but that was the injustice of it. To turn around and do the same to someone else should be out of the question. At the same time, institutional trust was collapsing as so-called experts and authoritative voices were caught in one lie after another.

Ironically, while they claimed to be fighting misinformation, it was beyond parody, but when you realize, you've been lied to, you become dangerously vulnerable to a false inference that the opposite of whatever the history books or institutions say must be true or that anyone who rejects those institutions in their lies must be offering the truth themselves. That's fertile ground for radical conspiracism. The anti-Semitic agitators exploited both vulnerabilities at the same time. They told young men who to blame, and they told a generation that had lost faith in every institution that here at last was the great hidden truth. Most people have a moral intuition that genocide, and I mean actual genocide, is evil. The Holocaust is one of the clearest cases of moral evil and modern memory, and as long as we see that clearly, no one could possibly bring themselves to say Hitler was right, but that's why the revisionist project exists to take the clarity away, to raise questions about what really happened and why.

So that alternative answers seem not just plausible, but palatable. Historical revisionism, it turns out is the sugar that makes poison taste good. When talking about solutions to this problem, I often hear calls for censorship. We need hate speech laws, I'm told, that would criminalize antisemitism, but that is not the answer. It's never the answer. In a free society, people have a right to be wrong.

The First Amendment guarantees it. The answer isn't to suppress bad ideas, but to challenge them to ridicule and refute them. Suppression only makes them more appealing to transgressive youth, and it validates their belief that power is being abused at their expense. But let me highlight what I think is a problem almost as great as the hatred itself, and that's the cowardice that allows the hatred to spread. There's been an effort to mainstream antisemitism. Radical voices are not just finding a platform, they're finding friendly platforms.

This is disgraceful and so is the silence of every prominent person who fails to call it out. Platforming is not the issue. Promotion is, and we shouldn't be afraid to say it. I should note briefly that there are some theological issues at play here. I can't get into all of them of course, but people are being drawn to a distorted version of the Christian faith, not because they found Christ, but because they found what they think is a religious sanction for their hatred of Jews. They cherry pick from scripture to secure a theological license to hate. They declare "Christ is King, you dirty Jew," in the comment section. This should offend every Christian. It certainly offends Jesus, our Jewish savior. The apostle Paul, a Jew, said he would be cut off from Christ if it would save his people. That is the posture of scripture, anguish, irrevocable love and the conviction that God's promises to the Jewish people have not been revoked.

The posture of the radical right is its precise opposite. If your Christianity gives you permission to despise the people through whom God revealed himself to the world, who gave you the scriptures, the prophets, the moral law, and the Messiah, then you are not practicing Christianity. You're practicing a perversion of it. You are attacking the very root into which you've been grafted. There's a temptation to counter antisemitism by citing the contributions, the wonderful, and remarkable, and numerous contributions of the Jewish people to civilization, to law, to science, to philosophy, to the concept of human rights. These contributions are extraordinary and the debt western civilization owes the Jewish moral and intellectual tradition is incalculable, but building the case on that foundation I think is a mistake because it concedes the antisemites premise that dignity is conditional then it must be earned. Human beings are made in the image of God.

That's where our dignity comes from. That is in fact the very foundation of religious liberty. The principle that every person by virtue of bearing God's image possesses inherent worth that no government, no mob and no ideology can revoke. CS Lewis said that good philosophy must exist if for no other reason than because bad philosophy needs to be answered. The antidote to antisemitism is not to ignore it or to outlaw it, but to confront it with courage and conviction. And that means not just calling out the antisemites, but the cowards who can't bring themselves to join us. Thank you.

Lt Gov Patrick: Seth. I think you will have spoiled your image for your readers that there's a brilliant mind behind all of that humor. Members, questions? For our and all these witnesses, all

four of you as the panels before us have just been brilliant today and courageous today and honest today and in a variety of ways, in a variety of ways. It's really been a great three panels. Dr. **Phil**, did you have a light? Did I see a light or no? Okay. Any hang on this side, we're going to let you off Scott free. I can't believe that. Oh,

Question and Answer

Carrie Prejean Boller: If nobody else wants to participate. I guess I will. **Seth**, I know you're big on free speech. Babylon Bee wouldn't exist if you didn't have freedom of speech, and I'm full supportive of that. You said platforms are an issue, which I assume you're referring to X. Are you saying that Elon and heads of platforms need to censor speech that they determine as antisemitic, and if so, by what definition do they censor? Would that definition censor this verse from the Bible? "The Jews who killed both the Lord Jesus and their own prophets and drove us out and don't please God and are contrary to all men." 1 Thessalonians 2:14.

[Referencing disruptive audience member] I think he should be removed. You should be removed. I think he should be removed.

Lt Gov Patrick: Excuse me. Excuse me. We will not have outbursts from the audience. If there's a further outburst, I will ask you to leave.

Carrie Prejean Boller: Thank you, chairman.

Lt Gov Patrick: All right, you're out. Please escort this gentleman. We will not be interrupted.

Carrie Prejean Boller: Thank you. We're having a discussion. It's very important.

Seth Dillon: I think you may have misheard what I said about platforms. I said platforms are not the problem, promotion is the problem. So, what I advocate for, I actually personally advocated for Nick Fuentes to be reinstated on X when Elon took it over. Not because I like what he has to say, but because I love that he has the right to say it. So even these ideas that I steadfastly oppose, I think the solution to them is to push back on them. Better speech, more speech, good speech in response to bad speech. So, you may have just misunderstood what I was saying there about the platforms.

Carrie Prejean Boller: Yeah, I understand. Thank you. And then **Leo**, thank you so much for being here. What anti-Semitic actions have taken place? I've heard a lot of examples of harmful words and protests, but aren't we free in this nation to have the right to protest, protected by the First Amendment? As I said, **Seth**, you love free speech as do I. So, words are protected. What I'm concerned about is what further legislation do we need around free speech?

Leo Terrel: Well, first of all, let me be very clear. I've been a civil rights attorney 35 years. I am a strong, strong believer in free speech. You'll not have me challenge anyone's right to speak. I support **Seth** on that. But, when you match speech with conduct, criminal conduct, such as blocking access to someone's right to go to school along with the speech, then you cross a line where there may be a criminal activity where the affirmative defense of free speech no longer

exists. We had a lot of discussion about a school that I'm embarrassed that I went to, UCLA law school. We heard what was going on. I was sitting there cringing because it was true. And we have people who were block access. Speech? I'm all good for that. Going back to what I originally said, all those charges in which the line was crossed, where it went from speech to conduct, believe it or not, the local prosecutor dismissed all those charges, the criminal charges. So that's why I'm saying this problem is really on a local level, but I will support anyone's right on speech. It's when they match it with conduct that might cross the line and would be considered criminal in and of itself.

Carrie Prejean Boller: But aren't there already laws to protect that?

Leo Terrell: Well, you never heard me say it, my presentation. There are existing laws that should be utilized. I'm not talking about creating new laws.

Carrie Prejean Boller: So as the chairman of whatever your

Leo Terrell: The task force.

Carrie Prejean Boller: The task force, yes. Thank you. What do you recommend as far as further laws?

Leo Terrell: I mentioned it today. Well first of all, Title VI is a funding law that should be used. Title VII is very critical. Civil Rights Act 1964, 65, which allows employees who are facing discriminatory misconduct to seek action. Even union organizations can be used for Title VII. Those were the two that I was referring to. And what is a great weapon, which I have learned, is that Jewish faculty members in public unions are being denied right to participate. That's a Title VII action. So, what I'm saying is under the rubric of what is currently in existence, civil rights laws, I think rights of Jewish Americans can be defended, can be executed properly. And if I was making any recommendation, there should be litigation under those two sections, Title VI and Title VII.

Carrie Prejean Boller: Thank you. And then one last question for **Seth**. I know you were at the Hamptons with Charlie Kirk. I know he was labeled an antisemite at the very end. Would you like to condemn him being labeled an antisemite?

Seth Dillon: Charlie was not an antisemite. Charlie loved the Jewish people dearly. And so, I think that's very silly. Charlie was invited and was open to having debates about anything, including whether or not we should be supporting Israel, for example, in the current war. He's open to having those conversations, and he was very strongly irritated by people making those accusations at him by simply saying that we should be willing to have these conversations because he didn't view that as crossing line into antisemitism. Neither do I. Up to a point. There are people who try to conceal

their antisemitism under the guise of merely criticizing Israel. And you can see they're not merely criticizing Israel. But Charlie wasn't an antisemite. Not even close, the opposite.

Eric Metaxas: Thank you. I spoke to Charlie about this stuff, and he was trying to have a substantive conversation, and he was clearly not an antisemite, but he wasn't anti-dentite. That's a Seinfeld joke. If you don't get that joke, look it up. My relationship with Charlie was based on our love of Seinfeld. So, I just want to clarify that, first of all. Regarding what Dr. **Spalding** was saying about ideology, it's interesting to me. I've always felt that all of our problems, it's ultimately about the culture. The law can only do so much. You can make laws and make laws. We heard earlier you can have a law and if the cops aren't doing something, who cares what the law is. So ultimately, we have to educate young people, in particular, but older people as well. Our founding, I just finished writing a 600-page book on the American Revolution, and when I started writing it, I was 10 years old.

No, when I started writing it, I honestly didn't understand how clearly Christian, I would even go so far as to say Reformation Puritan Christian, the Founders were. Now, I say that just because it's dramatically true, and it is not taught in our schools and we have been dealing with, the reason we're in this mess right now in the culture is because for decades, we've not been teaching civics and the basics of who we are as a people. You cannot get America; you cannot get a love of religious liberty and a love of liberty unless you understand where that comes from and what it means. And I would say speaking as a Christian, I don't agree with certain theologies as a Christian. But as a Christian, I would die defending the right of people to have those theologies. And that is a Christian value. That's not an Islamic value.

And we have to have that conversation in America about what does it mean to be an American? What are the limits of religious liberty, obviously. But we can't pretend we've fallen into relativism where we're no longer able to have intelligent conversations. You cannot sustain liberty or religious liberty unless you have an understanding of the founding and of the mind of the Founders. And if you begin to pretend that, oh, it's about the enlightenment, it's Enlightenment, it's not Enlightenment Rationalism, ladies and gentlemen, and people didn't come here from Europe so they could pursue Enlightenment Rationalism. It came out of their Christian convictions. But I say this because ultimately what we're talking about here, it's a hatred of the west. It's a hatred of the God of the West. It's a hatred of the God of the Bible that's at the heart of this. And so, in this 250th year, which President Trump on the stage declared it's officially the super centennial in case you didn't get that memo, 250th, which we don't have a term like bicentennial.

So, he's calling it the super centennial. But the point is this is the year that we in America have to talk publicly about what does it mean to be an American who we are as an Americans. This isn't some Enlightenment, Rationalist NeoCon project. This is fundamentally a biblical project. It's an

extension of the Sinai Covenant. All of the Founders understood this. And so, as I hear us talking about this, you cannot sustain America and you cannot sustain a love of religious liberty and a respect for people with whom you disagree unless you understand this. And it comes out of the Bible. And we have to say that publicly, and I don't know how we say that in K-12, but we did for 200 years say that in public schools in America. We taught it simply because it was our history and something has happened.

It kind of came into the culture in 1968. We were talking earlier about the lack of courage of academic leaders standing up to the Marxist lunacy that was breaking the campuses at that time. And I think that if we do not understand these things and teach these things, we can make all the laws we want and we need to make laws. But the first thing that I would recommend the President of the United States to do is to absolutely defund practically every penny that taxpayers are giving to higher education because higher education has become a breeding ground for every wicked ideology. And I was at Yale in the early eighties, and it was so strong in the early eighties when I was there, that was astonished. I'd never encountered it. And so, I think we need, to the extent that we have the power of the purse, to defund almost all higher education because it's not even close to what they're doing, the harm they're doing goes way beyond what we saw following October 7th. And so, I just felt that I needed to say that, that it's about the culture. But I would love any of you to respond, particularly **Seth Dillon** and **Dr. Spalding** since you work in the cultural space.

Lt Gov Patrick: We went from no lights to lots of lights. Did you want to make a comment **Dr. Spalding**? Then we'll get to our,

Dr. Spalding: I'm happy to just say at this point, that was part of the reason I mentioned America250 because I do think it's an opportunity to educate at all levels, and we have to bring the positive over and over again. We have to bring the factual over and over again. And then I'd like to hear what some more people have to say before we might continue the conversation.

Lt Gov Patrick: I'm not sure which order, but Reverend **Franklin**, did I see your light there for a minute?

Reverend Franklin Graham: Yeah, it comes on and off.

Lt Gov Patrick: That's why I wanted to get to you. I don't want to miss what you have to say.

Reverend Franklin Graham: Just to be clear, the accusations that the Jews killed Jesus, they didn't kill him. He's alive. He's not dead. His tomb is empty. But I would like to, after 9/11, Mr. Chairman, the hijackers were mostly Saudis, and they flew their airplanes into the Pentagon in the World Trade Center and in the name of Islam. So, after 9/11 Saudi Arabia to improve its image started funding on university campuses, centers for Islamic understanding or studies. And that funding has created an issue now for our country after 20 some years because those centers now

have grown, and they get money from other Gulf states that pour huge amounts of money into our universities and that has a very negative impact on our education. And its antisemitic. And so, I think maybe we need a task force to follow the money and what is that produced. But I would just dare to say that there needs to be a study as to who's been influencing our universities to turn our universities and our students to be anti-Semitic.

Lt Gov Patrick: Every now and then I hear that inner voice, God told me to call on you. He just needed that to be said. So, a great comment.

Seth Dillon: Can I make a quick comment? One of the first things you said, Jews didn't kill Jesus. He's alive. Agree with that? Yes. He lives, there were Jewish leaders who were calling for Jesus' crucifixion. There were also Jewish followers of Jesus, his disciples were Jewish. The authors of the New Testament, with the exception maybe of Luke, Acts were Jewish. So, there's two sides of that. And what does it have to do with Jews today? What guilt do they share in that? So those are I think, important points to make. One other quick comment too, if I could on in your initial question to me, you mentioned the Hamptons retreat. I think it is important for me to say something about this because nobody would've even known about this was a private retreat. The only reason that anybody knows about it is because a very prominent and loud antisemite wanted to make a big deal out of it to try to suggest that Jews were at this retreat, Zionists, maybe she would use that terminology.

Sometimes she switches back and forth. But Candace Owens was claiming that people there blackmailed Charlie to try to keep him in support of Israel, offered him a ton of money. My name was mentioned, Bill Ackman's name. People were dragged through the mud. I've received death threats, multiple death threats. One man out in Texas was arrested for threatening to kill me and my family as a result of these lies that were told about me. This is the price that you pay if you defend Israel, if you defend Jews, the people who hate them, the anti-Zionists, the anti-Semites will do everything that they can to smear and destroy you and intimidate you and try to get you to shut up and become quiet. And I would encourage other people even facing that cost, especially because there's that cost. We need to be courageous and speak out.

Lt Gov Patrick: Had your light on for a bit.

Ryan T Anderson: Yep. I guess it went off. I'm very aware of Rabbi **Soloveitchik**'s comments about not claiming to speak for an entire religion. So, I'm going to ask Father to do so because I'm not a theologian, but he is. And this follows really, I guess providentially between what Pastor **Graham** and **Seth** have just said because it's at the second Vatican Council that the church father council fathers make that exact point that Pastor **Graham** and **Seth** just made. So, I just want to read a portion of that. It says this is from *Nostra Aetate* "the Jewish authorities and those who followed their lead pressed for the death of Christ. Still, what happened in his passion cannot be charged against all the Jews without distinction then alive nor against the Jews of today. Although

the church is the new people of God, the Jews should not be presented as rejected or cursed by God as if this followed from the holy scriptures. Besides as the church has always held and holds, now, Christ underwent his passion and death freely because of the sins of men and out of infinite love in order that all may reach salvation.”

And then after Pope Benedict retired, it's unusual for Pope to retire, but he wrote an academic article that was published in *Nova et Vetera* on some of these questions. And I just want to read one section of that. He says, “from this overview, one can say that the new view of Judaism that developed after the council can be summarized in two statements. One, the theory of substitution which has hitherto determined theological reflection on this question should be rejected. This view holds that after the rejection of Jesus Christ, Israel ceased to be the bearer of the promises of God, so that it could now be called the people who were once your chosen people. Two, instead, it is more correct to speak of the never revoked covenant, a theme that was developed after the council in connection with Romans 9-11. Both of these theses, that Israel is not replaced by the church and that the covenant was never revoked are basically correct, but in many ways imprecise and need to be given further critical consideration. And then the rest of his essay gives that greater precision and theological consideration. So, I more or less open question help us better understand what is the Catholic teaching vis-a-vis the Jewish people? I know that's a big question, and you probably only have 30 seconds, but kind of wanted to help clarify things, and I thought you could do it.

Reverend Thomas Ferguson: Thanks for that confidence. As you said, first of all, I don't speak for all Catholics. We have two bishops on this commission of a greater teaching authority than I do. But I would say to the first point that's brought up about the responsibility for the death of Jesus, Reverend **Graham** is absolutely right. He's not dead, he's alive, he's risen, and that's what we believe. But I also think that really the church's understanding is as you've really quoted it from the Declaration on the Relation of the Church to Non-Christian Religions who is responsible for the death of Jesus, we would say all of us people who are sinners of every time and place, Jesus' death on the cross is not a crime that we seek to prosecute, to assign guilt to this person or that who put nails in his hands or his feet. We don't attribute his death either to the Jewish people or to Pontius Pilate.

We see Jesus's death as a sacrificial death, a death that he made in atonement as an offering for the forgiveness of the sins of every person, of every time and place. And that's how Catholics understand who is responsible for the death of Jesus on the cross. It's all of us. And I think you're absolutely right that Pope Benedict really has followed on in his own writings, not only as a pope, but as a theologian, to assist Catholic Christians, all Christians, to understand our relationship as Christians to the Jewish people. Personally, I really like the expression when we speak of our common spiritual patrimony, we come from the same father in faith and that actually is a title that Catholics use in our own Eucharistic prayer. We speak of Abraham, our father in faith, and so we really are one in a spiritual family, Christians and Jewish people.

And that's how we see ourselves, I believe as Catholics today, really seeing us sharing a great spiritual patrimony. If there's one thing, I think that's a really sign of hope or encouragement for me as a pastor on the very grassroots level, it's what we see in Catholicism today, a greater interest than ever before in learning the scriptures, understanding the Bible. I see it especially among college students in our church today. There's a tremendously flourishing ministry called FOCUS. The fellowship of Catholic University Students, Catholic students on university campuses really led primarily in the study of the Bible by young adults who are just out of college themselves. And if you are seeking to know God through understanding scriptures of the Old Testament and the New Testament, I think you will come to the conclusion that Pope Francis speaks very clearly, as I mentioned before, that you cannot be a Christian and be antisemitic because we do have the same Father and faith, our understanding of who Jesus is, is formed by the scriptures of the Torah, the prophets, the wisdom literature, the Psalms especially. So, I see that in a very positive way as a source of hope and encouragement as Catholics take seriously our responsibility to know God through knowing his word. The more we know the Word of God, the more we'll know our common patrimony in a spiritual way as members of the same family, Christians and Jews together created and saved by the same God.

Lt Gov Patrick: Members. We're going to have some very quotable comments from this the morning so far. We have one more panel after this, not on antisemitism, on debanking people of faith. So, that a little change in direction. But you said something and **Kelly** said that may be the quote of the day when you said we're all responsible. And just for me personally, I used to thank God for dying on the cross for me, but I have just as you said that I always now pray, Lord, I'm sorry you had to die for me. Sometimes, I don't feel worth it. I'm sorry you had to die for me. And so how you said that and laid that out was powerful. So, thank you for saying it and thank you for asking the question. **Ryan**, Rabbi, any other questions? **Carrie**? Rabbi, do you want to finish or do you want to close or do you want ready to speak now?

Rabbi Soloveitchik: I can speak after.

Lt Gov Patrick: Go ahead. You've been on the hold for and we'll come to you.

Rabbi Soloveitchik: I was going to say this during my later remarks, so if you'd like me to save that chairman, I'm happy to. But I did have one question.

Lt Gov Patrick: Why don't you say it now? Because the next panel is a different direction,

Rabbi Soloveitchik: Meaning do you want me to give my remarks now or how long are those? I was asked to give 10-minute remarks.

Lt Gov Patrick: We'll save that for the end because I don't want. . .

Rabbi Soloveitchik: That will be a rabbinic speech in 10 minutes will be a miracle, I assure you. Yes. Okay, so we, yeah, I did have one question. The first I wanted to express gratitude to the witnesses all of you. I hope it's okay if I single out too. First to **Leo Terrell**, I just want to express just based on my own personal experience, I think you know how much gratitude to you and love for you there is among so many in the Jewish community. So, I want to thank you for all that you do. Thank you.

Leo Terrell: Never in my life have I, never in my life, I'm just being honest, have I received so much love from the Jewish community here.

Rabbi Soloveitchik: It's genuine.

Leo Terrell: I know it's real and its unity, it's religious, it's historical. And then I went to Israel and the love there was off the charts. It was even greater, and it was that bond. I asked my chief of staff who's out there, Sarah Goldman, I said, it's unbelievable. I never experienced this. So, for you to say that I'm blessed, I'm humble, I'm honored, and I'm committed to the fight.

Rabbi Soloveitchik: Thank you. It's we who are grateful. Thank you. And to **Seth Dillon**, I want to thank you first for bringing me joy every day through your work. And second for being a courageous and fearless speaker of truth. It is strange times when some of the best truth tellers of those that run a parody news website, but that is where we are. And again, I'm profoundly grateful. And my question is for you, you refer to not only the pernicious actors that we see now in certain spheres that are on the right or right adjacent, but you also spoke about the fear that others have to call them out. Can you explain that phenomenon? Is it fear of genuine danger as you described? What happened to your family after the ravings of Candace Owens? Is it a fear of losing online influence, a quest for clicks? You work in the online world? I think you can safely say so please describe how do you understand that fear?

Seth Dillon: It's a whole host of things. There are some excuses that are given for why certain people don't speak out. They'll say, for example, oh, well I have a personal relationship with this person. I'm in friendship. Loyalty matters to me. I'm not going to call them out. And that doesn't sit very well with me just because it's not a private interpersonal matter. Usually in these cases, these are like two public figures who are friends and one of them is saying horrible things that have a negative impact on real people and our culture and our society. And so, there's a duty, I think that we have to address those things even if it comes from a friend. I think our loyalty needs to be to the truth first and foremost above everything else.

And that you're not being a good friend if you're not willing to confront them when they're going off the rails and do some dark stuff. So, friendship I think requires that honesty too. But yes, there's

a real fear there. I think they try to make an example out of me by showing they spoke. I had Tucker Carlson and Candace Owens who go on for 10 minutes about what a traitor I am, what a terrible person I am. You get those personal attacks, and those are really meant to bully and intimidate other people like, look what we did to **Seth**. You don't want to go through that. These people have way more reach and influence than I do. And so, that can be very intimidating. So, I think that's one of the reasons. But yeah, then there's also the audience capture thing that's going on. People are trying to test where the wind is blowing and see what position they should be taking on these issues.

They're afraid to come out with a certain position that might alienate some people from their audience, and so they try to stay on the sidelines and ride it out. There's just a host of things at play, but I think when we have the clarity to know really what's right and wrong and that evil is being done and said, we have a moral duty to speak out, even if that means that there's going to be some kind of a cost and whatever we're afraid of, we have to overcome that and be courageous and that courage will inspire other people. That's the thing about this kind of fear is it goes away once you see other people standing up and speaking. It's its strongest when we're all zipping our mouths shut. So, you can take that away by standing up and speaking, you can spread courage like a good infection.

Rabbi Soloveitchik: Thank you.

Lt Gov Patrick: Carrie?

Carrie Prejean Boller: Thank you. Dr. Scott Han, one of the most respected Catholic theologians. He's written over 50 books. He's a biblical scholar, professor of church history. He said this, stop carelessly labeling people Antisemites, Catholic Christianity does not in any way require you to embrace Zionism as a fulfilled prophecy. So, what I've heard today is that if you don't support Zionism, you are an antisemite. Is that your testimony today, **Seth**?

Seth Dillon: Now. I'm on the hot seat. Yeah, I don't think that someone failing to support. I guess it depends on what you mean by Zionism. There's been a conversation about that today. If Zionism is simply taken to mean the Jewish people's right to exist in their homeland, if you're actively promoting or seeking their eradication, then yes, I think that would definitely be antisemitic.

But yeah, if you're thinking of the definition more of like, well, the Bible says, yeah...

Carrie Prejean Boller: Theological

Seth Dillon: That we have to have this faithful commitment to the Jews in the right.

Carrie Prejean Boller: Theological supremacy.

Seth Dillon: You don't have to have that view. No, there can be a range of views on that.

Carrie Prejean Boller: Thank you. So, it wouldn't be antisemitic, just like Dr. Scott Han said?

Seth Dillon: No, it can be a cover for antisemitism, but it isn't, I don't think inherently antisemitic. No, of course not.

Carrie Prejean Boller: Thank you for that. And then one last thing, two things for you. One, what was the purpose of the Hamptons meeting that you had, and then two, I would really appreciate it if you would stop calling Candace Owens an antisemite. She's not an antisemite. She just doesn't support Zionism, and that really has to stop.

Seth Dillon: Okay.

Carrie Prejean Boller: Yeah. I don't know why you keep bringing her up and Tucker.

Seth Dillon: Well, because the two most famous antisemites,

Carrie Prejean Boller: There you go again. Everyone's an antisemite. Everyone's an antisemite, I guess. So, if you don't support Zionism, you just said you're not an antisemite yet Candace is an antisemite.

Seth Dillon: I think she goes far beyond not merely supporting Zionism. She calls Jews the synagogue of Satan. She denigrates anyone who she often uses the word Zionist and the word Jew interchangeably. At one point she slipped up and used the word Jew and someone said, oh, you're not saying Zionist anymore. She's like, no, gloves are off.

Carrie Prejean Boller: So, do you think saying Christ is king, is anti-Semitic?

Seth Dillon: No, Christ is king. Amen. Christ is my king. He's the king of the universe.

Carrie Prejean Boller: So that's what started the whole thing with her. Right.

Seth Dillon: But oh, my thing with her, yeah. What I explained to her, and this is what she considered this deep betrayal, was simply that the phrase "Christ is King" has been admittedly by many co-opted for the purpose of identifying with a Groyper movement and putting the Jews in their proper place to show them that they are other than, and they will use the phrase in very, very nasty context. Like I cited in my statement earlier, "Christ is king, you dirty Jew." I've had that told to me dozens of times. Do you think that that's antisemitic?

Carrie Prejean Boller: Of course. No, not the “Christ is king” part, but the “you dirty Jew.” Of course, I say Christ is king all the time. I’m not an antisemite.

Seth Dillon: Right. And I don’t think that that makes you an antisemite.

Carrie Prejean Boller: Thank you.

Seth Dillon: Talking about how the phrase can be abused. So, there’s plenty of ways to use that phrase in a certain context or paired with other sentiments that make it clear that that person doesn’t actually believe Christ is king. You can’t say “Christ is king, you dirty Jew” and call yourself a Christian. Christians worship a Jew. It’s just absurd. But no, the phrase itself, and this is what I actually said in my comments, the phrase is not antisemitic. I declare it with humility and reverence myself. It’s the abuse of the phrase. Just like when someone takes the Lord’s name in vain, you should find that objectionable as a Christian. I hope that you do. Someone saying something like that in that context to a Jewish person for the purpose of treating them as other than or excluded, or to disparage them in some way that is using the Lord’s name in an abusive manner. It’s exploiting it for political reasons or just for the sacred of promoting hatred. And I find that repulsive.

Carrie Prejean Boller: So, antisemitism to you is merely mostly speech, correct?

Seth Dillon: I didn’t say that. No, I don’t know where you got that.

Carrie Prejean Boller: But for someone to say “Christ is king” on their social media platform, would you label that an anti-Semitic? If you’re looking into the context of what they’re saying it or if they just say it, Christ is king like...

Seth Dillon: It could be have... You have to look at the context.

Carrie Prejean Boller: But I would say that’s anti-Christian if you’re analyzing why I am saying Christ is king.

Seth Dillon: No saying the phrase, Jesus Christ, is not taking the Lord’s name in vain unless you’re doing it in a certain context. Right. There’s context matters.

So going back to Candace Owens when she worked for Daily Wire, your friend Ben fired her because she said, Christ is king.

Seth Dillon: And I never said that. What she said was antisemitic.

Carrie Prejean Boller: Okay, but you’re calling her an antisemite.

Seth Dillon: Oh yes. Because she said way worse than that.

Carrie Prejean Boller: Okay. Let's move on because everyone seems to be obsessed with Candace. My last question, why were you at the Hamptons?

Seth Dillon: Just real quick...

Carrie Prejean Boller: Why were you at the Hamptons?

Seth Dillon: Do you think that anything Candace has said is antisemitic?

Carrie Prejean Boller: No, I don't.

Seth Dillon: Nothing, ever. That's interesting.

Carrie Prejean Boller: I mean, I listened to her daily.

Seth Dillon: You should look up more of her statements.

Carrie Prejean Boller: I haven't heard one thing out of her mouth that I would say is antisemitic.

Seth Dillon: Okay. If I may, could I answer the Hamptons question?

Lt Gov Patrick: You may answer. You may answer, and I encourage you to answer, but this is not an interrogation, so you don't have to answer.

Carrie Prejean Boller: I'm not interrogating him. He's a comedian. He can handle it.

Seth Dillon: Yeah, no, this is the best part of my day. The Hamptons meeting was a retreat called by Charlie. It was, I don't know if many of you're familiar with this, I'll give you a little context, but there was a claim that was made that an intervention was staged with Charlie, where people pulled him into a room in a very aggressive manner, pressured, and blackmailed him because they felt like he was straying away from his support for Israel. That was the claim. The Hamptons retreat and the Hamptons retreat was characterized that way. It was not like that. There were about 30 people there handpicked and invited by Charlie personally. He brought us there. He stood at the front of the room with a microphone throughout the thing. The theme of it was Save the West. His primary focus was on the threat of Islam, the problem of Islam. There was heated and spirited debate about the issue of Israel in the room, but it was a debate that Charlie himself initiated and he wanted to hear different perspectives on it. And so, we voiced a lot of our perspectives. One of the things that I disagreed with him on was he said that if you're not sufficiently supportive of Israel, it can be really ruinous for you in a position like his.

If you criticize Israel at all, they'll try to denigrate you and destroy you and call you names, call you anti-Semitic, et cetera, and it can ruin you. And I said, yeah, certainly that's true, but it can also be very costly to stand up to those people. And I gave the example of my own experience where I criticize the critics of Israel, and they tried to destroy me. And so, we can all whine and cry about the consequences of what might happen if we say certain things, but everybody has a right to give their opinion and say what they think. So, there was back and forth like that, but there were many people that came out and made statements afterwards that it was completely mischaracterized and that was really evil what she did to lie about a situation like that and try to portray it as though the Jews were trying to blackmail Charlie, that resulted in death threats.

Carrie Prejean Boller: She never said that.

Seth Dillon: She absolutely said that. She put my face on a movie poster for I Know What You Did Last Summer, suggesting that I had a role in his murder. I played a role in his murder. That's why someone tried to kill me in my family and got arrested in Texas.

Carrie Prejean Boller: What do you mean? Yeah, she has death threats too.

Seth Dillon: This is all imaginary to you. It's all very real to me. I experienced it.

Carrie Prejean Boller: You can't tell you that. Death threats too. I experienced experience 'em too.

Seth Dillon: Well, thank you for your questions.

Lt Gov Patrick: Yeah. But Charlie paid the price. It was more than a threat. Any other, oh, I think **Allyson**, do you have your light on? I'm sorry. It's hard for me to see you down there.

Allyson Ho: Just real briefly, **Seth**. You're right. What we are about is deadly serious in terms of protecting religious liberty. It is not just; it is existential to America. And because it is existential to America, it is existential to the world because we are the light. And I just want to thank you. You may not have any idea just how much joy you bring to a lot of us out in the field getting hammered, getting criticized, especially when you poke fun at us because it's sort of, as a person of faith, you kind of feel like you're the only person that it's fair game for people to pick on and criticize. And so, to be able to read the Bee and see just, a spot on, a joke about getting the family in the van to get to church on time, I just really wanted you to know you are playing a really important role, number one in the war of ideas, but also in encouraging and bringing joy to the fighters. And so, I just really wanted to take this opportunity to thank you.

Seth Dillon: Thank you. And I want to take this opportunity to say, it's not all me. I can't take full credit for what we do. I have amazing team of people who are very talented that keep you laughing every day. So, I mostly just stand behind them, urging them to be funnier, and they do a pretty

good job with that. But I appreciate it and I'll pass that feedback on to them because they'll be encouraged by that too. We love bringing levity into the world and getting people to laugh while also dealing with some of these serious issues.

Lt Gov Patrick: Paula?

Pastor Paula White: Yes. First off, I want to thank you all so much, **Leo**, working with you on a daily basis and what we do at the White House, White House Faith office. I was going to hold all my comments and everything to the end and hearing everyone and thanking them for their witness, their testimony, their courage, everything else. **Allyson**, I have to echo what you were going to say because that's what I was going to say. Every single day I face stories of people for their faith being extremely persecuted here in America, in atrocious ways, sitting with students from Northwestern or UCLA or Harvard, which one of us would allow a 64-year-old to be put in a choke hold and just sit there and watch 'em die. Who would do that? Who would allow these people to go in and terrorize church services, worship services where people don't feel safe?

The work that we do on the religious commission is vitally important for all people of all faiths. And keeping it in that context is a responsibility for us to make sure that we protect people for religious liberty. I know that there are people in the audience on this panel. We've given up our life to make sure that people are protected, the President. And I just want to simply say thank you all for being such champions, **Leo**. You're right. It has to go to a local level. It has to go through our school. We have to enforce every single law that we have, and we must stay focused on the reality that people are being beaten, brutalized. It's not just free speech, ostracized, threatened, and it is our great honor to be picked for this commission to make a difference and make sure in America that our founders who made it our inalienable right in the Constitution, that every single person has the right to approach God, to worship him freely. And I thank you, **Dan** and **Ben**, as our co-chairs to make sure that we make that happen. Thank you,

Lt Gov Patrick: Paula. Ryan, you want to follow up?

Ryan Anderson: Yes. Just very briefly. There was something very important that went on between **Carrie** and **Seth**'s exchange that needs to be highlighted. When she quoted Scott Hahn, he said that no Catholic is required to believe in Zionism as a fulfillment of biblical prophecy. And **Seth** agreed with that. And so, as a Religious Liberty Commission, we don't think anyone needs to think that modern day Israel is a fulfillment of biblical prophecy. That is vastly different than saying that the modern nation state of Israel does not have a right to exist. And I think we need to highlight that distinction.

Lt Gov Patrick: Dr. Ben, did you? I know you're...

Ben Carson: It's not acting right.

Lt Gov Patrick: You have to understand, I seldom look left in my life. I'm always looking right.

Dr. Carson: Well, I want to thank you four. And several of the panelists today have mentioned that it's not just a plot against Jews, but against all of us. It's a bigger plot than that. And I'm just wondering, when you look at our society today and you see people trying to drive wedges between us on the basis of race, religion, gender, wealth, you name it, they're trying to drive wedges, is this part of a bigger plot to divide and conquer? Jesus said it himself. A house divided against itself cannot stand, repeated by Abraham Lincoln. Is that what's going on?

Lt Gov Patrick: You're all free to...

Rev. Ferguson: I think two things I would say, and it's going back to our common biblical heritage. One of the things we need to address as a country more seriously is just the reality of evil and sin division is a fruit of the original sin. And it's right there in the first chapters of the Book of Genesis. We are seeing more and more, it seems to me, on different levels of government, a disunity between the laws of our land and God's law. And as that gap gets ever wider, there's going to be a greater disunity. There's a growth or an allowance for more mischief by the spirit of evil, the evil one, the devil himself. And I think that's one thing as a country we need to do part of the work of this commission is not just to identify evils, but also, I think to identify where we as religious people of all different faiths can make a contribution.

And especially Christians and Jews, we have a lot to say where we have common ground in terms of what God's law requires of us when we talk about human dignity, respect for human life and how we ought to treat people with equality. And when we can go back to that origin, that's one of the first things I think where we're going to see not only the identification of evil, but the positive good that we all can bring to our society. And the second thing I think we also need to remember is that this conflict between people of faith, again, in the early chapters of the Book of Genesis, we see brother killing brother right after the sin of Adam and Eve. We see the fratricide, and that's what we're doing to one another in this day in different ways, but we're killing ourselves the more we allow these divisions to enter into our society, whether they be based on religion or race or any other distinction, our blindness to our common humanity.

That's a part of our spiritual patrimony as Christian Jews. To go back to the first chapter of the book of Genesis and the second that everything that God created is good and that he created all of us in his image and likeness with that fundamental inalienable human dignity. If we don't get back to that, we're just going to keep going down the path that we are going, which is greater disunity rather than unity. And we have a great opportunity, I think to reclaim that unity, that spirit in this 250th anniversary of the Declaration of Independence, this country is founded its first document

in 1776, speaks of a shared belief in a common creator. That's what we have then in common. Why are we not emphasizing that Christians, Jews, other people of faith have a shared belief in a common creator who's created every single person with dignity, with inalienable rights.

And among these included our life, the right to life. We need to go back to that fundamental principle that every single human life is a gift from God because we are all created in God's image and likeness, life, liberty. That's what we're all about in the work of this commission, our first liberty being our religious liberty. So, all I'm saying is nothing that's rocket science or profound theology. I'm just saying let's go back and reread the first couple of chapters of the Bible, 1, 2, 3, and let's read the Declaration of Independence. And when we reclaim those values, we'll be on a much better path to achieving the common, a good society in our country.

Dr. Spalding: And I don't want to be the downer after that. I agree with everything that Father just said, but I want to answer your question. So, take everything that Father **Tom** just said, add in what all of you have just said on the commission. And then remember, of course, God is omni everything. So, he knew that ideology would happen. It's not as if he couldn't foresee that too, but you have to understand that that makes the evil even worse if it's possible. And I go back to Aleksandr Solzhenitsyn's famous characterization of ideology where he said, it makes Iago look like he was a little lamb. And that you have something that is so total about how it wants to break down everything that you just testified to that is based in that beautiful harmony of faith and reason that we're built on in the United States. And so, we have to be aware of that.

And that's part of the reason I was tasked to talk specifically about ideologies. And they are a problem at all levels in our schools, in our curriculum. And it means it's on us. We have to educate ourselves. We have to educate our kids. We have to educate everybody in our communities about this and then fight, fight, fight. And then that we will get to this. I mean, it's all true, but if we just think it's like the old days, then we're not going to move forward. In fact, we're going to lose. We're going to lose. So now you have to say something really upbeat again, Father.

Lt Gov Patrick: Doctor, everybody good, I'll just, we were together in Amarillo Saturday night by coincidence, both speaking, I had the privilege to introduce you as the keynote speaker. By the way, Sam Houston also said a house divided against itself cannot stand. I just want to get a plug for Sam Houston in Texas. This again, it's been a great discussion. We started on antisemitism, but we broadened the discussion, which I think has been very healthy. And I think we have gone, since you asked the question, I think we've gone beyond politics. I think the battle for America's darkness and light, and those of us who believe in the light have to understand that there are those who want to take over our country and every totalitarian government in the history of the world, the first thing you have to do is remove God and the seeds of chaos and to separate the family, to separate us as people where we can't even have Thanksgiving together with someone who supports another candidate.

They're working hard every day. And to take over a country, you get rid of God, you take over the education, you take over the messenger. Do we have any question about the messages we see every day? And so, it's darkness and light that we're battling. It's not even Republican and Democrat or some independent party. It's darkness and light. And we, as **Seth** said, if we're not willing to stand up for the light and call out the darkness and you said Dr. **Spalding**, then we lose. And **Seth**, everybody again, everybody's been threatened, people around here more than myself, but the fact that you put yourself really out there every day, you sacrifice everything you have as well as your life being on the line. We all do that from time to time, but you do it every day. So, I've such great respect. I've never met you before. I just thought you're a wisecracking guy behind the Babylon Bee, but your testimony has been excellent and the answers to your questions, I want to dismiss this panel. Thank you so much. Thank you so, so much.

Lt Gov Patrick: We'd asked Rabbi if he wanted to conclude on this, and we won't be taking questions or comments on what he says. It's just a conclusion here at the end of this panel as we transition to the debanking issue. And that will be our last panel, and we may be a little past 1:30, but we'll be close depending on how many questions we have for the final panel. Rabbi.

Rabbi Soloveitchik: Thank you, Chairman **Patrick**. And before I begin, I just want to note that I know personally how seriously you take the subject we met to discuss today. And I just want to say how much that means to me and thank you for your leadership. I've been asked by the commission to speak briefly about how the early history of the Jews in America relates to our own moment. It's a topic near and dear to my heart, a subject of my writings and which I draw today and personal to me because my own synagogue is the oldest Jewish congregation in the United States. We don't like to talk about that, except pretty much every day, its members served in the revolution and experienced the warm embrace of the founders. But in speaking about the topic of Jews in America and early America, I want to begin by quoting a non-American, which is the late British Chief Rabbi Jonathan Sacks, who described how as a young man, he first visited Washington DC and he was struck by the memorials, Lincoln Memorial, Jefferson Memorial, which as he saw contained not only images of these men, but also etched and stoned their words, the ideas with which they left us, The Declaration, Gettysburg Address.

And Sacks reflected that if you go to London, you don't see anything like this. They have a lot of memorials, but no words. The memorial for David Lloyd George has three words on it: David, Lloyd, and George. The statue of Churchill has only one word, Churchill. Now words were kind of important for Churchill. So why the difference? The reason Rabbi Sacks said, and I'm paraphrasing him, is that England was until recently a "class-based society." Those who belong know those who need to ask show thereby that they don't belong. American society is different. Rabbi Sacks reflected, because from the pilgrim fathers onwards, it was based on the concept of covenant and set on the Hebrew Bible, especially in Exodus and Deuteronomy. So, Rabbi Sacks

said, and the point is that covenant is a political compact in Hebrew breach that is about more than self-interest. It's done in dedication to a creed, binding parties thereby and responsibility to one another.

But in the presence of God, America came to understand itself as a covenantal people bound to a creed united by God amidst their differences. Thus, in support of this declaration with a firm reliance on divine providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor. It's only with the covenantal nature of America in mind that we can appreciate simultaneously the unique role that faith played and plays in our country, and the unique way in which Jews were welcomed in the United States. Thus, on July 4th, 1788, a parade was held in Philadelphia to celebrate the state's ratification of the Constitution. One witness, the physician and signer of the declaration, the Christian devout Christian Benjamin Rush, described the prominent place that Christian clergy played in the procession and their presence, as he wrote, manifested by their attendance, their sense of the connection between religion and good government.

But he also added that pains were taken to connect ministers of the most dissimilar religious principles together. In other words, to highlight unity amidst religious difference. And then Rush tells us that one of the clergy in the parade wasn't Christian. These are his words. "The Rabbi of the Jews locked in the arms of two ministers of the gospel was a most delightful sight. There could not have been a more happy emblem contrived of that section of the new Constitution, which opens all its power and offices alike, not only to every sect of Christian, but to worthy men of every religion." Thus, the new constitutional order did not demand a public square scrub to faith. The clergy marched to arm in arm rabbi and minister in a parade unimaginable anywhere else on earth in 1788 or in 1888. Faith and freedom were civically celebrated together, each reinforcing each other, or if you will, a rabbi and a minister.

March in a parade is not the opening of a joke. It's not what it is. It is instead a description of an event that marked the advent of a wholly new approach to the role of religion and society, a covenantal people of religious difference, but united all the same in dedication to the American creed. Soon after this parade, Washington was inaugurated in 1789, leaders from various minority faith communities in America, each sent a letter of congratulations to the President. Catholics came together, all sent them one letter. Baptist came together and sent Washington one letter. Quakers came together and sent Washington one letter. The Jews in America could not really agree who would send the letter. So, they ended up sending him three letters. There's maybe a thousand Jews in America, three letters. And thank God, because Washington wrote a response to each one. He was a gentleman, and they're splendid.

And I'll just briefly cite two of the three. The first was to the Jews of Savannah, which concluded with a biblical illusion. Washington wrote, "made the same wonder working deity who long since delivering the Hebrews from their Egyptian oppressors, planted them in the promised land, whose providential agency has lately been conspicuous in establishing these United States as an independent nation, still continue to water them with the dews of heaven and to make the inhabitants of every denomination participate in the temporal and spiritual blessings of that people whose God is." And then Washington concluded with God's Hebrew name, which traditional Jews don't pronounce. So, what Washington tells the Jews is that he sees the tale of the Exodus and of America as parallel to each other. And he's expressing that the Jews were to be welcomed in America, yes, because the ideals of equality. But Washington is also making sure to emphasize the way in which the Jewish scriptural story inspired the exceptional covenantal nature of America itself.

Two months later, Washington visited Newport, Rhode Island and drawing on the letter he received from Newport, he responded with what has now become a famous passage Washington wrote, "It is no more that toleration is spoken of as if it was by the indulgence of one class of people that another enjoyed the exercise of their inherent natural rights. For happily the government of the United States, which gives the bigotry no sanction to persecution, no assistance requires only that they who live under its protection should demean themselves as good citizens." So, if Jews in America never experienced the horrors that Jews encountered on the European continent, it was in part because this country's founders embraced its Jews from the beginning and decried Jew hatred as un-American. Then in this letter, Washington again concluded with a biblical illusion, his favorite Bible verse from the book of Micah, he wrote, "may the children of the stock of Abraham who dwell on this land continue to merit and enjoy the goodwill of the other inhabitants while everyone shall sit in safety under his own vine and victory.

And there shall be none to make him afraid." Needless to say, nothing like this had been written in Europe by a head of state. A friend of mine, Chris Scalia, son of the late Justice Scalia, told me that his father loved this letter, not because he was Jewish, because of course he wasn't, but because it reflected for the late justice something larger about America. In fact, Justice Scalia quoted it a month after he became the first American of Italian descent to be elevated to the Supreme Court. And he quoted it in a speech to Italian Americans, not to Jews. And he was seeking to express to them how being American means embracing what America stands for. And you can come here from anywhere on earth and embrace what America stands for, whether you come from Jewish communities around the world to America, or you came from Italy and then Washington.

In other words, America is a covenantal nation. And then Scalia said, "if you do not believe that, you need look no further than the actions of the greatest American of them all. The father of our country, George Washington, during his first term in office as President Washington, wrote a letter

that is a model of Americanism addressed to the Hebrew congregation of Newport, Rhode Island. This blue-blooded aristocratic Virginian assured that small community that his administration, his country, would brook no discrimination against that small and politically impotent community. And that the children of Abraham, as he put it, were welcome in this country to live in peace and never to have fear.” So, Scalia said, but the hard truth is that this has not been a couple of years in which the children of Abraham in America have lived in peace without fear. And the story I tell the point Scalia made about the way in which the Jews found a home in America actually illustrates the unique nature of America for all of us.

And this is important because the hatred that we are seeing is not really only about the Jews, the mobs and college quads blocking Jewish access to classes. They’re not patriotically holding up American flags as they do so, they hate America and the West in general. Further, the frenzied conspiratorial comments about Jews that we now find on parts of the right to which Seth Dylan referred also go hand in hand with utterly unfounded revisionism about American history. Just as we’ve been seeing that already in a different form on the woke left, thus we hear from the woke left the revolution that the American founding was itself evil. And we hear from other circles, few on the right saying that the American campaign in World War II was immoral. Each is an attempt to take moments that America expanded liberty for the world and to denigrate it, the Jewish story in America is linked to the exceptional nature of America and that’s precisely why it is hated.

What this means then is that Jewish hatred is not only about the Jews, it concerns all those who care about the uniqueness of this nation. David McCullen, his biography of Harry Truman describes how Harry Truman was presiding over the Senate and then went to I think his card game and he was suddenly summoned to the White House, and he sees Eleanor Roosevelt sitting there and Eleanor Roosevelt says to him, Harry, the president is dead. And he didn’t really realize in the moment I think what it meant for him. So, he said, is there anything I can do for you? And she said, is there anything we could do for you because you are the one who’s in trouble. Now, past couple of years I’ve heard from religious leaders, from political leaders, people that have reached out to me from various faith communities in America, and what they have said is, is there anything we can do for you?

It is so, so appreciated. As I expressed to **Leo Terrell**, it is so appreciated. But what I also want to say is that we, all of us, all Americans are the ones who are in trouble if this is allowed to fester because at its core is a hatred of America and American exceptionalism, which is why it’s so meaningful that we meet today to seek to preserve the exceptional nature of America, an exceptional nature, which was herald in a parade over two centuries ago. A parade featuring ministers of the Gospel and a rabbi walking arm in arm, celebrating the precious meaning of the newborn United States. A wonder that we shall celebrate on its 250th birthday this year and whose

exceptional covenant will please God, be defended, protected, and preserved for many years to come? Thank you for having me.

First Amendment Rights of Employers and Employees; De-Banking

Lt Gov Patrick: Thank you, Rabbi. Our last panel on debanking. Ambassador **Sam Brownback**, **Lacey Smith** and **Hermione Susana**. I believe it's **Hermione Susana**. I did the best I could. That's

Is that the way I say it? Like Hermione Gingold who used to be in, Yes, that's what she got the name. Yes. I don't know what she did, but I know once upon a time she was on TCM in some movie and there we go. Ambassador. Great to have you. Thank you. We talked when we were forming this commission. Do you remember?

Ambassador Brownback: I do remember that.

Lt Gov Patrick: Well, that was almost a year ago. I reached out to you because you've been involved in a similar exercise and wanted your guidance. You're our lead witness.

Ambassador Sam Brownback

Ambassador Brownback: Thank you very much and it's a pleasure to join you and I want to thank everybody that's serving on this panel. This is, I just think critically important because what you're seeing take place, it's really this effort to suffocate people of faith in the public square. And we'll talk specifically about debanking here, but I think just as a context to set it, it's really an effort to try to take people generally associated with traditional values and just make it hard for them to operate in the Body Politic America, you've got a great lawyer here. We're winning all these law cases when they go up to the Supreme Court and keep running. We need more of 'em to get up there, but you got to bring it back down into the culture and you got to get into the legislative process. In my estimation, for these to be a reality for the everyday person to happen. I remember at one point in time having a conversation with one of the Supreme Court justices, and I was just talking with them and I was interested in religious freedom and I asked him, I said, are we going to have religious freedom in America? And he said, yes you will in the law. I'm not sure you'll have it in the culture.

I thought that's accurate. What this effort is, I think really is to try to get it broader to the culture, to the people. I think that's critically important. Our case is a really pretty straightforward one. I'd worked on international religious freedom cases for a long time both in the Senate and as ambassador for international religious freedom. And then I started seeing more and more. We were seeing the same sort of things happening internationally creeping into here with these really attacks on people of faith. You weren't being thrown in jail as much. You weren't being communal

violence, but you were being suffocated. You were being debanked, deplatformed, deinsured, these sort of things is what was regularly happening. So, we formed the National Committee for Religious Freedom, bipartisan to advocate for religious freedom for all Americans all the time. Pretty simple, right? Opened our business, opened the checking account, and here was my first big mistake. We did it on April 15th, 2022, just should never do anything on April 15th.

Then I go in to put some funds in the account because I'm starting it, and I'm putting in some funds to get this started on May 19th in a local branch in Kansas. We opened it here in DC. We wanted a national bank to be able to work with, and I go to the counter there in the suburban Kansas City and the lady looks at this computer screen and she says, I'm sorry that account has been closed. The note here on the screen says it's been done at the corporate office. It was explained the decision was final and non-revocable, and they weren't supposed to say anything more to me. That was in Kansas that I get. What did we do? What happened here? So, this is 34 days after we had opened the account here in Washington DC. Well, as God would have it, our executive director had previously worked for Chase Bank before he came to us.

And so, he knew kind of how to get into the system and ask what's going on here? So, we made a bunch of requests, they weren't answering it and then finally on June 8th, we got ahold of somebody there. They said, well, okay, we will reconsider provided you disclose all your donors, provide a list of intended fund recipients and full details of how the NCRF will select pro-religious freedom candidates to support. And I haven't practiced law in a long time, but I'm going, you can't do this. Ask those sorts of things of us, of which she later said that was patently false. But we had transcribed, we had recorded the conversation so we have a transcript of this conversation we can provide to you. I then was reached out to by a former staff member of mine that was now working for Chase Bank here. I'd been in the Senate and this staff member had transitioned, I presume he was doing very well financially, and he's now working for Chase Bank and he said, hey, it was just bad customer service. Everything's going to be all right and I'm going, what's not all right?

But he did put us in touch with somebody on up the stream and then they started saying, well, we were concerned that something you said when you opened the account triggered us thinking that there might be some money laundering or domestic terrorism issues involved here, and I've had top secret clearance for 20 years. I don't think that's probably the right answer, that's true. And then they said, well, you didn't fill our forms out. And I said, well, you're supposed to give us a standard of 60 days to provide all the information you want. And you gave us 34. Multiple occasions, we asked be responsible person at Chase. We got an email from the CCO Patricia Wexler on November 9th, and we were asking for a phone call with them that we could record and they said they wanted to avoid a phone call that we could record.

Alright. Then they said on November 9th that the account was closed because of a heightened consumer risk profile triggered by my involvement because I was, they had designated me as a politically exposed person. Now, okay, I'm politically exposed. I confess this, I've been in Congress, the Senate, Governor, I'm politically exposed, but that is actually a legal term of art that applies only to foreign elected officials and not to domestic elected officials. So that one didn't work either. We'd put a shareholder resolution up to the JP Morgan Chase annual shareholders, to which the CEO, Jamie Diamond said, "no apologies are necessary. No corrective action is necessary." A point he later in February 13th, 2025 in meeting with Republican members of the Senate Banking Committee said, well, we don't debank people because of political religious affiliation, but there are a lot of things that can be fixed. We should fix them.

The rules and requirements are so onerous and it does cause people to be debanked. In my opinion, we should not be debanked. So, we're back and forth a little bit there as well. You've had a long day. I want to, this still isn't resolved. I've had five different reasons. I still don't know why. I think Chase really ought to go internally and figure out why did this happen and prevent this from happening in the future. They have made some changes in their process of what they've put on forward. My suggestions to you though are that this is something that has been fairly rampant. When we went public with ours, I got contacted by somewhere between 10 to 20 other groups that had been debanked, deplatformed, but most of 'em were debanked. They were generally religiously affiliated or groups that this had happened to, and they said they had not gone public because they went and found another bank and we did too.

We went out and found Bank of America, took us, we've not had any problem with Bank of America, but they didn't want to go public because they thought it would hurt their fundraising. It would make it more difficult. It was another barrier they were going to have to break through. I was going, this is the very reason we formed the NCRF, so you wouldn't have these sort of barriers to break through in the first place. Why should somebody, because they have values that may not be in the cultural mainstream at the present time, have any barriers? We are enriched as a society because we have people like that. We have Amish in our state that I think God bless 'em, they're absolutely wonderful people. I don't operate as an Amish person. The Orthodox Jewish community I think is an absolute fabulous addition to the American society, an important piece of it. I'm not orthodox Jewish, but we are enriched because we have it. We should make it easy and accommodate their working in the society, not make it harder. So, my recommendation, just real briefly, Tennessee has passed a bill on a transparency law that on major banks that they would have to provide transparent rules as to why they debank somebody. It applies to banks of over a hundred billion in size. Also, Idaho and Florida has done something similar in this. I think you should try to codify President Trump's executive order 14331, the Guaranteed Fair Banking for All Americans. It's one thing to do an executive order. It's very important, it's key to do that. But if it's just an executive order, we all know that doesn't necessarily last in the next administration. That should be tried to be codified. And if nothing else at this point in time, I would try to get it an appropriations bill to where it's an annual issue, but still, you could get it through getting over

that 60-vote threshold in the Senate, it's just really tough to be able to do. But you could get it in appropriation bills, particularly with this Speaker of the House who is a religious freedom lawyer. Brilliant, wonderful man, and ask him and said, we would like some of these put in appropriations bills to move this forward. And then finally, this isn't debanking, but I run a monthly meeting of the National Council for Religious Freedom and we get religious freedom activist on that call each month and anybody in the audience wants to join it, get ahold of me or you can get ahold of it.

We are seeing people, de-insuranced, deplatformed, can't get accreditation for colleges. They'll comment on this, can't use multi-listing as a real estate agent because they were an outspoken person of faith. Put something forward. Can't get funds from community foundations because they're affiliated with a pro-life group. We've had those specific items all brought up on this call by various individuals, and it's more than debanking. It's a cultural issue, needs to be gone out broadly, but you can get at this debanking and I think particularly through the transparency route. Mr. Chairman, thank you.

Lt Gov Patrick: Thank you, Ambassador, Senator, Governor, and if I was just listening here thinking if that can happen to you, think about the average person on the street that has no chance. No chance. No chance. **Hermione**, who's next? **Lacey**. **Lacey**, go ahead. I'm sorry. I didn't look at my list. I couldn't see the name card.

Lacey Smith

Lacey Smith: That's all right. Well, good afternoon. It's an honor to be here. Thank you for everything. It's definitely going to be a story that passes on to my great grandchildren and beyond. So, I used to be a flight attendant for Alaska Airlines. It was a job that I absolutely loved. As a flight attendant, I was able to share life with so many from hurts to loss to celebrations and wins. I once worked a flight where we were simultaneously taking a grieving family who was transporting their recently deceased mother to her home and final resting place alongside a fraternity on their right to spring break in Cabo. So as a Christian, I was able to use those brief moments on the plane to serve and love others the best that I could. I enjoyed the diversity I encountered daily from the people on the plane to the circumstances to my coworkers, and I particularly loved Alaska Airlines because for years it had encouraged a culture of open communication.

But unfortunately, all that has changed. In February of 2021, Alaska posted an article on their internal message board, which was titled Alaska Supports the Equality Act. So, the Equality Act was proposed legislation about sexual orientation, gender identity, and religious freedom that did not pass. But after reading the article, which is private to employees and not visible to customers or the public, there was a button that invited us as employees to be able to submit a comment. So being a conservative Christian, I had concerns about what Alaska's support for the act meant for me and as an employee. So, I asked the question as a company, do you think it's possible to regulate morality? And that one simple question got me fired. So shortly after posting the question, Alaska took me off all of my scheduled trips and called me in for an investigative meeting. They were very elusive about the details surrounding the meeting and informed me that I was to speak to no one about it.

It was incredibly isolating and intimidating in the initial meeting and throughout the entirety of the termination process, which took about two months of my life. I repeatedly explained that I'm opposed to discrimination, but there were things that I disagreed with about the Equality Act. However, Alaska fired me explaining in my notice of discharge that "defining gender identity or sexual orientation as a moral issue is a discriminatory statement." So, this confirmed to me that I was being targeted because of my religious beliefs about morality. I later learned that another flight attendant named Marley Brown was terminated at the same time. She also had posted concerns about how the Equality Act would impact people of faith and about the safety and privacy of women in girls in women's spaces. Alaska called both of our comments hateful, discriminatory, and offensive. They said that it was discriminatory to use the term opposite sex because that implied that there were only two sexes.

Both Marley and I had great relationships with all of our coworkers regardless of their beliefs and background. But that didn't matter. I knew that what had happened to me wasn't right. Companies can't fire religious employees simply for asking questions stemming from their religious beliefs. That's why I'm so very thankful that God led me to First Liberty Institute who agreed to represent both me and my former coworker, Marley. It's with this lawsuit that I found even more detail about the extent of the religious discrimination and the hostility towards people of faith displayed both by Alaska Airlines and then also my union, the Association of Flight Attendants. So, the union who was supposed to protect me in cases of discrimination with Alaska had been in contact with the airlines from the very beginning, encouraging and expressing support from my termination. The union president reported our comments complaining to the airline about our religious beliefs not being inclusive and in those communications between the company and the union, the union president said that he hated me. And another union representative quoted, "can we please get somebody to shut down comments or put Marley and Lacey in a burlap bag and drop them in a well?"

Alaska Airlines was also hostile towards our religious beliefs. One of Alaska Airlines lawyers wrote, "we should stay away from everyone has the right to have their own beliefs in this case, because the belief is actually discrimination, employees actually do not have the right to believe that L-G-B-T-Q rights are immoral." When my supervisor was asked where employees would be allowed to mention moral beliefs supposed to the LGBTQ plus activity, she responded "at home without any other employees being there to hear it. That would be okay." Alaska's Airlines hostility towards my religious beliefs was particularly surprising because of its old reputation as a faith-friendly airline. For over 30 years, Alaska Airlines included a prayer card with a verse from Psalms with each meal card, we've got examples. Here it reads, "I will praise God's name and song and glorify him with Thanksgiving." Psalm 69:30. The airlines stopped that practice in 2012 right before I started there in 2014, but it was the openness to faith as one of the first things that drew me to Alaska. So, as you can imagine, I was fired. My life was entirely upended. I was uncertain of the future and doubting myself. I wondered if speaking up on behalf of my own moral conscience had even been worth it. I'd only lost my income and my health insurance. I lost a job I loved.

I'm just really hydrated. It just comes at all places.

I lost my security, and I lost my future. One reason,

Get it together. One reason I took the job as a flight attendant was that I have siblings who live overseas. So, losing my job meant that I also lost the ability to stay as connected with them. My husband and I had dreams of traveling, sorry, once we had kids, but we lost that dream too. I felt

bullied and hated by a company that told me that they value diversity. And yet when I expressed even a whisper of my own religious beliefs, I was fired. And then because of the uncertainty of our financial situation, my husband and I felt compelled to move across country to a more fiscally affordable area, leaving friends and family behind and having to start all over in a new area. So, I'm hoping that as people hear my story, they understand the need and importance of protecting the rights of employees to respectfully share their religious and moral opinions in the workplace. Otherwise, religious employees and even respectful conversation about religion in the workplace might go the way that Alaska's prayer cards did and just simply disappeared.

Fortunately, we do have Title VII, which was brought up of the Civil Rights Act, which protects us against religious discrimination in the workplace. However, many do not know their rights and are bullied into silencing their moral conscious in an attempt to hold to their jobs and security. But I go back to what founding father Benjamin Franklin said. "Those who give up essential liberty in an attempt to secure safety will surely result in the loss of both." So, thank you for the time to hear my story. I hope it sheds light on both understanding our religious protections in the workplace and also in reinforcing the importance of protecting those rights of employees to respectfully share their religious and moral opinions in the workplace. I'll end with a favorite quote by another founding father, John Jay. "By knowing their rights, they will sooner perceive when they're violated and be the better prepared to defend and assert them." Thank you.

Lt Gov Patrick:

Thank you, **Lacey**. Their loss, its Alaskans airline, their loss. I know you suffered, but they're the big loser because they lost you. **Hermione**. Now.

Hermione Susana

Hermione Susana: Good afternoon. I love this woman here, my true warrior. God put us together. I thank the commission for this opportunity to speak and share my story of religious discrimination in the private sector. I still remember the joy of serving fans at Madison Square Garden, chatting with families, sharing laughs over game nights, feeling part of something bigger. That joy turned to heartbreak when my deeply held religious convictions about the sanctity of life as a Catholic made me unable to comply with the vaccine mandate. In March, 2020, during the COVID-19 outbreak, I was a seasonal hospitality server at three New York City venues. All three shut down for guests and most staff for nearly a year. For in February, 2021, venues reopened with strict restrictions. I was among the few who quickly returned and during daily COVID-19 testing and guidelines to help reopen at 10% capacity initially building up to a hundred percent by spring.

As a tip employee, I often made less than I would have if I stayed home and collected unemployment plus stimulus checks. But I was eager to work. In May, 2021 Madison Square Garden announced a vaccine mandate be vaccinated by July or request a religious or medical accommodation. I submitted a detailed religious accommodation request on time as a union member with Unite Here Local 100, but it was denied. My religious accommodation clearly stated my Catholic's beliefs with supporting information and references on the church's clear teaching on the sanctity of life and how the three vaccines violated my beliefs.

My body is a temple of the Holy Spirit and I could not in good conscience inject something I believe violated thy sacred trust. A conviction rooted in prayer and scripture that I hold sincerely. The union afforded me that every religious accommodation request to Madison Square Garden was rejected, but a templated response. The company then stated that unvaccinated employees were resigning and removed our ability to work. I quickly responded that I was not resigning, but my response was ignored. The company never formally terminated me or others like me, but locked us out of the scheduling system and no longer responded. The union promised to file grievances but did not. This was my first religious freedom violation.

Worst came in August, 2021 when New York City's Key to NYC mandate required vaccination for private sector employees at indoor venues by September 13. Because of this, I was unable to work at the Barclay Center. That mandate was especially discriminatory. It exempted non-resident performers, athletes, and their staff, people in the same buildings where I worked. Yet, employees like me with sincere religious objections were barred while unvaccinated athletes and artists and their entourages were allowed in. I watched as unvaccinated professional athletes and performers entered the same arena where I was barred. Madison Square Garden even advocated for those exemptions after rejecting ours. My last venue was Yankee Stadium where an outdoor area allowed me to continue working briefly. The onslaught of discrimination and persecution at this point only

increased because of an emergency executive order was issued by New York City officials in December, 2021 with even tighter restrictions. Subsequently, I lost my job at Yankee Stadium. My employer did not offer us a religious accommodation.

As a resident in New York City, I faced consumer discrimination from the vaccine restrictions. From September, 2021, unvaccinated people could not enter indoor restaurants, theaters, or venues. No religious exemption applied there. For my Jewish brethren, this invoked painful historical echoes of exclusion based on not having papers. Officials ignored religious sensitivities for months while exemptions for performers and athletes continued. By January, 2022, I had lost all three jobs where I had worked for over a decade, my apartment and stability. I had no choice but to leave the state, moving to Georgia to live with my dad. In March, 2022, New York City officials lifted vaccine requirements for patrons and gave exemptions to resident athletes and performers where I worked, but did not give those exemptions for workers like me. We were demonized and ostracized for upholding constitutional religious freedom. I continue fighting with emails and letters to union and employers. I also filed charges with the NLRB. I found out after the deadline that the EEOC could have represented me. It was impossible for me and other private sector employees to fight a very long, expensive legal battle.

For example, to this day, cases that unvaccinated public sector New York City workers won years ago are still held and tied up in appellate courts. The city dropped its private sector mandates on November 1st, 2022. I returned to the Barclay Center that same month. It took over a year to return to Yankee Stadium. Unfortunately, Madison Square Garden never brought us back. I still endure the financial burdens for my decision. For example, I do not have health insurance, and I'm unable to obtain affordable housing due to the permanent loss of income from losing my third job when the mandates were in place, I did not want to give into the temptation of obtaining false vaccination documentation to work because as an American, I have the right to my religious accommodation. Under the law, our laws protect our religious freedom, and it should be fought for despite the cost I and other workers in New York City like me have permanently lost jobs, homes, full pensions, scholarships, medical benefits, and more. Our 401k savings and other assets have been depleted and debt skyrocketed with little to no justice in pursuit of our religious freedom. Despite the pain, my faith sustains me, and it still does.

I share this not just for myself, but for every believer facing similar choices today and tomorrow. Religious liberty must never cost a person's livelihood, home, or dignity in America. Thank you, thank you.

Question and Answer

Lt Gov Patrick: Thank you. Questions from the panel? Questions from the panel for our witnesses? **Carrie:**

Carrie Prejean Boller: Oh, go ahead, **Kelly**. No,

Kelly Shackelford: No, go ahead. Go first.

Carrie Prejean Boller: Okay. Wow, your story is really sad. This should never happen in America. Next month we're going to have a hearing on this issue, religious liberty and healthcare. And I'm sure we're going to hear from people like you who were denied religious exemptions. There's children that are denied religious exemptions to attend school. Discrimination is rampant. Just because you don't receive an injection, it's wrong. And it's un-American, and so I will say that publicly. What can we recommend to the president? The damage has already been done, but what can we do? Your story is so sad, it's heartbreaking. It should never have happened to you. Hearing you say that you've lost your home, you've lost your jobs, your life was in shambles, I'm sure, because of this. And for so many people, they just want us to move on. I promise you; we're not going to move on from this. Yeah,

Hermione Susana: Thank you so much. I think that that's the sentiment. Just move on. One is that first of all, people like myself, we don't have any legal means because one of the things I kind of noted was the EEOC. So, since I'm a union employee, and this is in all fairness to them, I'm supposed to go to my union and get my legal battles fought. They didn't even file a grievance. Contractually, they're supposed to negotiate on my behalf. They never did that. So Local 100 represents me in all three jobs. So, that was never done. And for others, I mean, my case is hard, but there are even people in New York City, which is harder. But a good example is that we have a lot of cases, especially with the city workers, that the sanitation workers won in 2022, still held up in appellate courts in New York City.

So, I mean, we do have some great cases that are being won nationwide, but in New York City, it's like we are forgotten. We really don't know who to go to and who to turn to. So, I'm so grateful you do not understand to be on this commission, not only for myself, but for all of us in New York City because we don't have a place to turn. Even the reinstatements that they promised our city workers in December of 2025, it's still being held up. There's a difference of it being rehired in a reinstatement because your pension is associated with it. So, it's a great evil that we still continue to this day. We are going through this. So, I just want to just say that if

Ambassador Brownback: I could quickly respond to that; I think one of the keys here would be to create private causes of action. The left has done this brilliantly for years where you create the

private causes of action so that people can pursue things in their own, not just the government. And we should really look at this area of law to create private causes of action so that people like you, **Susana**, can pursue that and have lawyers there to advocate for ‘em.

Kelly Shackelford: Yeah, the Title VII actually covers this. So, you can, and every lawsuit we filed for a refusal of religious exemption, we’ve won all over the country. So, it just shouldn’t happen. And it happened to so many people and so many people didn’t know that they had the ability to do anything about it, and they just had such damage. I thank you for telling your story. And **Lacey**, thank you for standing up. I think your case is going to affect a lot of people who work in this country. When the company says internally, we want your feedback, and then you give Christian feedback and they fire you, you can’t do that in this country. So, thank you. And then Ambassador **Brownback**, do you know what? Is the law not able to get through on debanking in the federal? Is it the 60-vote margin? There are not enough support. So, if we put a recommendation in here to pass the law to stop debanking based upon discrimination against religion or those type of things, is there not enough votes in Congress now? Have you had experience as you’re looking at this issue?

Ambassador Brownback: Yeah, I don’t know how you’d get it through right now in that 60-vote threshold in the Senate, other than tailored in narrow and put it in an appropriations bill so you could get an annual bill that’s got a pass and make it a key negotiating thing. A number in the pro-life movement. Earlier, the bills, the early bills we got were annual riders on an appropriations bill, and then you got a vehicle that you can get it through with. But I had narrow focus and you got a speaker of the house that would be, I think very favorably disposed towards doing something like that. Thank you.

Lt Gov Patrick: I thank you ambassador. And I didn’t look to my left.

Dr. Carson: It wasn’t your fault. This thing goes off after five minutes. First of all, Ambassador, Senator, Congressman, Governor **Brownback**, thank you for the many years that you’ve dedicated to those who are affected by things like this. And for you two ladies, what you’ve gone through, I just want to make you aware that there are some private sector remedies for debanking. For instance, the O’ Glory Bank was established exactly for that reason is growing very rapidly. And full disclosure, I was one of the founders of that bank, but there was a reason that we get involved in these things. And that’s really going to be the answer I think to all of these things, is we all have spheres of influence. And if we fight, I think we will win

Lt Gov Patrick: To **Lacey** and **Hermione**. We’ve had a lot of testimony similar to yours. Fact had a Navy Seal on our last hearing because of the vaccination for religious reasons, he was basically dismissed and lost his pension and his healthcare. But if someone said it was for a medical reason, they were allowed to continue. It’s the money loss is hard. But I think what’s hard is we always hear how much people love their job. And when you take away somebody’s love of what

they do, I can tell **Hermione**, you loved to walk through those stands. You love to interact with the fans. I can just tell. And you loved your passengers. You helped that one. You loved your passengers. That's even more cruel than taking away your money. So, thank you for having your courage and thank you for coming today. You are dismissed. Thank you, members. This wraps up our hearing. Our next hearing is March 16th, back here at the museum, and this has been an incredible day. Thank you for your patience and all the time you put in today and listening closely and great questions. And I appreciate y'all. We are dismissed until March 16th. Thank you. Thank you all for coming.



Presidential Religious Liberty Commission

Sixth Hearing Transcript

March 16, 2026

Museum of the Bible

Washington, D.C.

Sixth Hearing

Introductions

Mary Margaret Bush:

The Religious Liberty Commission. My name is Mary Margaret Bush. I'm the commission's Director and Designated Federal Officer, and it's my pleasure to announce the opening of our proceedings today and introduce our chairman, Lieutenant Governor of Texas **Dan Patrick**.

Lt. Gov. Dan Patrick:

Thank you, Mary. Good morning, everyone. Thank you for coming. We have a few people who are delayed because of weather and a canceled flight and a delayed flight, so hopefully they'll join us a little bit later. Great to have you with us. I've asked Reverend **Franklin Graham** to open us up.

Rev. Franklin Graham:

Let us pray. Oh, heavenly Father, we come today to pray for our nation, for our President, for all of our men and women who are serving in the military, watch over and protect them, we pray,

Father. And Father, as this commission, we thank you for our leadership, for our chairman. Father, we pray as this commission does this work that you'll use the findings of this commission to strengthen our nation to strengthen religious freedom. And so, Father, we praise you today that we live in a country where we can have a commission like this. Father, we ask for your help. We ask for your wisdom, and we thank you and we give you the praise. We give you all honor and all glory. And we pray this in the name of your Son, my Lord, and Savior Jesus Christ. Amen. Amen.

Lt. Gov Patrick: Amen. Thank you, Reverend. As often happens we open our hearings with a five-to-10-minute opening with someone from the government. We've been blessed to have the President here to one of our hearings, and today we have Assistant Secretary for Health and Human Services, **Brian Christine. Brian**, welcome, sir.

Asst. Sec. Brian Christine

Asst. Sec. Christine: Good morning.

Members of the Religious Liberty Commission, distinguished speakers, healthcare professionals, leaders of Faith, and defenders of Freedom, it is a privilege and an honor to stand before you today for this important hearing on religious liberty and healthcare. President Trump established this commission in May of 2025 with a clear directive to examine the foundations of religious liberty in America, to identify current threats to that liberty, to develop strategies to preserve and strengthen its protections for all Americans. Religion and liberty are foundational to our beloved republic. They're not competing loyalties, but complimentary callings and have been since our republic's Genesis. Alexis de Tocqueville, during his 1831 Trip to America, astutely observed that Americans combine the notions of Christianity and of liberty so intimately in their minds that it is impossible to make them conceive the one without the other. Now, this unorthodox approach has not only made us the most enlightened and free nation to ever exist, but acts as the unifying principle and steadfast idea that binds each element of the Great American experiment into a single sacred and purposeful aim.

It is our golden thread that stitched the 13 colonies together, and it is woven throughout our republic's existence. But for the Greeks, it was Homer's *Odyssey* that animated their ideals through generations. For the Romans, it was the legend of Romulus and Remus that defined the culture that they would create. But for us, the United States of America, our thread is neither epic nor myth. It's far greater. It is the enduring providence of our Creator who delivered a people from tyranny into liberty, guided 13 colonies from the swamps to the stars, and raised this nation from humble beginnings to unparalleled prosperity. To recuse the benevolent hand of God from the American story is to deny our history, to abandon reality and reject the very heritage that our Founding Fathers so boldly forged. For from the beginning, long before this republic found its footing, the conviction that God had a purpose for this new land burned in the hearts of those who crossed the Atlantic.

On the 21st day of November in the year of our Lord, 1620, 102 pilgrims, while anchored in Provincetown Harbor, created the very first governing document of the New World: the Mayflower Compact. And in it, they declared their endeavor was undertaken for the glory of God and the advancement of the Christian faith. A decade later, the Winthrop fleet embarked upon its own perilous voyage that was fraught with a magnitude of trials and tribulations. Amid that journey, John Winthrop delivered a sermon that would not merely be etched in the annals of history, but would leave an indelible mark. Standing before his shipmates aboard the flagship *Arabella* Winthrop articulated what at the time appeared to be nothing more than a simple charge, a set of expected standards each were to live by, so that despite the immense difficulty

and uncertainty before them, that they as a body would remain united in civility, steadfast in their mission and favorable in the eyes of the Lord.

Winthrop's Proclamation, which is known to history as a model of Christian charity, laid the foundation for how the new world would operate. It prophetically recognized that despite the rugged, naked and untamed terrain they would soon be entering, it would be transformed into a shining City Upon a Hill. And his confidence did not rest upon his crew's ability to acquire great wealth or raise an unbreakable military. Winthrop's intuition, much akin to the pilgrims before and our Founding Fathers after, was a byproduct of the values, the convictions, and the principles of the Christian faith that would be the bedrock of the new society that they sought to create. It's a society that has been oriented in a manner that gave God his due, Caesar his due, and the people their due. And this aspiration was rooted in the fact that religious liberties are as essential as our civil [liberties].

And they always go together. For if the foundation of one be sapped, then the other will surely fall. And these rights are not abstract notions. They're not born of parchment or decree, nor are they the subjective constructs fashioned by the will of mortal man. They are enduring, they're intrinsic, they're natural, and they are endowed by God. Because they're not born of man, they shall not be surrendered to man. For what God giveth, no man can taketh away. And it's precisely this reality that the Mishna speaks to with both timeless wisdom and a sober warning. Be careful with the authorities for they befriend a person only for their own purposes. They appear as friends when it benefits them, but they do not stand by a person in his time of need. And so, we must never forget rights endowed by our Creator, rest upon an unshakeable, universal, and eternal foundation.

They stand outside of common trends. They stand outside the ambitions of current leaders and the ever-changing sentiments of the polis. They prosper because they are rooted in a transcendent power that confers both dignity and durability. And yet, if our rights are degraded to mere social constructs capable of being negotiated and renegotiated by subjective beliefs and temporary authority, then their protection, the very contract of the state is in jeopardy. In a world where liberty, which is God's gift to man, stands not at the bedrock of our society, but on a pile of sand, then sacred principles become provisional, truth is adjustable, and justice becomes contingent. In that situation, man is thrown into a perilous limbo, eager to cling to novel creeds, and ever-changing dogmas that seem to create promises and meaning, and yet dissolve into disorder, frustration, and even spiritual despair. And it's in that hollowed space where immutable principles once stood that GK Chesterton's prophetic warning rings out to us today, "When men choose not to believe in God, they don't thereafter believe in nothing. Rather, they become capable of believing in anything." In recent years, as we have drifted from our fundamental truths, this proclamation rings all the truer. Every civilization in every era of mankind will

whether consciously or not orient their lives around some moral hierarchy and bend the knee to a governing authority. It will be either one rooted in truth and reason, or one degraded by distortion and destruction.

Under the previous administration, the latter prevailed. Truth was sidelined, science was weaponized, and our rights as Americans, as parents, and most fundamentally as humans made in the *Imago Dei*, the image of God, were infringed upon. Our citizens were coerced, they were lied to, and they were intimidated with fear. Physicians like myself and nurses were threatened with loss of license, and voices crying out in the wilderness, like Robert F. Kennedy Jr or Dr. Jay Bhattacharya, were canceled. As the 18th Assistant Secretary for Health, I stand before you today to say that we are fighting day and night to put the indomitable ways of the past to rest. And I promise you, I make a compact with you, that we will never, never, never let this happen again. Under the leadership of President Trump and Secretary Kennedy, immense inroads have been made. We are working to bar hospitals from providing irreversible sex-rejecting procedures on minors as a condition of Medicare and Medicaid participation.

The Affordable Care Act has been modified to once again reflect reality and therefore prohibits sex rejecting procedures on minors from its essential coverage requirements. And we have reversed interpretations of Section 1557 of the Affordable Care Act to remove gender identity from federal sex discrimination protections. And we have issued regulatory guidance that reflects our devotion to truth, our recognition of the Natural Law and our conviction that the Laws of Nature and Nature's God are not theoretical constructs, but are enduring principles essential to the preservation of justice. Genesis 1:27, proclaims, "Male and female, He created them." And so, we are not interchangeable, we are intentional. We are not a product of chance, but a brilliant and beautiful design. Within our differences, harmonious, deliberate, and yes beautiful, we portray the precise image of our father. Scripture declares that we are made in His image. Our Founders recognize the profound burden of that truth when they inscribed for the world to see the self-evident truth that we are endowed with certain unalienable rights, and that among these are life, liberty, and the pursuit of happiness.

The right to life is sacred is inherent and is first among our rights. And that's why it is not only troubling, but even heartbreaking to consider the countless lives lost under the deeply distorted euphemism that abortion is a right. To call abortion healthcare and to compel the American people to fund it is to demand that taxpayers subsidize the ratification of innocent life. This is not charity. It is not compassion. It is not justice. President Trump is committed to restoring a culture that champions life. And that endeavor starts by ending taxpayer funding for abortion and protecting conscience rights for Americans who should never have to check their morals at the door to practice their profession. Within the first four days of this administration, President Trump signed an executive order ensuring the enforcement of the Hyde Amendment. And I'm

proud to say that the Department of Health and Human Services remains steadfast in our responsibility to assure that federal taxpayer dollars are not ever used to fund or facilitate abortions or their providers.

We in this room know better than anyone that science is a gift from God. Its entrustment demands that we may behold the order, the beauty and the transcendent glory of the world. Science and truth are and have always been foundational to the church. From her cathedrals and monasteries, great universities were born. By her charity, the science of healing advanced. And guided by her vigilant care, intellectual inquiry was not suppressed, but was summoned to soar. But science does not triumph morality, nor is it sovereign. It was not intended as a vessel to grant man the authority of the one true Creator, but so that he may faithfully serve as a steward over God's creation. At our department, Health and Human Services, we are committed to maintaining a clear distinction between human advancement and providential authority. When science is severed from the divine, then humanity is reduced and morality is bypassed. The pursuit of knowledge must never be abandoned at the cost of human dignity. And in keeping with this commitment, the National Institutes of Health under Dr. Bhattacharya has notified the scientific research community that NIH funds will not be used for research involving human fetal tissue obtained from elective abortion.

This prohibition removes federal incentives for the procurement and the use of aborted fetal tissue. It applies to both intramural and extramural research. It affects new awards, renewals, and ongoing projects that rely upon such tissue. Now, despite our victories, the path in front of us remains robust and abundant with work that demands action. For we, like the revolutionary generation, are residing in times that try men's souls and such times demand the same courage, the same wisdom, the same discipline, and the same fortitude. We too, all of us, we too must stand ready to answer the call of our time while refusing to fall below the standard our forefathers set. For after all in our remarkable history, few generations have been afforded the opportunity that we have the opportunity to safeguard liberty amidst a time of immense uncertainty. And I know each of you here welcomes such a call. Not merely as Americans, but as people of faith, we carry a civic duty to preserve and pass down the gift that we have been gifted. And I am certain, I'm certain that in time history will gaze upon this generation, the current stewards of our republic, and history will see a people who ceased to abandon their ship amid a menacing storm. I am confident that this era will be marked not by retreat, but by resolve. Not by surrendering before hardship, but by standing firm against it. And my inclination behind such optimistic sentiments is not steered by a sense of innocence or ignorance. It's not bolstered by a blind romanticization of our nation, but rather, my demeanor prevails because it is rooted in the ideals that permitted 13 colonies to become a blessing upon God's earth and to people on perpetual pilgrimage to become a more perfect union.

As we commemorate these historic milestones while remaining steadfast in the noble and profound pursuit that gathers us here today, then let us commit ourselves to a legacy not merely remembered, but revered. May we continue to act as a beacon of salt and light and remain steadfast in our faith, committed to our principles, generous in our service and firm in moral certainty that America's exceptionalism flows from her virtuous people, her monumental history, and her marvelous God. And let us resolve that when our time comes and the Lord calls us home, that we can say, as St. Paul wrote to the young bishop Timothy, "I have fought the good fight. I have finished the race. I have kept the faith." God bless you all. Thank you for letting me be with you. God bless President Trump, Vice President Vance, Secretary Kennedy, and God bless our glorious republic. Thank you very much.

Lt. Gov Patrick: Thank you. Secretary **Christine**. Secretary, Mr. Secretary. Well, thank you Mr. Secretary, and obviously elections matter. That was strong. That was strong. We're going to change out our podium here in a moment. Start with our first witness.

I'm going to do the first witness. Good morning. Thank you for joining us, Dr. **Eithan Haim** you'll be our first witness. You have a floor.

Religious Freedom in Healthcare, Medical Professionals

Dr. Eithan Haim, Whistleblower

Dr. Eithan Haim: Thank you all so much for having me. My name is **Eithan Haim**. I'm a general surgeon in Dallas, Texas. So, my story starts in February of 2022, when the Attorney General of Texas, Ken Paxton, released an opinion that pediatric gender interventions could be investigated as child abuse. In response to this, in March of 2022, Texas Children's Hospital, the largest children's hospital in the world, released a statement claiming that they were going to shut down their gender program. This is the same type of thing you're seeing today, where you have a major children's hospital that will release a statement that they're shutting down their transgender program because of some type of legal risk in order to maintain compliance. So, in the months that followed, TCH not only continued their program, but expanded into a multimillion-dollar multidisciplinary clinic. The directors of the transgender program were giving speeches at the hospital's most prestigious lecture series.

Internally, it became an institutional-wide priority, but externally, you wouldn't even know that this program existed. But over a year later, on May 16th, 2023, Christopher Rufo, the journalist, had released a story that blew the scandal wide open. It was based on evidence provided by an anonymous whistleblower inside of the hospital. And when it came out, it was all over the news. It only got bigger in the days following, because on May 17th, the Texas Senate voted to pass SB 14, which was a law that banned these interventions. And it was in a bill that was passed with bipartisan support, partially because of Rufo's story coming out the day before.

Two days later, the Texas Attorney General announced an investigation into the hospital. Five days later, another whistleblower spoke out. This was an anonymous whistleblower who was a nurse who worked inside the transgender clinic. She told Rufo that the reason she spoke out was because of the first whistleblower that first whistleblower was me. I knew this was happening because I worked inside the hospital. The surgeons who were doing these surgeries told me they were doing it, but I decided to blow the whistle because of my faith in God. This had compelled me to do so, because if we're all products of God's Creation, as I believe, then it is my job as a surgeon to heal those creations. This does not mean creating something new, but restoring that which has already been made. What was happening inside of this general clinic was complete inversion of that. They were mutilating and sterilizing healthy young children because these doctors believe they hold the power to transform a boy into a girl, that they are the authorities that govern creation.

To do nothing in this situation is to be complicit, something that I believe can never be forgiven. After the story came out, no one knew who I was. So, I thought that was going to be end of it. I didn't break any law. I was naive to believe this, but boy was I wrong. I thought I was just going to go on with my life. So, this all started a month later in June, 2023, when the DOJ sent armed agents to my home on the day of my graduation from surgical training, one of the most important days of my life. That's when I found out that I was being investigated by the United States Department of Justice. Soon after, this is when things really, really go downhill. But soon after I found out I was under surveillance by HHS, the FBI, the Department of Homeland Security, and something called HSI.

The DOJ threatened my wife because ironically enough, she had just been hired by the DOJ as an assistant US Attorney in Dallas. They had leaked my name to activists in TCH who began leaving reviews on my online doctor profile, accusing me of raping my patients. The DOJ said that they would bring me to a jury trial even if they knew they were going to lose, even on a technicality. And it was at that time that I knew and, and it was at this time that no one knew who I was because I hadn't gone public yet. At that moment, I could have made everything go away because they said all I had to do was apologize to the hospital and I would avoid felony charges. It was clear that this had nothing to do with the law, but everything to do with dominion.

It was the belief in an authority that was beyond their own that was an internal insult for them. They needed me to renounce my faith, bend the knee, and legitimize their twisted morality. After I responded to their bogus olive branch, by giving them the middle finger, which was delivered through my attorneys, of course, they indicted me in a federal grand jury. I was charged with four HIPAA-based felonies that carried a decade in prison. To make sure I knew how super serious they were, they sent three heavily-armed US marshals to my home at 7:00 AM like I was a criminal mastermind. My wife was six months pregnant. And this is when the real circus began. The first indictment was nothing more than a cheap fiction, something to make me look like a criminal so that the New York Times and the Washington Post could launder the DOJ's lies directly into the world's largest audience. But once we pointed out that their allegations were contradicted by their own evidence, the whole thing fell apart.

You would think that at some point shame would kick in and they would give up, right? Wrong. They just got a second indictment. This one was even crazier than the first. They charged me with a non-existent crime, and they failed to proofread their indictment and left in a critical typo. So, their second indictment felt just as fast as the first one. But did they hesitate? Absolutely not. They went and got a third indictment. This indictment proved so incomprehensible that we pretty much gave up trying to make sense of it. But I include all of this not to generate sympathy because compared to other people who were prosecuted under the Biden regime, I had it

relatively easy. I include all of these details to make a point. These people knew I was innocent, but they were relentless. Every single day they went to work and this is what they dedicated their energy to.

But it wasn't only the feds. They had the enthusiastic compliance of people I had known for years. People I considered friends and mentors. I thought these were regular decent people, but when evil showed up to their door, they let it in. So, my point is this, for those of us who believe in God and the Christian principles that this country was founded on, the threat to our religious liberty is existential because the agents of this anti-human ideology have proven relentless in their pursuit of power and shameless in their abuse of it. They will smile as they put the noose around your neck, proclaim you guilty of something they do not comprehend. And as you look out to the crowd, there will be a hundred familiar faces cheering at the moment the floor drops from below your feet. Every single one of them aware of your innocence, but cheering nonetheless.

This is no doubt, very bleak, but this is the truth. And all of you know this is the truth. And you also know this has not gone away. This has not been defeated, but only grown more malignant. So, one of the most important truths I discovered during my prosecution is that those who would violate our religious liberty do not operate by a limiting principle. There is no policy or law they're unwilling to violate. If this commission's objective is to protect our religious liberty, then we cannot only go on defense. We have to make sure these people are held accountable for what they've done. We have to use our authority to make sure these people are held accountable, because if we don't, then it will be our children who are on the gallows. Thank you.

Lt. Gov. Patrick: As we always do, we'll hear from all the witnesses and we'll go back for questions to all of you. Once again, elections matter. That would've never happened today. Never happened today. Our next witness is **Kaley Chiles**. **Kaley**, you have the floor.

Kaley Chiles, Christian Counselor

Kaley Chiles: Good morning. My name is **Kaley Chiles**. I'm a licensed counselor in Colorado. Thank you so much to President Trump and this commission for the opportunity to share my story. I became a counselor because I know the truth's power to set people free. When we learn to understand ourselves, confront pain, and pursue healing through a counseling relationship, those tools do not rust or depreciate with time, they can shape the rest of our lives. And this is the kind of service I felt called to provide. My own life experiences played a critical role in this calling. During my high school years, there was deep tension in my family and I longed to learn the skills for meaningful conflict resolution. Around the same time, I began experiencing grand mal seizures, sudden seizures with no known cause. I had to give up my driver's license and I wasn't even allowed to be alone for a time in case I passed out. As a 17-year-old, that loss of independence was jarring, but that season of suffering changed me. It forced me to slow down, to reflect, and ultimately to trust God more than I ever have before. Those experiences also shape my desire to help others navigate suffering and find hope. In counseling, the client sets the goals and I walk alongside them as we chart a path forward. This teamwork requires trust, authenticity, and the freedom for us to speak freely.

My first counseling job was in a male prison. Later I worked at a dual diagnosis adolescent facility, one level down from young people who are actively suicidal. In both places, I saw the depth of human struggle, but I also witnessed the incredible potential for transformation when people have the chance to talk to someone they trust. Because what often brings someone into counseling is only the service issue. Addiction, anxiety, anger, depression may be the presenting struggle, but those are often the fruit of something deeper. Counseling is about uncovering the root, the fears, the wounds, the questions underneath the surface. So real healing can happen. If you only address the fruit and you ignore the root, the problem simply grows back in another form.

In 2022, while reviewing state statutes that govern licensed counselors, I discovered Colorado had passed a law dictating which counseling conversations my clients and I are allowed to have. On issues of sex, if the client's goal is to regain comfort with their body, the government prohibits that conversation. But Colorado expressly encourages me to push minors toward so-called transition, which often includes harmful drugs and surgeries. I was stunned. In my practice, questions about identity and sexuality often arise even when my clients come in for completely different challenges. But under this law, if those questions come up, I would be required to promote the government's talking points even when they were opposed to the client's goals.

I knew I couldn't stay silent while Colorado inserted itself into my relationship with my counselors or with my clients and put them at risk. So, I contacted Alliance Defending Freedom, and we filed a lawsuit challenging Colorado's counseling censorship law. I have seen how the law rejects truth. There's always a human cost. For me, the cost was immediate. It cost me both

the jobs I had at the time. I received death threats and complaints against my license from people who have never met me or my clients. But the deeper cost falls on the young people affected by these laws. And Colorado families aren't the only ones impacted. 23 states and over a hundred local governments have adopted similar counseling censorship laws. These laws insert the government into private counseling conversations and attempt to control a client's goal. And the stakes are incredibly high. Research suggests that roughly 90% of children experiencing sex related distress will regain comfort with their sex if allowed to work through their feelings without being pushed to transition.

But an even higher number will become lifelong medical patients with irreversible consequences if pushed down the path to transition. This is why medical authorities around the world are approaching transition procedures with caution. One recent case study found a psychologist and surgeon liable for malpractice for recommending and performing the removal of a teen girl's healthy breasts without examining the root of her distress. Despite this legal vindication, she will never recover what she lost. The First Amendment is not an abstract principle in a counseling office. It ensures open dialogue in the pursuit of truth. But Colorado's law silences the very conversations that allow us counselors to explore the root of a young person's pain with them. My case was heard by the US Supreme Court this last fall, and I'm hopeful they'll reaffirm that the government can never censor conversations simply because it disagrees with the client's personal goals or viewpoint expressed. Young people wrestling with identity deserve counselors who are free to speak, ask questions, listen with compassion, and walk alongside them in their search for hope and restoration. I hope that this administration will also continue to preserve this foundational freedom even for the most vulnerable among us, our children.

Lt. Gov. Patrick: Thank you. **Kaley.**

Abby Sinnett. Abby, go ahead. Thank you.

Abby Sinnett, Nurse Practitioner

Abby Sinnett:

Thank you, Chair **Patrick** and members of the commission, for inviting me here today. I'm really glad to be here. My name is **Abby Sinnett** and I have been a women's health nurse practitioner for about 13 years. I'm also the co-founder and CEO of Bella Health and Wellness, which is a non-profit independent Christian medical practice in Colorado. And we offer obstetrics, gynecology, infertility, family medicine and pediatric care in Colorado. Bella actually started in 2012 when my mom, Dede Chism, and I were on medical mission in the high Andes mountains of Peru. During that trip, we became really convicted that everyone has a story, that everyone deserves to know that they are made good, and that life needs to be protected. Those convictions are really rooted in our Catholic faith. And so, we came home and we launched a practice in Denver, Colorado where we were able to practice dignified life-affirming care according to our faith.

We launched Bella as the first comprehensive life-affirming practice that offered OB/GYN care in the state of Colorado. And since that time, we have been proud to deliver the highest standards of care to over 28,000 patients. So, I'm here today to tell you about how Colorado tried to make it illegal for pregnant women in our home state to receive medical care that helps save their babies' lives. I'm also here to tell you that thankfully Colorado failed and my specialty as a women's health nurse practitioner. And in Bella's OB/GYN practice, we often prescribe progesterone, a natural hormone. It is found in the woman's body. It's essential to both achieving and maintaining pregnancy. And it's really been used in medicine for over 75 years. It's often used for risk of miscarriage to prevent preterm birth for infertility or menopause, really a whole slew of things.

But progesterone is actually also the only known treatment that can help a pregnant woman who has taken the first abortion pill and decides that she wants to continue her pregnancy. And so, here's the science in a nutshell. What's commonly called the abortion pill is actually two pills. The first mifepristone, it blocks the progesterone receptor sites in the uterus that makes it so that oxygen and nutrition to the baby stops. The second pill misoprostol, that's administered about 48 hours later, that causes the contractility in the uterus that expels the baby from the womb. The reality is that the decision to have an abortion is often really stressful. And some women take that first pill, the one that interferes with the progesterone. And then they change their mind and they maybe want to keep their baby. I've also actually cared for women who've taken that first pill, but only because they were tricked or forced.

And so, if a woman takes mifepristone willingly or not, and she wants to save her babies, providers can prescribe progesterone to help overcome those progesterone-blocking effects. That treatment is commonly known as abortion pill reversal. And at Bella alone, we have seen dozens

of healthy babies born to moms of abortion pill reversal. So, you might be wondering why in the world would anybody target this treatment? It's using a safe, naturally occurring hormone that could potentially offer life-saving treatment. If a pregnant woman is choosing to seek help, shouldn't she have the right to choose to save her baby? Unfortunately, lawmakers in my home state of Colorado disagreed. And in 2023, Colorado became the first state in the country, well actually the world to make it illegal to give progesterone for abortion pill reversal. Now, please note it's still perfectly legal to use progesterone in recurrent pregnancy loss, preterm birth, IVF or really any other reason actually.

And in fact, in Colorado, they were actively promoting the use of progesterone in gender affirming care. But the state made it illegal in one and only one case: if a mom has used mifepristone to try to save her baby. So, in other words, according to Colorado, you have the right to choose abortion, but you do not have the right to change your mind. And that prohibition was a ridiculous violation of my religious convictions as a healthcare provider. As a Catholic provider committed to the sanctity of life, I knew that I could never turn my back on a woman or that baby that she wants to save simply because she took or was forced to take mifepristone.

But at the same time, we knew that if we violated that law, we risked financial fines and the potential loss of our license. So, everything that we had built in our careers and everything that we had built at Bella was on the line if we followed our religious convictions. So, mom and I prayed really hard and we sought spiritual counsel. And then we realized that faith requires courage. And so, we filed a lawsuit. And with the help of Becket Fund, we sued Colorado the day that the law was signed. But interestingly, just hours before that law took effect, a woman contacted us seeking abortion pill reversal just hours before. And by the next day, we were able to obtain a temporary restraining order, protecting her ongoing treatment so that we could continue her abortion pill reversal therapy. I wish I could say that that was the end of it, but it wasn't.

It took nearly two years of hard-fought litigation that should have been obvious from the start really. There is no scientific or constitutional justification for banning abortion pill reversal. The state of Colorado had violated our free exercise conscience. They'd violated our rights as religious healthcare providers. And a federal court ultimately granted us permission and permanent injunction, permanent protection to continue providing life-affirming medical care. You guys, the road to victory felt long, especially given the modern healthcare environment where independent faith-based clinics are already being suffocated from all sides and just simply fighting to exist. But we never doubted that this was the path that Christ called us to take. And along the way, he blessed us. Since the day that we filed our lawsuit, at least 20 babies have been born to moms who received abortion pill reversal at Bella. 20 babies that wouldn't otherwise be

here. Praise God. I want to share a picture of sweet twin baby girls that were born to a mama who received abortion pill reversal care at Bella during our lawsuit.

Their story has a happy ending. But make no mistake, abortion pill reversal is still under attack. In states like California and New York, they're still targeting religious providers who would offer abortion pill reversal. As commissioners, you have the opportunity to strengthen free exercise and conscious protections for religious healthcare providers and patients across the country. From the earliest days of this nation, religious freedom has protected the right of people of faith to serve, to serve their communities according to their conscience. That freedom is just as essential today in medicine. As a medical professional, as a woman, as a mom, I want the government leaders to understand that there is no political debate that should override the importance of a mother's choice to try to save her baby. There is a need to protect scientific life-affirming care. Thank you.

Lt. Gov. Patrick: Something bad is going on in Colorado, obviously. **Valerie Kloosterman** the floor is yours,

Valerie Kloosterman, Former University of Michigan Employee

Valerie Kloosterman: Mr. Chairman and members of the commission, thank you for this opportunity. My name is **Valerie Kloosterman**. I'm not going to get through this without crying, so I apologize. I'm a wife. I'm a mother, and most importantly, I'm a Christian. I grew up in a farming community near Grand Rapids, Michigan, and that's where my husband Mike and I are raising our four beautiful kids. I've attended a United Reform Church my entire life, and my faith in Christ led me to enter the healthcare profession to care for patients in a way that honors God and also blesses them. And because I am a Christian, that means I am also a Christian physician assistant. I believe and know that everyone is created in the Image of God and worthy of love and respect, that God created humans, male and female, as a reflection of His Image and for His glory, and that God doesn't make mistakes.

My first job after graduate school was at a local outpatient clinic called Metro Health. My mom and my grandmother worked in the same healthcare system, and they both worked there for over 40 years. So, I was the third generation to work there. I loved my patients and I loved serving our community for 17 years, caring for patients of all ages and all backgrounds. Some of my pediatric patients grew up and brought their own kids back to see me. Spending a lot of time with my patients was important to me because their health and their stories really mattered. My coworkers became like family to me.

But in 2016, the University of Michigan Health began acquiring our clinic. And by 2021, the clinic was renamed as a state operation. In May of 2021, the University of Michigan assigned a company-wide mandatory training that forced me to affirm statements about sexual orientation and gender identity that conflicted with God's Word and with my beliefs, I could not complete this training unless I pledged my agreement to University of Michigan Health views. My family and I prayed about this for three weeks, and my office manager told me to go speak with the Department of Diversity, Equity and Inclusion, but they wouldn't meet with me until after the training was due. And I knew that if I didn't complete it, I would be fired. I had asked the DEI department for a religious accommodation and explained why affirming those statements would violate my conscience. Three weeks later, the HR and DEI department summoned me to a meeting and interrogated me about whether I would use pronouns that went against biology and whether I would refer patients for transgender surgery.

I was shocked. I had never asked about these topics, and there had been no patient that had ever complained. But I explained that because of my faith and my medical judgment, I could not use pronouns that conflicted with biology. I stated that I could use patient names and instead of pronouns to respect their wishes. At this, one of the DEI officials named Thomas clinched his fist

and told me that I could not take the Bible or my religious beliefs to work with me. Thomas asked whether I knew what would happen if every provider took their religious beliefs to work. And I said that patients would experience compassionate care because Christian healthcare providers viewed everyone as made in the Image of God and that we treat our patients with the love described in 1 Corinthians 13. Thomas called me evil for not giving patients exactly what they wanted.

But I respectfully explained that medical providers are not required to give patients everything they ask for, such as antibiotics, opioids, or surgery, if that would go against the provider's medical judgment. When I had said that I had treated patients who were gay and lesbian for several years without any complaints, he called me a liar. He said that if he was my patient and I used his name rather than his preferred pronouns, he would never come back. And Thomas claimed that using a patient's name instead of preferred pronouns would lead them to suicide. And I would be the cause. I was able to cite scientific studies and research that showed otherwise. And although he had no medical training, Thomas shot back that he had studies that would always disprove my studies. But all I was asking for was that a simple accommodation. But the Department of Inclusion had no space for Christian beliefs.

Less than a month later, I was fired. The staff member who was supposed to advocate for me, summoned me into a conference room with my termination letter on the table. She told me, today is your last day. You no longer work for the University of Michigan. They wouldn't allow me back on the property, I had to turn over my badge. I couldn't say goodbye to my beloved coworkers. Even worse, some of my patients I knew were waiting for important test results. And I never got to follow up and I never got to say goodbye. These were patients who had trusted me at their most vulnerable moments, and I let them down.

A few weeks later, my coworkers boxed up my belongings, and one by one, they came out to the parking lot to give me hugs and to cry with me. They told me they were sorry and that they did not understand why such a great provider would be fired without explanation. Every time I drive past the clinic, which is across from our grocery store near the library in the post office, I fight back tears. I think of my friends still working there. Many of my patients have actually reached out and told me that they were very upset when they found that I was fired. But it's been a blessing to me that some of them have come to see me at my new clinic. And by the grace of God, I was able to find another job. And to this day, I continue serving patients of all backgrounds motivated by my Christian faith. What happened to me broke my heart. I don't want anybody else to experience this kind of religious discrimination. And that's why I founded First Liberty Institute. And in 2022, we filed a lawsuit in federal court. In 2023, the court held that the hostility I experience likely violated the free exercise clause, and that the hospital's refusal to accommodate my religious beliefs while accommodating the preferences of other providers,

likely violated Title VII and the Equal Protection Clause. But after that ruling, the University of Michigan tried to throw the case out of court and into arbitration.

But with the help of Clement & Murphy, we appealed to the sixth Circuit, which held that my case belonged in court, and the hospital was too late to change the forum. And almost five years after I was fired, we're seeking a final judgment so that other people of faith are legally protected from this kind of heartache. And I'm praying that God would use my case to protect religious freedom for my children and the next generation so that they can freely live out their faith in the workplace. And not in fear. "For God has not given us a spirit of fear, but of power and of love and of sound mind." 2 Timothy 1:7. For this case is not really about me: It's about God and honoring the call that he has given me. And in closing, if I may, I'm so very grateful for this administration's commitment to protecting conscious rights.

The Department of Health and Human Services has launched an investigation because of my case. And I am hopeful that HHS will continue its important efforts to investigate conscious complaints and enforce existing laws. I would also offer three recommendations to the commission. First, to encourage Congress to add a private right of action to the Church amendments such as the Conscious Protection Act, which is recently introduced. A law like this would've made it easier for me to find a lawyer and seek justice without procedural hurdles. Second, that hospitals receiving federal funding should be required to adopt written policies that clearly define conscious protections with internal procedures, ensuring that providers like me can receive religious accommodations without retaliation. And third, the government should prohibit staff trainings or policies that coerce providers like me into violating our conscience. Whether it's by forcing us to affirm statements or participate in procedures that would be considered harmful to patients. Instead, to receive federal funding, hospitals should train their staff about the legal protections of conscious rights and religious freedom so that providers like me know their rights and that leadership respects those rights. Thank you for listening to my story. And may God be glorified.

Lt. Gov. Patrick: All of you are courageous and magnificent. Dr. **Carson.**

Question and Answer

Dr. Ben Carson: I want to thank each of you for the courage that you've exhibited. Having spent most of my career in medicine, I realize that there is sort of a silent code. Everybody has to stick together and nobody wants to stick out. And you all have done that. I appreciate that. **Dr. Haim,** did they ever confront you with the real reason that they were persecuting you or they continue to come up with all these subterfuges?

Dr. Haim: Well, you know, luckily, the, the case was dismissed with prejudice on January 24th, 2025, after the Trump administration was inaugurated. But you know, I think that as the case unfolded, the real reasons became very clear. I mean, you could just assume the reason why they came after me is because of everything. If a random person like me who has no power, no resources, is just like a regular guy, if I can blow the whistle and then within 24 hours the conduct, I exposed was made illegal, it can then initiate investigation of more whistleblowers, that's an existential threat to these forces of evil because it shows that a regular person can do something about it. And that's why, that's why I believe they had to destroy me, and that's why they had to use all these resources to try and make it happen.

Because if I survived, then that would lead other people to do the same thing in which it did. Because that second whistleblower, her name is Vanessa Sivadge, she ended up going public about a year later, the same day that I was arraigned for the first indictment, alleging an even more significant system of misconduct in the clinics, which involved alleged Medicaid fraud, using false diagnoses to get insurance to pay for these interventions, which I believe is something that's going on all around the country, which my wife also happens to be investigating for the Texas Attorney General in an ironic turn of events.

Lt. Gov. Patrick: Ryan?

Ryan Anderson: Yep. Great. Thank you to all four of the witnesses, these were just so powerful testimonies and I'm sorry for what you've had to experience, but thank you for sharing. And I wanted to offer a couple observations and ask a question. **Eithan,** when we first met, you came out to visit my wife and me and our kids. And for those who don't know, we live on a small farm in Virginia, and it was around this time of year, it was lambing and kidding season. So, we had some baby lambs and some baby goats, which are called kids. And **Eithan** was helping my wife castrate the newborn lambs and kids. And the observation I wanted to make is that you don't need to be a devout Jew or devout Christian to realize that it's okay to castrate baby goats, but not to castrate baby humans.

And, and it just strikes me that before we even get to the religious liberty violations, something else has gone wrong in our legal system, in our healthcare system, that even though Texas had passed a law prohibiting sex-rejecting procedures, your hospital was still doing it. And that's why you had to blow the whistle. Or take the Colorado example, I mean, the fact that it's a one-way ratchet. The only therapy you can receive in Colorado is to encourage you to transition as a minor, right? So, it's a religious liberty violation, but you don't need to be religious to know that we shouldn't be trans-ing the kids. Same thing is true in Colorado with the abortion pill reversal. You could be a secular woman who took that first pill because you were coerced, and then you want to reverse it. Or you took that first pill because you were scared and then you regret it and you want to reverse it, right?

So, before we get to any of these four testimonies, a religious liberty violation, something else in the healthcare system has gone wrong. And I think that's important to note for our recommendation. The best protection for religious liberty in healthcare is not practicing unethical medicine in the first place. And what happened to all of you? You were being asked to practice unethical medicine. And it's not just religious people who have those scruples. So that's one observation. The other observation is, but in a certain sense, it is. Each and every one of you mentioned the *Imago Dei*. There is a worldview that the nation was founded on. We're going to celebrate the 250th anniversary of the declaration. The concept that we're all created equal and endowed by our Creator with certain inalienable rights. That's a philosophical theology. That's Thomas Jefferson's way of kind of glossing Genesis and giving us the *Imago Dei* in a political guise.

If you are a philosophical materialist who thinks we're all just evolutionary dust, well then yeah, the child in the womb has no dignity. Yeah. Just like you can castrate the baby goat, you can castrate the baby human, right? So, so there is, at a certain level, there's a philosophical theology disagreement going on here that I, I think we should be sensitive to. The American system of ordered liberty doesn't work on just any old given metaphysics and anthropology. There, there is a certain distinctive ecumenical, I mean, it's an interfaith issue. We had Catholic, Jew and Protestant expert witnesses on this panel, and there's a common worldview that made this American experiment tick. The question that I wanted to get to was, it strikes me that you know, this particular panel was focused on healthcare providers and you all had your religious liberty violated.

But the reason that- I can tell because I know, I know **Eithan** and I, and- I know just from hearing your testimonies, the reason you all became healthcare professionals was not for your own personal glory and gratification, it was for your patients. And, and it strikes me that when there are religious liberty violations for the providers, the people who actually suffer the most are your patients. I don't know if there's like a distinctively Judeo-Christian way of doing dentistry. There

might be. But it strikes me that there are distinctively Christian ways of doing mental healthcare counseling, of doing reproductive healthcare, of doing beginning of life, end of life. I mean, there, there are reasons why a patient might want to specifically seek out a person of faith as their medical doctor. And so, I just wanted the, the question was really for any of you, but particularly for, you know, for, for Bella Health, for, for **Kaley**, for mental health providers, can you describe why it is that your patients want you and want Bella as their healthcare provider? Because it strikes me that you are offering something that you can't get from the secularist doctor, and that we should highlight that, that that strikes me as very valuable.

Abby Sinnett: I am happy to share. Thank you for asking that question. It's so true. At the end of the day, each of us holds something that is so important in who we are. We know that we are made good. We are, we know that we have been created well, and, and we want that for ourselves. And our heart desires that for ourselves. And so, we seek those who can help us to be the best versions of ourselves. And how are we going to protect that? How are we going to protect that for our children? How are we going to protect that for our grandchildren? We go to the people who can help to protect those things, especially in the most vulnerable places of our bodies, our mind, our reproductive organs. Those are the most vulnerable places that we have. And so, we, as patients, as a mom, I seek somebody who's going to help me to do what needs to be done for my children. And I think, I think that's a really important piece.

Lt. Gov. Patrick: Anyone else wish to answer? **Eithan?**

Eithan Haim: I think it's, it's like the perception of human physiology as designed in a certain way. Where, you know, Aristotle, he defines it in Nicomachean Ethics as like the physiology is the way that a human can survive and thrive, right? Where there's this innate mechanism that's been created, which our job is to preserve. And it's the preservation of that physiology that is what means to heal. Like, to heal is not just anything. You can't just do anything and heal, right? It's the, the preservation of what's already been made. And, and what we see with everything, with all these, these forms of, kind of twisted medicine is these people who believe that there's this design that they can make that, that they're above these laws that control our world.

Lt. Gov. Patrick: Bishop **Barron**.

Bishop Robert Barron: Thank you very much. I found the testimonies very powerful. And this happens to me a lot on this commission. I listen to testimonies and I think I'm living in upside down land. You know, at times you wonder how, and it touches on **Ryan's** point about metaphysics and a basic philosophical and biblical approach to reality, it's been turned upside down. You know, the Colorado case just strikes me as a species of insanity. I mean that you wouldn't be able according to someone's own desire to reverse that process. But I want to ask all of you, it's a simple question, and I've got my own thoughts on it, but I'm curious to know yours. Why is this transgender issue of such central importance to the secular culture, why is that the

one that we are fighting with such tenacity to preserve? What are your thoughts on that? Why that issue? Transgenderism.

Abby Sinnett: It's at the very source of who we are created to be. It's it, if you want to strike at our faith, if you want to strike at who we are, you strike at our identity. It's evil. That's what it comes down to. Start at the evil or at the, at the basis.

Valerie Kloosterman: We believe we're made in the image of God, and ultimately that's who they want to fight. The world is not a friend to Christ. And that met me at my front door, right? With my kids knowing they were going into a world that was not friendly. And we are not assigned gender at birth. It's assigned by God. But that is not what they want. The human wants to fight against that. And thankfully we've been given, you know, sound minds to be able to make that decision. Yeah, one of the things that, the illogical-ness of it, if that's even a word you know, I was told that I needed to affirm that gender is fluid, but yet I needed to perform transgender surgery.

If I did the one and gender is fluid, and they changed their mind, how illogical is that? So even just to have that conversation of how this doesn't even make sense, right? I wasn't even given that opportunity. I was stopped at the front door. And that's the scary piece, but that's also why I think all of us are willing to do what we're willing to do is not only for our jobs, but for our kids moving forward. Even if it's just a voice, even if I make no difference, my kids see me fight. And that gives them the opportunity to step forth as they get up to do the same thing.

Lt. Gov. Patrick: Kaley.

Kaley Chiles: I think part of it too is our preference, especially in the mental health field, to believe that counseling is not philosophical or existential. And the attempt to not impose values has become: you're not allowed to say what your values are. And as in a counseling relationship, it's important that the client can be authentic and transparent, and that the counselor can be authentic and transparent. And some combinations are just not a good combination. And it's really important for the client and counselor just to be able to acknowledge that. And so, if we can't even acknowledge that counseling is philosophical, it is foundational, it is existential, then it's going to be impossible to find a good fit for someone who can help you with that foundational level and then build upon it?

Eithan Haim: Oh, you know, I think that the answer to that question can be illustrated in the final pages of George Orwell's 1984. I know it's kind of like an overused metaphor, but, you know, there's a scene between Big Brother and then Winston, the main character, where he is being tortured. And, you know, in order to be freed from the fiscal pain, he has to affirm this truth at two plus two equals five. And compared to what's happening today in our country, you know, that's kind of mild, right? It's like two plus two equals five. That's a much easier thing than a boy is a girl, right? And it, I think what that scene illustrates is that for the tyrants to maintain

control of us, we have to take in this lie, un-dignify ourselves. We have to de-base ourselves, because only then can we become controlled. And when we believe in an authority that is beyond them, then we are not controllable. And I think that's what it comes down to, is, is these people need us to become debased and undignified. But for those of us who refuse to undignified ourselves, you know, we represent a great threat to them.

Lt. Gov. Patrick: Kelly.

Kelly Shackelford: Let me, **Valerie**, first, I just want to say it's a privilege that we get to represent you. But I've been doing this kind of work for 37 years. Litigation and religious liberty. **Your kids** did something, I've never seen, thousands of cases. We got a letter before Christmas, early on in the case from your kids who had seen you come home being fired. And they sent us a letter saying that we told our parents that we don't want Christmas this year. We want to give the money to be able to fight for religious freedom for people like our mom. First, you've obviously got a big heart and you, you've transferred it to your children, but would you talk a little bit about what this is like for the family when you go through this? And I want to ask a quick question to **Dr. Haim**.

Valerie Kloosterman: So, I have just a little quick little, I have two boys and two girls. I have a set of triplets. And then one more. Yeah, we raise our kids to be godly. And we thought we were doing a good job. And then this came and it gave us that opportunity to witness to them conversations we had around the dinner table that we didn't expect to ever have. But I do think it has given them the opportunity to ask questions to see our faith being lived out. But with that came consequences: missing baseball games, upcoming field trips that we have to say, sorry, we can't participate in because we have something going on, sadness to not being able to maybe a hundred percent give myself to them as a mom. And like I said in the beginning, right, I'm a wife, I'm a mother, but I'm a Christian.

And they know that, and they know that comes first. That, yeah, there are sacrifices that we make that we're willing to make to some extent. Do I wish it didn't come to my front door? Absolutely. It would've been easier, right? But we're called to be faithful and that includes this and here, and right now. It's been five years. They had kind of said, "oh, your kids will be graduated from high school by the time this is done." Now, they're like, "well, they'll be graduated from college by the time this is done." So that timeframe we know is ongoing, right? But God is good. And in this has shown us He's working through us and we're willing to sacrifice. Mike and I have made that commitment. The kids have made that commitment, and they've said over and over, mom, do this. Keep going. Don't stop. In the moments where we're frustrated and sad, they've said, keep going. We want you to keep going. Never have they said, I wish we didn't do this. And if that's what all this is for, it's worth it.

Kelly Shackelford: Thank you, Dr. **Haim**. I'm, I was just thinking as you're testifying, we have laws that allow people to bring lawsuits if their civil rights are violated, and if they win, they get their attorney's fees recovered. But on the defensive side, there's really not that same thing. And I'm thinking of people like you who the federal government comes after, even in a criminal context. And if you don't have money, or have somebody come represent you, I'm just wondering if one of our recommendations shouldn't be- because we should, the, the government, the federal government should have all, shouldn't have all power over every citizen be able to come with criminal lawsuits, that you have to have millions of dollars to hire. I'm just wondering if we shouldn't have a recommendation that whenever the government does that to a citizen, a business or anything else, that if they lose, they have to pay for your attorney's fees and it should come out of that agency's budget so that they will stop doing the kind of horrible thing that they did to you.

Eithan Haim: I mean, I absolutely think there, there should because I mean, just for us we raised \$1.3 million in small dollar donations during the prosecution, which was amazing. It was because of people of faith who are willing to join this army, you know, in order to support us because they saw that we were not only, you know, defending the truth, but also fighting back to do what's right. But we still owe half a million dollars in legal fees. But, you know, thankfully one of my attorneys is here that [inaudible] is representing us in civil lawsuit. And I can't really go into the details of that, but I think that would be a recommendation that would be very warranted. Because, you know, the one thing I discover is that when you go through this legal process, you get crushed.

I mean, in the first couple of months when I was anonymous, we went through \$300,000 in like not very long. I mean, we went flat broke very quick, and there was no way to stand up against the federal government because of their endless resources. So, you don't even do it. You know, you don't even, I mean, if it wasn't for, you know, ex-corporation [inaudible], I mean, I thank God for them being on our side. I mean, I wouldn't even try, I wouldn't even think about it because I know I'd be crushed. I wouldn't, you know, we have to pay our mortgage. Right?

Kelly Shackelford: I would think if anybody would understand lawfare and government abuse, the President might have some experience with that. To do a recommendation. So, thank you. Thank you.

Lt. Gov. Patrick: Reverend **Graham**. And then **Alice**, I'll come to you next Reverend.

Rev. Graham: Just a, a statement. There's a, a thread that runs through all four of these, and that is the thread of what's right and having the guts to stand for what's right, and having these guts to stand for what's right is what's cost them big time. And I just thank God for you and you are an

encouragement to others. And we pray that God will bless you and that His hand will guide and direct and that you'll prevail. So, I'm proud of you. You're, you're my heroes. Amen.

Lt. Gov. Patrick: Allyson.

Allyson Ho: Dr. **Haim**, you said something and it really moved me, and I wrote it down. And when you were talking about your colleagues and friends that you thought might stand with you and didn't, you said, when evil showed up to their door, they let it in. And each of you, when evil showed up to your door, you strode out to do battle with it. And I'm so grateful for you and for your courage, but I wanted to give whichever of you would like to take the opportunity: what enabled you, like what do you give credit for when evil showed up to your door, you strode out to meet it? Whereas for a lot of people, the opposite is true. That when evil showed up to the door, they let it in. And any of you that would like to answer that.

Kaley Chiles: I'd love to answer that because one of the things that we work through in counseling is one of the most common experiences in addiction is when your stated values are not the same as your lived values if someone were to watch your life. So, I think this is when we are grounded in what we believe. Many religions believe that sex is immutable. Biology demonstrates that sex is immutable. And when we are grounded in that, we have to ask ourselves, how do you move forward given that reality? And every day there are victims, there are human costs, there are people losing organs, losing family relationships, losing their sense of who they are as a human being. When we sit by idly.

Abby Sinnett: Yeah. When I had my deposition a few years ago, I had a moment where I was being questioned and there was lots of things coming at me, and it got really, really intense. And there was a moment that just came upon me and, and I was reminded of the scripture, "For we are surrounded by so great a cloud of witnesses that we must persevere in running the race." And that was a moment where everything just settled down for just a second. And I remembered that one, we are being carried and our faith carries us. And as a Christian woman, faith carries me, and we are being carried by something that is so big. Praise God for that. But also, that cloud of witnesses is one another. And what we can do together and what we can do with our community of faith, with faithful people who will step forward together, that makes it so that in those evil moments or in those really scary moments where it's coming at your doorstep, that you can step forward. So, "for we are so surrounded by so great a cloud of witness that we must persevere in running the race." Thank you.

Valerie Kloosterman: Yeah. I had said to my kids when I was coming home from being fired, I said, God is my God, not my job, not our finances, not even our health or our wellbeing, but God is my God. And to say, "yet not I, but through Christ and me" that I'm not ashamed of the gospel. I know there are plenty of providers who say, I'm just going to put my head down. I'm just going to do what I need to do for the day. I know there are individuals in school who have said, you

know what? I'm just going to give up healthcare because I fear what's going to happen. I fear repercussions. I fear what my life is going to look like in five years. And they've stepped away from healthcare. And we cannot have that happen. I want to go to a Christian healthcare provider.

I want to go to somebody who says, I want to care for you, all of you, not just in an assembly line or, because this is my job, but I want to go to somebody and I want my kids to go to somebody. I want my family to go to somebody. I want all of us to be able. And I fear, in 10 years, there's going to be a limited number of Christian people in healthcare because they fear what is happening to all of us on this panel. And I couldn't have done it on my own, my family, but my faith in God to say, "okay, God, this is in your hands." Whatever happens. And if it means I have to scoop ice cream because I lost my job, I'm willing to do that. But I do think it needs to be said that if we don't protect healthcare providers, now, the whole entire healthcare profession in 10 years is going to look entirely different. And I dread what that is going to look like.

Eithan Haim: I think, I think that I would say a similar thing. It's because if we believe in the things we say, that there's a God above who judges us. Because as a Jew, it's like, I believe that we have a covenant to fulfill in that whatever happens on this earth doesn't matter as long as those covenants are fulfilled. You know, I can go to prison, I can lose all the money I ever have. That doesn't matter, as long as that right thing is done, because at some point, we will, we will ultimately be judged.

Lt. Gov. Patrick: I'll just close out this panel. Bishop, you asked a question why these issues? And so, someone who's been involved in it from a legislative standpoint for a long time and dealing with the truth has to be the truth with Democrat control through two presidents. I remember when President Obama said, if you don't allow boys to use the girls' room, we will hold back your federal funding. And I talked to the superintendent of the Fort Worth School District that time. They had three transgenders out of 86,000 students. So, when you hear this conversation, we've had a lot of witnesses, members, that lost something. But this is pure evil. This is taking someone's life or changing a life or denying a child being born. This is evil. And we hear time and time again in this committee of all the hearings we've had, these administrations, they didn't just want to stop you.

They wanted to punish you. So many of our witnesses, they've been punished, and that is evil. And America better wake up to this. And you know, we have people watching today and they are probably saying, "is this the America that I live in?" So, one of the things we have to do, members on this commission, and our final report to the President, is we need to be sure that America knows their rights. And America knows that evil is among us. And I don't think it's an accident, Bishop. There's a leftist movement who wants to divide and destroy our families and

destroy God and be God. It's clear. And the way you do that is destroy families on the simplest things. Transgender surgery, or boys playing girl sports. The simplest thing that makes some Americans say, well, I'm not really sure about that. So, any other questions, comments, members? Thank you. You are a great panel. We honor you. Thank you.

Members, we are on time so far, maybe running five minutes behind, but we will move forward. Jean Marie Davis, how are you? We, we needed a smile after that heart wrenching test. The floor is yours.

Faith-Based Human and Social Services Providers

Jean Marie Davis

Jean Marie Davis: Thank you. Good morning, commissioners. Thank you so much for the invitation to share my story with you today. My name is **Jean Marie Davis**. Today I serve as the executive director of two pregnancies resource centers, one in Vermont and the other in Massachusetts. So that is not where my story begins. My story begins in darkness. From the age of two to 29, I was sex trafficked around the nation in 33 different states. I experienced abuse, rape, and even attempts on my life. I was addicted to crystal meth, and I was trapped in a world that I had never thought I could get out of. Eventually, the abuse became so overwhelming that I tried to end my life. I believed that there was no way out until I unexpectedly found out that I was pregnant. When my trafficker found out he wanted me to give him \$1,500.

And when I didn't want to give it to him, he wanted me dead. Not only did he want me dead, but the police told me in California that my family and other traffickers wanted me dead as well. I started calling shelters in the four states that the police said I would be safe in. But 27 shelters denied me because they said my situation was too severe. Finally, a domestic shelter in New Hampshire took me in when I only had \$1.38 to my name. That shelter is the one that connected me to the Pregnancy Resource Center where I met a woman named Phyllis. She looked at me with compassion, and she gave me the five words that changed one of my lives forever. And that's "how can I help you?" For years, the only words I heard was threats, violence, and lay on your back. But that day, someone treated me like my life mattered. She first asked me about my pregnancy. I told her I wanted an abortion. She asked if I wanted an ultrasound. I said, I'll do the ultrasound. If it's a boy, I'll keep 'em. But if it's a girl, I was going to abort because I didn't want my daughter to go through what I went through.

Phyllis then asked me if I knew a man named Jesus. I told her that I didn't know if that man could actually help me, but I wanted what Phyllis had. There was something in her eyes. And at that day, that moment, I accepted Jesus Christ into my heart. And that changed my life. Because of that, it was a boy. And that now 11-year-old boy who saved my life is here today next to me.

At that pregnancy center, I felt something that I had never expected before: hope. And that changed everything. With the support of that center, I began rebuilding my life. I overcame addiction, pursued education, and eventually earned a degree at North Point Bible College. As only God could orchestrate, several years later, I became the executive director of a pregnancy center. Today, I help women who are walking through the same darkness I once lived, women escaping sex trafficking, fleeing from abusive relationships, women who believe abortion is their

only option because no one has showed them another way. When they walk through our doors, they're meet with the same words that change me, which is, "how can we help you?" Because pregnancy centers exist for one reason, to provide real help for women who feel there's no options. Every day we provide pregnancy tests, parenting classes, essential items for families, along with assisting women in domestic violence and human trafficking situations.

We walk with women not just for a moment, but often for life. I know personally that this changed lives because I stand here today, proof that my life has been changed. But despite the life affirming and the lifesaving work, pregnancy centers across the country are facing growing attacks, and the government often try to silence them. In Vermont, the state passed a law targeting privacy resource centers, threatening us with massive fines and restricting our ability to provide information and support to women in need. So, in 2023, I had no choice but to challenge Vermont's law with a difficult legal battle. I'm grateful, actually proud to share that last year we won that case. With the help of Alliance Defending Freedom, Vermont amended the its law to no longer discriminate against centers for offering life-affirming services. Pregnancy centers must be free to serve women and their families without fear of government punishment.

To silence these centers is to silence hope. My story proves things that critics often refuse to acknowledge. Pregnancy centers empower women, and sometimes they literally save women's lives. Today I sit before you, not as a victim, but as a mother, an overcomer and a leader, helping other women rebuild their lives. And I will continue to defend pregnancy centers because somewhere right now there's a woman that is just like me, escaping sex trafficking, pregnant, terrified, and wondering if there's someone out there that cares if she lives or dies. Pregnancy centers, make sure she hears the words that changed my life. "You're not alone. You matter. And there is hope." The government should never deny this hope, simply because it doesn't like the center's faith or mission. Thank you.

Lt. Gov. Patrick: Anyone looking to do a movie on someone's life should be looking to you. That's just- you're remarkable. **Sherrie Laurie.**

Sherrie Laurie

Sherrie Laurie: Good morning. My name is **Sherrie Laurie**, and I serve as the Executive Director of the Downtown Hope Center in Anchorage, Alaska. I'd like to thank this commission and President Trump for this opportunity to share our story. Downtown Hope Center serves people experiencing homelessness and hardship in Anchorage, Alaska. Every day we serve 700 people, a cup of warm soup, a bag of lunch, and a nutritious, basically a nutritious lunch, during the day. The Hope Center serves everyone who seeks our services. We offer meals, showers, laundry service, mail service, and assistance to help them rebuild their lives. We also offer trauma and recovery classes and a job skill training program for culinary and bakery skills so people can get jobs and move on, helping men and women find healing, stability, and purpose in their lives. Over the years, thousands of struggling individuals have come through our doors, seeking help to alleviate the rigors of life on the streets of Anchorage.

Everything we do is motivated by the love of Jesus and the family, and the firmly held belief that every person, no matter how broken their lives are, has dignity, value, and God-given destiny to fulfill. We also operate an 80-bed woman shelter. The shelter is large open room with cots placed three feet apart for the women to sleep on at night. As you can imagine, Alaska's very cold in the winter and in the summer at times. And the cold's not just uncomfortable, it can be deadly, and nights on the streets are extremely dangerous. This past couple of weeks, they have been double digit minus zero temperatures. For many women, Hope Shelter provides something they've not felt in a long time, safety and protection. For years, Anchorage has faced a serious homelessness crisis. At times, roughly 1400 people are living on the streets year-round.

Alaska also has some of the highest rates of domestic violence in the country, four times the national average, and a serious problem with human trafficking. The majority of women who come to our shelter are survivors of sexual assault, sex trafficking, and severe domestic violence. Most arrive with nothing but the clothes on their back. Some have escaped a life-threatening human trafficking situation, much like Jean Marie. Others have just been assaulted and show up at our door, injured at all hours of the night. This is why our shelter exists. We've heard women state, "when I came here, it was the first night and years that I felt like I could sleep in safety." That's the kind of hope we provide to women. But unfortunately, the city of Anchorage disagreed. In January of 2018, the ladies were settling in for the night, and I received a call to come downstairs to handle a situation.

A 6-foot-one man dressed in a pink nightgown with a pink suitcase was standing at the door. He was extremely inebriated, very belligerent, and had a gash down his face, and it was bleeding. He had been delivered there by the police because he wanted to stay in a woman's shelter. The police

brought him to the door and just left him. It was obvious to me that he needed medical attention. So, I called him a taxi and paid for him to go to the hospital to get stitches. He thanked me, called me Mother Theresa, and went on his way. After he left, the women in the shelter were visibly shaken. Many knew him from the streets. He was a violent man. Several told me that if I had allowed him to stay in the shelter, they would've left that night and gone and slept in the woods. And this is in the middle of January in Alaska. Because they felt unsafe, if he would've stayed there, they had actually surrounded the walls of the shelter getting away from him when he was in there. And understandably so. Asking a survivor of sex trafficking or sexual assault to sleep three feet away of a man, would destroy the very safety they came to find.

Within a week, I received a letter from the city of Anchorage. This gentleman filed a complaint with the Anchorage Equal Rights Commission against the Downtown Hope Center alleging discrimination based on gender identity. The city opened up an investigation and attempted to force us to allow men into our women's shelter, even though the city's own ordinance contained an exemption for homeless shelters. But the pressure to let men sleep next to women didn't stop. So, to protect the privacy and the dignity of the women in our care, we had to file a federal lawsuit. Our mission has always been clear. We serve everybody, we feed everybody, we clothe everybody. To this day, the man who filed the complaint still comes to our soup kitchen for lunch. But at night, our shelter is for women only. Thankfully, with the help of Alliance Defending Freedom, the court ruled in our favor.

But that wasn't the end of the story. Instead of accepting the court's decision, the city of Anchorage changed its non-discrimination ordinance and tried again to make us allow men into our women's shelter. This forced us into a second lawsuit. Thankfully, the courts again protected our freedom to exist consistent with our belief that God created men and women distinct in design. Our freedom to serve women should never have required years of litigation. Freedom is a God-given, right not a privilege granted by whoever holds power. Women should never have to worry whether their safety and privacy will disappear with another ordinance change. At the Hope Center, our mission is hope restored, hearts renewed, lives transformed, and we see it every day. Religious liberty is what allows us to remain faithful to the conviction that made this mission possible. That's why we're grateful for the work of what this administration doing to protect the first freedom. And we urge leaders at every level to safeguard it. So, ministries like ours can continue serving those we who need it most. Thank you for your time.

Dr. Carson: Well, we appreciate that very much. I know how diligent you are because when I was Secretary we dealt with that issue. Thank you. We now will have Pastor **Brian** and **Kaitlyn Wuoti**.

Pastor Brian and Kaitlyn Wuoti

Pastor Brian Wuoti: Thank you to President Trump and this commission for allowing us to speak about our experience as foster parents. My name is Brian **Wuoti**, and this is my wife, **Kaitlyn**. We have dedicated many years to serving our community in Vermont. I'm a pastor and a school teacher and **Katie** homeschools our five children. Together, we've tried to live by God's call to do justice, love mercy, and to care for the orphaned. In 2014, we saw a growing crisis in Vermont. The opioid epidemic had hit our state particularly hard, and there were more children in foster care than there were loving homes to accept them. Our church had started a recovery group, but Katie and I felt called to do even more. So, we stepped forward and our family had the privilege of fostering and ultimately adopting two brothers. Foster care is partnership with the state, working together to bring children safety and stability, and whenever possible, reunification with biological parents.

For years, our relationship with Vermont's Department of Children and Families was a success. But in 2022, that changed. When we sought to renew our foster care license, the state introduced a new policy. It required parents to promote gender ideology, including telling children that they could change their sex and using inaccurate pronouns if a child desired. We told the state that we would love any child who came through our door. And loving a child means speaking the truth in love. We believe every child is wonderfully made. We would never tell a child that God made a mistake and that he or she was born in the wrong body.

Kaitlyn Wuoti: This issue is deeply personal for our family. As a child, I struggled with gender dysphoria. My experience confirmed what research shows now. The majority of children who experienced these feelings will find peace with their bodies if they are given time, support, love, and the freedom to grow. I know personally that there is nothing compassionate about confusion. Love requires truth, and I will be forever grateful to my parents for loving me unconditionally and speaking truth in my life about who I am and how God created me. When we told Vermont that we would love and care for any child, but could not harm them in this way, the state revoked our foster license.

Vermont also revoked the license of another remarkable family, Bryan and Rebecca Gantt, for similar reasons. The Gantt specialize in caring for children with special needs and have adopted three children from the foster system. At the time their license was revoked, they had just agreed to welcome a soon-to-be-born baby boy whose mother struggled with addiction. That baby needed a home. But instead of putting the child's interest first, the state turned away a loving family that was waiting for him. This was heartbreaking, especially in a state where children have slept on police station floors because there were not enough foster families. Vermont excluded families like ours in the Gantts, not because we did anything wrong, but because the government did not like our beliefs. And Vermont is not alone. Kids are suffering in other states

that have enforced similar policies, including Massachusetts, Oregon, and Washington State. These policies label families like ours unfit, even though many of us have spent years successfully caring for foster children. That raises a troubling question. If the government can declare families unfit to foster a child because we believe sex can't be changed, how long before the government decides we are unfit to raise our own biological children?

Pastor Wuoti: Which is why we felt we had no choice but to sue the state of Vermont for violating our First Amendment rights, which we did in 2023, with the help of Alliance Defending Freedom. Thankfully, just last month after more than three years of litigation, Vermont finally agreed to rescind its decision. Allow us to reapply for our license and end its discriminatory policy. But this should never have required a courtroom. The government shouldn't target parents who embrace the truth that there are only two sexes, equal in worth different in design. Today, we are grateful to this administration for the steps it has taken to protect kids. We appreciate the Administration for Children and Families for sending letters to Vermont and other states warning them for their exclusionary policies that violate the First Amendment and federal funding guidelines. We know that when law rejects truth, there is a human cost. But when government respects religious freedom, more families step forward. More children find forever homes and communities grow stronger. Our hope is simple, that every child will have a chance to grow up in a safe, loving home, and that no state will stand in the way of families eager to provide one. Thank you.

Dr. Carson: Well, thank you all for fighting so hard, for just logic and common sense. We appreciate that. And now Archbishop **Cordileone** from San Francisco.

Archbishop Cordileone

Archbishop Cordileone: That's good. Thank you. In the winter of 1839, a woman in her mid-forties encountered a blind, partially paralyzed elderly woman on the streets of Paris who had no one to care for her. She carried the elderly woman to her apartment and took her in from that day forward, letting the woman have her bed while she slept in the attic. She soon took in two more old women in need of help. And by 1841, she had rented a room to provide housing for a dozen elderly people. The following year, she acquired an unused convent building that could house 40 of them. This woman's name is Jeanne Jugan, now Saint Jeanne Jugan, whose profound act of charity led her to found the Little Sisters of the Poor, a congregation of women who vow themselves to be poor, as well as chaste and obedient, in order to devote their entire lives to caring for the elderly poor.

These are women who deserve our utmost respect and esteem. And I can vouch for this from personal experience. Why then would these humble, holy and self-giving, women have to find themselves in a multi-year burdensome litigation with the federal government over a contraception insurance mandate that was part of the Affordable Care Act. Why must they be deprived of their God-given and constitutional right to serve the poor? And with such great sacrifice in accordance with their moral principles derived from their religious faith? The courage of this poor religious community to take on the federal government with its endless resources cannot be overstated. Their witness to heroic evangelical charity is unmatched. And all of us should take inspiration from their courage. Their fight to uphold religious liberty was not just for them and the thousands of vulnerable elderlies they serve, but was a fight for all of us and in some sense a fight for the soul of our country.

As we've heard over and over again this morning, so many times this has happened. People want to serve the poor with such great sacrifice and generosity and get bogged down in very expensive years-long litigation with the government. This is why it is important that we are here today. And I am grateful for the opportunity to address you and grateful for the work of this commission, which can be a path to restoring unity in this one area of division. All of us, including non-believers, should be invested in the principle of religious liberty. It is through the faith community that the common good is often most effectively pursued. And without the freedom to publicly witness to our faith through charitable works, everyone suffers. In California, where I am from, there is a Catholic hospital being sued by the state because it refuses to offer abortions.

The State Attorney General sued St. Joseph Hospital in Eureka, claiming the hospital failed to perform an emergency abortion on a patient with twins. The AG claims that the hospital violated Californian's Emergency Services law, even though up to this event, there was never an

expectation that a Catholic hospital would perform, have to perform an abortion, except in the situation that required an indirect abortion to save the life of the mother. Should the courts rule the wrong way in this case, all Catholic hospitals in California will be threatened. Then there is a case in Sacramento where another Catholic hospital refused to perform a hysterectomy for the purposes of gender transition. The state sued the hospital maintaining that the refusal to perform the surgery was in direct violation of California's Civil Rights Act, which forbids discrimination on the basis of sex. Again, should the courts rule the wrong way on this, all Catholic hospitals in California will be threatened.

Every year, there are bills introduced into our state legislature to expand private insurance coverage for sterilization, IVF, abortion, surrogacy, gender affirming care, and so forth. If these bills include a religious exemption, the exemption usually only covers organizations that fit a very narrow definition: employs people of their same faith, serves people of their same faith, and has the primary purpose of inculcating religious values. So here we have the secular government defining for religious communities what it means to be religious. Moreover, it contradicts our own definition of who we understand ourselves to be and our service to the community, especially on that second point. And so, it excludes all of our healthcare and social service institutions. Indeed, not only do we serve people of all faiths and none, we don't ask them what their religion is when they come to us for our help, we simply give it to them.

Moreover, what does it mean to inculcate religious values? We believe that simply by serving the sick and poor with the self-emptying love of Jesus Christ, we are inculcating religious values by that witness. It is a matter of witness not preaching platitudes. In my own city of San Francisco, I am proud that the first AIDS hospice was run out of one of our parishes. And it was soon followed by Mother Theresa's missionary of charity sisters. Before the government established a home for those dying with AIDS, the church stepped up and led the way. And yet there are sadly, countless examples of government suppression of the church's ability to serve those out of reach of the government by enforcing a new and narrow kind of moral standard on faith communities that are at odds with commonly held moral standards for time immemorial. This is government intervention that does not tolerate genuine diversity despite rhetoric to the contrary.

And if we lose this fight, we will have lost the soul of our country. The Founding Fathers understood the value, even necessity of religion, of religious citizens, and the freedom to practice one's faith, which is different from the freedom to worship. The First Amendment is not simply about the freedom to worship as we believe, but to live and act according to those beliefs. The Founding Fathers understood that there had to be a check on secular government in order to prevent the constant tendency to overreach and control. They understood that communities of faith provide this check and may at times serve as the only barrier to the government descending into tyranny and despotism, which happens in parts of the world where robust religious freedom

is not embraced in contrast to our own constitution, which is why robust religious freedom benefits everyone in society, non-believers, as well as the religiously observant. The Framers of our Constitution knew what they were doing, and we adhere to their vision, to our flourishing, or violate it to our demise. Thank you.

Dr. Carson: Well, we want to thank each of you for very inspiring testimony. You know, a lot of what you're dealing with is common sense or lack thereof. You talk about babies, think about the fact that their brain starts to develop at conception, millions of neurons every day, later on billions of neurons a day. It continues to develop right up until the mid to late twenties, which of course is the reason that God gave kids parents.

Because obviously if they have an undeveloped brain, they're not going to make really good decisions on their own. You know, we have a society that's fighting against that. Think about it. And men being men, women being women, there's a reason for that of course, because if we change all of our sexes, if we had the ability to do that, fortunately God did not give us that ability because our craziness would take us to crazy places. But I appreciate the fact that all of you are brave enough to get out and talk about this. It is going to be helpful to our country. And now we'll take some questions from the panel. I can't see everybody's lights. Franklin Graham.

Question and Answer

Rev. Graham: I've got a question for you, **Sherrie**. Are things okay in Anchorage right now? I mean, you got anybody biting at your heels right now?

Sherrie Laurie: We are okay. Things in Anchorage aren't okay. We are in the middle of elections right now for the Assembly. And our Assembly has been the big problem with so many of these issues.

And so, in April, we should get a whole new Assembly and that will change the city. It's gone really downhill. They've, they've abated camps all over town, but that doesn't mean the people still aren't out there. They're in the woods further in the woods. And so, they made it illegal for people to camp in the city. It's, it's just not the same Anchorage it was 20 years ago at all.

Rev. Graham: I know Alaska's been extremely cold this winter.

Sherrie Laurie: Yes, it has. It's still cold. When I left, it was minus 15.

Rev. Graham: Are y'all full? I mean, do you turn people away at night?

Sherrie Laurie: Our limit is 80, but we always go over. We have an apartment complex across the street for our students. So, if there's some ladies that I know are stable, I'll move them over there, bring more in. We'll let ladies come in and just sit at the table all night if we have to. So rarely will we ever turn somebody away unless they're very belligerent and violent. So, but no, we, it's just too dangerous out there. It's dangerous for men on the street out there.

Rev. Graham: Thank you for what you do.

Sherrie Laurie: Thank you. It's my honor.

Dr. Carson: You can see how stressful it is to some of those women to come into a shelter if they're willing to go out and sleep in the woods in Alaska, in the middle of winter. But, you know, why do they call it a women's shelter? Because it's for women. Just logical stuff. But logic and common sense doesn't seem to be that common anymore.

Okay, sir.

Rabbi Meir Soloveichik: Thank you all very much for your testimony. I just wanted to speak briefly to what the Archbishop mentioned. I'm familiar with the case of the Little Sisters of the Poor because I'm on the board of the Beckett Fund, which has represented them for so long. And also, because I testified in Congress on behalf of the rights of Catholic organizations and others during the original debate over the Affordable Care Act. And I just wanted to highlight one point

the Archbishop made, which is in this case, we're dealing with something even more pernicious than a violation of religious freedom, which itself would be egregious. What we're dealing with is the bureaucratic redefining of religion itself, and what it means to act in a religious capacity.

As I recall originally, the argument that was made by the Obama administration was that organizations that service those beyond their own faith are not considered religious organizations. So literally an organization titled Little Sisters of the Poor which proclaims how their faith motivates them to service the poor is not considered acting in a religious capacity. And it strikes me just as I was revisiting that in my mind, as you mentioned, that Archbishop, that, and here we're getting to the legal realm, which is beyond my expertise, but it's certainly worth discussion and I'll mention it to the commission whether it needs to be further codified at the executive level and ideally at the congressional level, the legislative level, as to what the actual definition of a religious organization is and make it more explicitly capacious and therefore, of course, truer to what the actual nature of religion is. If you have any comments on that, please.

Archbishop Cordileone: I find that definition curious and something of, I don't know if red herring is the right word, because to be honest, I don't know of any faith-based healthcare or social service organization that serves only people of their own faith.

Rabbi Soloveichik: Of course.

Archbishop Cordileone: I don't know any that ask them their religion before they give them the service. So, there's something very wrong about this. It seems like a strategy ahead of time to exclude what we're trying to do to help people. It's thoroughly offensive because again, as you said, it contradicts who we say we are, again with all other faith-based organizations that I know. So, we do need to have a different- not so much a government definition, but a different approach to this, that religion decides for themselves how they work out, live out their faith, without government interference.

Rabbi Soloveichik: Of course. Thank you.

Dr. Carson: And thank you Rabbi for that question. You know, **Jean Marie Davis**, I am so impressed with that story and with your ability to express yourself and to lead after such a horrendous start. Where did you get that courage and determination from?

Jean Marie Davis: Well, as I was talking with some of the witnesses here, I lost how to read and write. But it was because of Jesus Christ and reading the Bible every single day for the last almost 11 years that I've been walking with Jesus have I been able to learn how to articulate, learn how to communicate, learn how to put boundaries up, and also to learn how to stand for truth and stand for what's right. Because being sex trafficked, you have a pimp, we call that, you know, everybody in the world now calls it a trafficker, but we on the streets call it a pimp. They dictate to us what we are supposed to say and do. They tell us how we're supposed to live. They

tell us when to get up and when to go to bed. And so, when you take away that dictatorship, which is what, like Vermont, you're dictating to us what we can do, that becomes a now a surrender type of feeling where you're taking away my voice, you're taking away my ability to decide what I would like to do as far as what is good and what is wrong.

And so, for that, I have worked very hard over these past, I want to say, not just the three and a half years of being a director, but really essentially the last 11 years of my life, because I have a son now, it, to be able to articulate my words to where he can, people could understand the heart, the feelings, and also know my stance.

Dr. Carson: Interesting. Because as you're describing the pimp, I was thinking about some government people.

Jean Marie Davis: That's all of government. I did not say that. I want to put that on the record.

Dr. Carson: Why it is so important for us to watch out for the liberties that were given to us expressly in our constitution. Okay. **Allyson?**

Allyson Ho: Yes. Thank you, Dr. **Carson**. I had a question for the **Wuotis**. First of all, thank you so much for being here, for all of you, for sharing your stories of sacrifice and courage. I think you said it was, how many years of litigation or the process where you weren't, you weren't able to foster, I think it was several, several years. I think you said three years.

Kaitlyn Wuoti: Yeah, three to four years.

Allyson Ho: Three to four years? You know, as a, as a mom, I often think to myself as saying, you know, the days are long, but the years are short. And it struck me, the human cost in those three years of children being served, especially young children. Sadly, in the world of litigation, you know, three years can be a drop in the bucket. But could you help us and the committee and the commission, the people that are watching, kind of get a better sense of when those three years, the cost in terms of the children that you weren't able to foster during that time? What was the human cost?

Kaitlyn Wuoti: Yes. Thank you for that question. We have five children, three biological, two adopted, and we don't need more children. You know? But we did want to help. We did want to, to continue to help. And that was what's so jarring to me was why can't we just help? I particularly was devastated at the idea of never getting to foster again because it had become such a core part of our family culture and our family. We talk a lot about how we as believers in Christ are adopted into his kingdom. And we speak to our boys about that a lot. That we are all adopted in a way. And we were devastated at the idea of never getting to do that again. So, we're

very thankful that we get to dive back in at this point. And do you have anything that you want to add?

Pastor Wuoti: Yeah, we're excited. We've already called the DCF office in Brattleboro, Vermont. They seem to be a little bit relieved in some ways. I think we've made their job easier. There's going to be more families, more candidates stepping forward right. That the people that are on in the front lines as social workers, connecting children in need to, families are going to be able to have more options available. And so, we look forward to being able to go forward with them.

Kaitlyn Wuoti: And that was the other thing. It wasn't just us in the Gantts that were affected by this. There were a lot, we know a lot of families that either had to back away silently or, just the day that Vermont signed the papers, Rebecca and I were at homeschool co-op together and we met a new woman who said that she wanted to become a foster parent, but she knew that with the new policies, she would, they would never allow her to. And Rebecca and I looked at each other from across the room. I said, should we tell her? And we were able to share like, the joy of the win and that she, and she was so excited that she was going to get to join in helping the state. And all the other families that we know either had their license revoked or had to back away silently, they can jump back in. It will just open up so much more help for the state at this point.

Allyson Ho: And thank you too for highlighting, as horrific as what's happened to each of you is, I think part of the point of your prosecution and persecution is precisely to keep others afraid and not coming, not coming forward. And so, thank you for refusing at great cost to yourselves, refusing to give into that because you're standing up not just for yourselves, your charities, your own mission, but also countless others. So, we're grateful to you. Thank you.

Ryan Anderson: Yep. I just wanted to pick up on the exchange that Rabbi **Soloveichik** and Archbishop **Cordileone** had. Archbishop, you said something to the effect of, it seems like they're trying to weed us out. And I want to suggest more bluntly that I think a lot of this is intentional. I think there are various government bureaucrats who want to win, not just on whatever the ideological policy is, but also on eradicating the space of civil society and of faith-based civil society in particular. I can remember about a decade ago speaking to another archbishop and he was telling me, you know, this is back when the Little Sisters of the Poor case was first happening. It's when a bunch of these state cases were first happening. He said, 20 years ago, I would've picked up the phone, spoke to the governor, and I said, if you run through with this piece of legislation, I'm going to have to shut down all the Catholic hospitals or all the Catholic schools, or all the Catholic homeless shelters.

And the governor would've said, no, no, no, no, no. We need your services. I'll find a way of crafting legislation so it doesn't violate your religious liberty. He said to me, he's like, **Ryan**, if I

made that phone call today, he would say, great. I get two for the price of one. Right? I get to shut you down and I get to impose my new orthodoxy. And so I just think, you know, the report that we make to the President needs to highlight that that's part of what's going on here. These are not accidental byproducts. This is intentional. It's by design. And, and then I think the other thing we need to highlight is just how important that space between the government and the individual citizen is. You know, we were talking at breakfast about de Tocqueville and civil society, that in-between space, that mediating institutions are vitally important for the health of, of a republic like ours.

And I, I just thought, you know, the very first testimony we heard from **Jean Marie**, like, you know, the question that you heard was, what can I do to help? And have you met Jesus? Do you know this Jesus guy? There are things that faith-based social services can say and do that the government runs, secular agencies simply can't. And they can literally work miracles in a way that a government run homeless shelter, as good as it is, can't do what the Hope Clinic does. Right. And there, there are things that your pregnancy resource centers can do that they can't. And I just think it's vitally important to highlight just the miraculous work that is going on, and then how there are some government bureaucrats who intentionally want it to stop.

Bishop Barron: Just a quick comment. I quite agree with that. I think they want us out of healthcare. They want us out of education. And to me, a lot of it hinges on that word love, like providing a loving home. My intellectual hero, St. Thomas Aquinas would say to love is to will the good of the other. It doesn't mean make the other feel good about himself, give the other what whatever the other wants, it means to want what's truly good. And for a long time, largely religious leaders articulated that, we brought forward into the public conversation, what the good is, you know. As we faded more and more into privacy, and I think that's what they want, we're not articulating that. And so, the language has slid to love, means indulge someone, make them feel good about themselves. So, there's a legislative side to all this. I think we should pursue that. There's a judicial side. A lot of you talk about that. But there's a strong moral religious side that we, religious leaders, and there's Tocqueville again, we've got to come forward in the public space, articulate what is the human good. You know, I think we become more reticent and we've succumbed to the pressures from the secular ideology. We've got to keep articulating what the good is because otherwise we won't know what love really is.

Eric Metaxas: Yeah. Thank you. Just a, a few, just a few comments. I listening to all this, I can't help thinking I've just finished this big book on the American Revolution and it becomes absolutely undeniable that the liberties we have in this country, everything we have in this country, comes from a biblical Judeo-Christian foundation. Our laws, everything comes out of that. It is not deniable. The Founders wanted to reconnect us to the Sinai Covenant, where we look directly to God. We have no king. We govern ourselves. So, all this is fundamentally a spiritual conversation. And I make these comments as a proud Christian Zionist. We have to

understand this is a spiritual battle. And as I listen to all of these stories, it's so fascinating to me. We're dealing with evil. You have to say it. We shouldn't be any more ashamed to say that than we should be ashamed to say that we do what we do to honor God.

And every one of these stories, I mean, it's an amazing thing, as I heard you **Jean Marie** talk about the pregnancy center. My wife in New York City ran a pregnancy center. And when you see people, and this is what most of you have been talking about, trying to do good for strangers out of the love of God, who would try to stop you? You have to call it what it is. It is evil. Who would try to say to loving foster parents, no, you can't do this? No, you can't do that. We, I think that we have ourselves, even people of faith have become so secularized. We've become affected by the secular pressure that we even speak in secular language. And we're afraid to say, I do this for the love of God, and I praise God in my life.

And yes, what we're dealing with is evil. What we're dealing with is in many cases a death cult. They would be happier to see the baby killed, the woman raped and killed in the center of the children abandoned. They don't care. And I think we have to be much stronger in pushing back. We have to stop being timid. And I think that you know, because I wrote a book on Bonhoeffer and the Nazis, this has all happened before many times, and this is precisely what happened, the Nazis tried day by day to increase regulations in such a way to push people of faith out, out, out, out. And many people of faith allowed them to do that. And this brings me finally to think of the cops who brought the six-foot-one lunatic. Shame on those cops because if those cops had any courage, you wouldn't need to have courage and you wouldn't be here today. And all across our society, we have people, just as many Germans, were perfectly willing to look the other way because they didn't want any trouble not caring that because they're looking the other way, a Jew is in a box car going to his or her death.

They didn't care. And we have many Americans who don't care. And it is our job to make them care, to make them understand that when they look the other way, it will fall to such as you heroes to do your work. And I just think it's important for us to understand, I think it was Dr. Phil who said it some months ago, but it really is every single American has this responsibility to understand what it is we're talking about. And if each of us understood our duties as Americans and did the tiniest bit, you wouldn't find yourself in these positions. So, I just feel so honored to have heard your stories, and I know there are many who didn't, who don't get to tell their stories, but there is nothing more important than what we're discussing here. This touches on the liberties of every single human being in the United States of America. And we know there are dark forces that are at war with what God has done in this nation. And thank you for your heroism in living out your faith on this issue.

Lt. Gov. Patrick: Thank you, **Eric**. Thank you for testifying. You all were terrific. Thank you very much. Thank you.

Parents and Students Impacted by Vaccine

Lt. Gov. Patrick: One of the important issues that we hear lots about are religious liberty taking away from people over the vaccination issue. And so, we wanted to, and we've had a few witnesses before that before, but this panel will be addressing that. **Nancy and Isabella Costine**, you'll be up first. Floor is yours.

Nancy and Isabella Costine

Nancy Costine: Thank you.

Lt. Gov. Patrick: Pull the mic close to you or get lean into it a little bit.

Nancy Costine: Okay. Thank you very much. We are very grateful to the commission for providing the opportunity to share our story, and we are also very grateful to the Trump administration for finally giving us a voice. My husband and I were raised in Roman Catholic families, but during my young adulthood, I had fallen away from my faith. After time, reflection, and repentance, I renewed my dedication to God. This dedication fuels our commitment to providing a strong foundation for our children based on Christian principles. My husband and I are also parents of two vibrant and healthy children who are excluded from education, enrichment services in New York State due to the repeal of the religious exemption for vaccines.

When we were blessed with our first child, I had a basic understanding of vaccination. We began a vaccine schedule with the intent to eventually meet the requirements for school entry. But after she experienced adverse reactions, I began to research and became aware of product development practices and the use of animal and human cell lines that conflict with our religious beliefs. We had an obligation to make the best judgment based on the available information and in good faith and conscience. After consideration and prayer, we determined that it was in the best interest of our child to seek a religious exemption. My children attended school with approved religious exemptions until 2019 when New York State removed a religious right that had existed for over 50 years, denying 26,000 children access to education, enrichment, and services.

Isabella Costine: On my seventh birthday, I lost my right to an education in New York State after the religious exemption was repealed. When I blew out the candles on my cake that day, I was unaware how drastically my life was about to change. What happened that day in the seven years that followed has become etched into every part of who I am. Even though I'm very healthy, the state treated me as though I was dangerous and sick. My family would not comply

with the new law because of our beliefs on faith, family, and human dignity. My school district wanted nothing to do with me. We were not allowed to begin the school year with our friends and teachers. I didn't understand why the bus was not stopping at our house anymore, and I became confused as we began two years of homeschooling. Homeschooling is a blessing for families when it is chosen freely.

My parents did not choose to homeschool. They tried their best to teach us at home, but could not recreate what my sister and I missed and needed. My sister and I felt alone, misunderstood and forgotten. We began a life filled with stress, isolation, and uncertainty, and I carry the effects to this day. Before, I was outgoing and it was easy for me to make friends. Now it is harder to make friends because it is hard to trust people, and I always feel that I will be judged. That was the saddest time in my life, and I prayed every day for my situation to change.

Nancy Costine: Despite legal efforts in the summer of 2019, the children remained excluded from schools, camps, and other activities. Like thousands of families, employment prevents us from moving out of New York state. It broke my heart to watch my children suffer as a result of their exclusion. My husband and I experienced every bit of their pain and loneliness. Desperate to restore normalcy, we began to commute the children to private school out of state. We drive three hours every day to give them the opportunity to go to school. Our district will not provide bus transportation, resulting in incredible transportation costs. The unexpected tuition and costs are financially draining.

I am unable to work full-time due to the commute, costing us over a third of our household income. Career advancement is impossible due to my lack of availability. The amount of money and salary, retirement and benefits that have been lost due to the religious exemption repeal will never be recovered. The relentless worry has negatively affected my health. And though our children are banned from school grounds, we are still expected to pay our exorbitant school tax bills. The religious exemption was repealed, but secular exemptions remained. Lawmakers questioned the sincerity of our beliefs and disparaged our children, while removing their fundamental right to an education. And they said that our beliefs were utter garbage. The free exercise of religion includes a parent's right to direct a child's religious upbringing. Families should not be forced to sacrifice education, employment, privacy, financial stability, and the peaceful enjoyment of life in order to maintain religious convictions as they raise their children.

Isabella Costine: My sister and I now enjoy a supportive and welcoming school community where God and prayer is a part of every day. And I'm so thankful for the opportunity to be back in class. While I love my school, the long drive, long days, and the memory of what happened in New York is still very stressful. I always worry whether I will lose my place in class if religious exceptions are removed again. I worry about losing everything that took so long to build back. I take hours of dance lessons a week in New York. I often wonder why I can't sit in a classroom

with those kids too. Though I'm a high honors student, my future is uncertain. I'm excited for high school, but there is a real possibility that I could be excluded again. Children who had religious exemptions were compared to criminals bringing weapons into school by those who took my right to an education.

Why is that okay? Do they say these things about children with medical exemptions or children who have no records and are allowed to attend school anyway? Why is my faith dangerous in school? When did it become okay to portray any group of children in such a horrible way? Please consider the experiences of children like me who are not allowed on school grounds. We are not allowed to play sports. We are not allowed to attend summer camp. Our opportunities for outside activities are very limited. I'm healthy. I have never harmed anyone, and I have not disappeared from my community. Some people like to believe that all of the children who are forced from their schools just disappear. This is just not true. All children in the United States should have equal opportunities and access to education regardless of their faith. That is what our Founding Fathers envisioned so many years ago. No child should ever have to go through what I did. A child in New York state should enjoy the same religious liberty and access to education as a child living in Florida. I respectfully ask that you help to restore and protect religious liberty and access to education for thousands of children like me. Thank you very much for inviting me to share my story.

Lt. Gov. Patrick: Thank you, **Nancy**. Thank you, **Isabella**. I told you last week when we talked, you would do a great job. Nothing to be nervous about. **Karen**, and you have a guest with you too.

Karen Amigon

Karen Amigon: Yes. Good morning, Chair, Vice Chair and members of the commission. I am truly humbled and grateful for the chance to share our story and appreciate the work this commission is doing to examine and protect religious liberty in our country. My name is **Karen** and I am the mother of a beautiful 7-year-old little girl, and we live in Los Angeles, California. Like any parent, I want my daughter to grow up with the opportunity, community, and access to education. Yet in our state, she is not allowed to attend school because of our family's sincere religious beliefs regarding medical decisions. Like many little girls her age, she loves drawing pictures, asking endless questions, and dreaming about what she's going to be when she grows up. In 2018, I remember the moment I first heard my daughter's heartbeat. Even though I knew at the time I would be raising her as a single mother, I felt an overwhelming sense of gratitude and peace.

I believe then and still believe today, that God entrusted me with an incredible blessing and responsibility in becoming her mother. My daughter spent the first two months of her life in the NICU. During that time, I leaned deeply on my faith. I prayed constantly asking God to guide us through that season. When she finally came home, I presented her to the Lord and thanked Him for the miracle of her life. Since then, my faith has guided the way I raised my daughter and the decisions I make as her mother. We attend a church that we love very much. My daughter prays with me, and one of her favorite times of the day is when we read Bible stories before bedtime. There is a verse that I hold very close to my heart as a parent, “train up a child in the way he should go, and when he is old, he will not depart from it.”

That passage from Proverbs reminds me that my role as a mother is not only to care for my daughter physically, but also to guide her spiritually according to the convictions of our faith. Those convictions also guided me when I prayerfully considered decisions related to my daughter's healthcare and medical treatment. Through sincere prayer, reflection, and research, I made the decision not to vaccinate my daughter. The decision was not made lightly. It was a deeply personal decision rooted in my faith and in my understanding of my responsibility before God as a parent when making healthcare decisions for my child. However, I soon learned that in California there is no longer a religious exemption for school attendance when it comes to vaccination requirements. In 2015, California passed a law known as SB 277. That law removed personal belief exemptions, and with it, religious exemptions were effectively eliminated, as well for families making healthcare and vaccination decisions based on sincere religious beliefs. As a result, families like mine who hold sincere religious convictions no longer have a pathway for their children to attend school while honoring those beliefs. Because of this law, my daughter is not allowed to attend public or private school in our home state because of our religious beliefs regarding vaccination. Currently, she is being homeschooled. Homeschooling has brought many

blessings into our lives. I cherish the extra time I get to spend with my daughter and the opportunity to be involved in her learning.

But as a single mother who must work full time to provide for my child, homeschooling also comes with very real challenges. These, there have been many weeks where I have quietly prayed and wondered how we would make it financially while trying to balance work, teaching my daughter, and simply keeping our home running. Yet through those moments, I have witnessed God's faithfulness time and time again. Somehow there is always a way forward. I believe that exercising one's religious liberty should not come at such a heavy cost for families who are simply trying to live according to their sincere beliefs regarding healthcare and medical decisions for their children.

My heart breaks in ways I never expected. We live near several schools. And many mornings, my daughter sees the children with their backpacks walking to school. Sometimes she watches them and asks me why she cannot go to school like the other children. As a parent, it is incredibly difficult to try to explain to a 7-year-old child that she is not allowed to attend school because of her family's religious beliefs regarding vaccination. How do you explain to a child that something as simple and ordinary as going to school is not available to her because her mother followed her conscience and her faith when making healthcare decisions for her child? California is a beautiful state in many ways, but for families of faith, it can sometimes feel like our religious liberties are constantly under pressure. I am grateful that there are organizations working to address these challenges. In California, a Voice for Choice Advocacy has been working through the courts to challenge SB 277 and to seek the restoration of a religious exemption for families like mine who hold sincere religious beliefs about vaccination.

My daughter and I pray about this often. In fact, she has become what I lovingly call a little prayer warrior. We pray that the courts will see the injustice of denying families the ability to live according to their faith, while still allowing their children to access education. Scripture reminds us that it, it is for freedom that Christ has set us free. For families like mine, that freedom means being able to raise our children according to our faith and our conscience without being excluded from basic opportunities like education because of medical or vaccination decisions. At the end of the day, I am simply a mother trying to raise my daughter according to my faith and my conscience. I pray that one day she will be able to walk into a classroom like every other child without her family having to choose between education in our deeply held religious beliefs, which do not allow me to vaccinate my child. Thank you for listening to our story and for protecting the freedoms that allow families like mine to live according to our faith. And if it's all right, my daughter wanted to share something really quickly.

Riley Grace: Good morning. My name is **Riley Grace**, and I pray to go to school like others.

Lt. Gov. Patrick: Thank you, **Riley**. Thank you. Dr. **Aaron Kheriaty**.

Dr. Aaron Kheriaty

Dr. Aaron Kheriaty: Thank you, Chairman. Thank you to all the commissioners for this opportunity to address you. My name is **Aaron Kheriaty**. I'm a physician specializing in psychiatry and Director of the Bioethics Technology and Human Flourishing Program at the Ethics and Public Policy Center. The first part of my remarks will harken back to the first panel of the day and look at religious freedom for health healthcare providers. And then the second part of my remarks will circle back to the theme of this panel, which is religious freedom related to vaccines and informed consent for vaccines. When I was a medical student on my obstetrics clerkship, I was assisting my first patient on the labor and delivery service, but this woman's labor was not progressing well, so they decided to convert her from a vaginal delivery to a cesarean section. I was just scrubbed in on the case and assist with a c-section in the operating room.

I walked with the intern into the patient's room to obtain consent for the procedure. The patient still huffing and puffing from painful labor said, "I just spoke to my husband. We decided that while you're in there, you can go ahead and tie my tubes." The intern responded, "are you sure?" And the patient replied, "yes." That was the extent of the informed consent for an irreversible procedure that would render my patient permanently sterile. So then as the intern and I walked to the scrub station, I informed her that while I was willing to assist on the cesarean section, I would need to step out of the operating room and not help with the tubal ligation as a matter of conscience. The resident became irate asking "How dare you impose your views on the patient?" I replied that I was imposing nothing on anyone merely telling her what I was willing and not willing to assist on.

I didn't end up scrubbing in on that case. And for the rest of the rotation that intern made my life hell. I managed a passing grade. But the comments that ended up in my dean's letter and my residency application from obstetrics were unfairly critical, not because of my performance, but because I chose to exercise my rights of conscience. I believe that damaging a healthy organ system, in this case the patient's reproductive system, contradicted the ends and purposes of good medicine. In addition, the procedure of permanent sterilization also violated the moral teachings of my sincerely held Catholic faith. What's more, even as a medical student, I knew clearly that the so-called informed consent for this procedure was a total sham. I mean, what woman in the middle of labor wants in that moment to think about having another baby? That's clearly not the time to hurriedly make this irreversible medical decision.

I didn't realize it at the time, but I was also the only person in that case actually upholding the hospital's own policy. For this was Georgetown University Hospital, which as a supposedly

Catholic institution, was legally bound to abide by the ethical and religious directives of the Catholic bishops, which forbade procedures whose sole aim was permanent sterilization. Now, after this incident, I ended up getting dragged before the obstetrics department chair at the behest of the Chief medical officer, the lead administrator in the hospital, to explain what happened. As a lowly medical student, the power dynamics were intimidating, and nobody from the hospital administration or the School of Medicine accompanied me through that process. The chair of obstetrics made excuses for violating the hospital's own policies, and the entire meeting was a farce. Another thing I did not realize at the time was that I was supposed to have been protected from retaliation by federal laws such as the church, the Coats Snow, and the Weldon Amendments.

These laws protect the rights of healthcare workers to decline participation in medical interventions that violate their conscience, religious beliefs and moral convictions, such as declining to participate in abortion or a sterilization procedure. Although I didn't know this, healthcare workers and trainees are also protected by these laws from retaliation. Should they, like I did, decline to participate. The Department of Health and Human Services issued a new non-discrimination final rule to protect conscience rights two years ago, actually in January, 2024. It encourages, but does not require that hospitals and clinics voluntarily post a notice of rights to ensure compliance and to educate the public about conscience statutes. Now, these laws were actually in place when I went to medical school, but I had no understanding of them. I had no understanding of my rights under federal law.

As a medical student actually interested in ethics, I was better informed than most students on these issues. Yet still through that whole process, I was never advised of my rights even after they were violated. And even after the top leadership in the hospital was notified of that fact. Clearly, if healthcare providers and trainees are not informed of their rights at orientation, then the laws on the books remain a dead letter. Those rights are if those rights are violated, individuals and trainees need support, not just from the HHS Office of Civil Rights, but they also need, as another panelist already suggested today, a private right of action in order to defend themselves and defend their rights in case the Office of Civil Rights is slow to respond to complaints as they have been under various administrations. Furthermore, these protections need to be extended in federal law to include other procedures, which were not common when these laws were first enacted, but which as we've heard today, are now ubiquitous, such as doctor assisted suicide, euthanasia, and sex rejecting procedures, [w]hat advocates euphemistically term gender affirmative care.

While euthanasia is briefly mentioned in the Affordable Care Act, this merely regulates payments to hospitals. That law alone does not protect the conscience rights of individuals in states that have legalized, for example, doctor assisted suicide. Okay, fast forward to 2021. When

I was the director of the Medical Ethics program at the University of California, I was on a committee that was vetting all the COVID hospitals for the entire university, all five of our branch campuses that had hospitals up until the vaccine mandate, which our committee was not consulted on, which I found puzzling because this was clearly going to be the most ethically controversial of all the COVID policies that the university was enacting. Troubled by the draft policy that was about to go into effect, I published a piece in the Wall Street Journal co-authored with a law professor arguing that university vaccine mandates were unethical. That failed to persuade the university, failed to get a conversation going, even at the university and on our committee.

And so, they finalized the policy and I had gone public as an opponent of it. So, I had many people at the university reaching out to me worried that they were going to get fired, worried that their religious convictions were not going to be respected, worried that their concerns about safety and efficacy were not going to be respected and so forth. So, I made the fateful decision to try to challenge the university's vaccine mandate in federal court. And I like to tell people, if you want to go sideways with your employer really quickly, a very efficient way to do that is to sue them in federal court. So, the university wasted no time. Before the court even ruled in my case, they placed me on first what they called investigatory leave, then a month later on unpaid suspension. Then a month after that, they fired me.

So, they ran me through the paces to get rid of a full professor and director of their medical ethics program as quickly as they could. I'd been a professor there in the School of Medicine for 16 years, 20 years if you count my residency training. And I had won the Excellence in Teaching award three times from medical students. There had never been any complaints from patients or students against me. As we've already heard from the other panelists, when it comes to vaccines, laws in many states failed to protect conscience rights and religious liberty. While I'm not a lawyer, I failed to see how such laws could withstand judicial scrutiny, as it seems to me, they clearly violate the free exercise clause of the First Amendment. For example, states like California, which we heard about from **Karen**, where I work and practice, do not have laws allowing religious or conscience-based exemptions for parents who opt out of childhood vaccination requirements.

Many people have religious or moral objections, for example, to the use of cell lines derived from aborted fetuses or derived from embryos created and destroyed in the laboratory, which are very frequently used in the development and testing of many of the vaccines on the CDC's childhood immunization schedule. In states like California, if parents choose not to use these products, then they're not, as we just heard, not even permitted to send their kids to public or private schools. Those who cannot homeschool are left with no options. As Commissioner **Ryan Anderson** articulated during the first panel, one does not have to rely on doctrines of revealed religion to see that medicine has its own internal morality, that medicine should always and only be aimed at health and healing. By the light of reason alone, we can see that doctors shouldn't

intentionally kill their patients, that doctors shouldn't intentionally destroy healthy functioning organs or organ systems, and that doctors should not force treatment on patients that patients decline for medical, moral, or religious reasons.

In our current confused culture, however, it's often, as we've seen today, it's often men and women of faith buttressed and given courage by their religious convictions who uphold these traditional principles of Hippocratic medicine. Some federal laws protect them in these circumstances, but these laws are neither well known, nor are they consistently enforced. They're also too narrow to cover new threats to the integrity of medical practice. After the excesses and authoritarian overreach by governments during COVID, the people of the United States are now pushing back and reasserting their rights of conscience and freedom of religion in healthcare and other realms of public life. I pray that this committee will assist them by strengthening and enforcing federal laws on the books, educating the public regarding rights that are already protected under law and leaning on states to do the right thing when it comes to free and informed consent. Thank you.

Question and Answer

Lt. Gov. Patrick: Thank you, Dr. Kelly?

Kelly Shackelford: Couple of things. I want to come to you Doctor a second. But I don't know if you're aware in New York we actually have a lawsuit that just went to the Supreme Court on behalf of the Amish. Are you aware of that case?

Nancy Costine: Yes. The *Miller v McDonald* case? Yes.

Kelly Shackelford: Yes. And so, so there's, there's some hope at least. We used to all, you know, have a religious accommodation in every state for people who had religious objections to vaccine mandates for their children. And it's a shame. I mean, in our case, we've got the Amish, you've just been trying to be left alone for 250 years, and they're coming in and saying, we're going to vaccinate your children. And that didn't go over too well. The good news, though, is the Supreme Court, they vacated the bad decisions below in New York, and looking at my mood, a recent victory, they sent a message down saying, why don't you redo this, this time, looking at parental rights and religious freedom. So, we were very encouraged that that happened, but you know, we're going to see what happens after that. But I'm hoping that that would solve, if we got a good decision, maybe that would solve both of your situations, but certainly it just brought to my mind that this is maybe something we can ask the President to do when this issue arises to the Supreme Court that the Justice Department would weigh in on behalf of religious freedom. So, I didn't know if you knew about that or not. So, I at least wanted to mention it and be praying for that result. And Doctor, I want to ask you a question, because this has confused me for years. I hear a lot from people who their pediatrician fires them because they won't, you know, do the vaccines, and it's because they're getting paid to do these vaccines. And I'm like, this seems like a horrible conflict of interest.

This would never be allowed in law or in any other profession. How does this work that, or should we have laws that deal with the fact that physicians should not be paid for giving certain drugs to people?

Dr. Kheriaty: So, the, the payment is typically indirect. The way, first of all, it must be said that pediatrics is the lowest paid medical specialty of, of any specialty. It's at the very bottom, which might be a sad commentary on our priorities and how we value or don't value the health of our children, but be that as it may, that's a fact of life. Fortunately, most kids are healthy most of the time. I mean, that's, that's part of the reason. And one of the things that brings young people into a pediatrics practice consistently is following the CDC's recommended vaccine schedule. When I was a kid, to be fully compliant with that vaccine schedule, I had to get all these vaccines just to

go to medical school. There were 18 shots for something like five or six different vaccines. Some of them, you get more than once.

Today there's between 72 and 90 to follow the CDC's full vaccination schedule. So, the requirements have ballooned massively. Each of these products was tested only individually in its clinical trials phase for FDA approval, which means none of them have ever been tested in combination. And many people today have legitimate questions about the cumulative effects of so many shots which have not been well tested and studied, and the combination of these products when they're given when they're given with one another. And so, just for asking questions, very often, there's a mentality among pediatricians of this patient's going to put me at some degree of risk, which I think has no actual credible basis to it. And also, this is just a way to get people in routinely for visits that I can bill for. So, the payments come in directly in the form of billing the insurance company for well-child visits, for vaccine visits and so forth.

And that is a very significant source of revenue for many outpatient pediatrician practices. I don't know exactly how to resolve or settle that. Obviously, pediatricians who dedicate their life to the healthcare of children need to be adequately compensated, they need to be able to pay off their considerable medical student loans. So, as a doctor, I am sympathetic to the idea of like, I need to maintain a practice that's financially viable. But if pediatrics has come to be so reliant on the administration of these products in order to get people in the door, then we have to find other, other ways of, you know, basically making the practice of outpatient pediatrics more viable without forcing products that people may or may not want on parents and on, on their children.

Kelly Shackelford: And, and I just want to say thank you to all of you for just sticking with your conscience, doing what you know is right, even though you're paying a price for it. And the thing that's going to happen as a result of even your testimony today is you're going to help millions of other people who have conscience beliefs. It might not be on this issue, it might be on something else. But thank you for- because I know it's not easy to do, not even to come and testify. So, thank you.

Lt. Gov. Patrick: Dr. Carson.

Dr. Carson: I want to thank all of you for your courage and standing up for such an important issue. You know we heard very little during the COVID vaccine controversy about complications from that. A lot more of that is coming out now.

But maybe you could, **Dr. Kheriaty**, enlighten us a little bit about alternative vaccines that don't utilize some of the products that-

Dr. Kheriaty: Yeah. So interestingly, there are products available manufactured by the same pharmaceutical companies in many cases, that make vaccines that utilize fetal cell lines or embryonic cell lines. They, they have other products that they export to other countries that don't use those processes in the manufacture of vaccines. And so that, that's not the only ethical or religious objection that people have for vaccines. I want to emphasize that, but that's a very common one that many people cite for their reasons to decline certain vaccines. And those products are available, for example, in Japan, but not in the United States. And I'd have to do a deeper dive into the regulatory issues as to why that is the case. But it seems to me that there's room for the current administration through the FDA and through HHS in general to look at, okay, it's not even leaning on these companies to produce more ethically acceptable alternatives to these products.

In many cases, they're already doing that. It's just a matter of the low hanging fruit of let's make those things that are available elsewhere in the world. Let's make sure that they get whatever necessary approval to be made available here in the United States. So, it seems to me that one would be an easy solve. I don't think it would obviate or basically, you know, take care of all religious objections to vaccines. But for many people, if that's the central issue, if it's their pro-life convictions or their opposition to abortion, and otherwise they might be they might be willing to take some of these products. That's a way, at least to address the concerns of that population. And also, to encourage pharmaceutical corporations to move away from the use of products that have inherent problems and are inherently unethical. So that seems to me to be a pretty easy win. It's something that the current administration could accomplish if it just sort of studied the issue and figure it out what the roadblocks were.

Lt. Gov. Patrick: Cardinal **Dolan**.

Cardinal Timothy Dolan: Thanks. You know a common theme in your eloquent testimony this morning has been parental rights. Parental rights. We, of course, are heavily concerned about religious freedom, but the two are very allied, aren't they? Rabbi, do you remember a couple months ago, you and I were on a panel on the *Pierce vs Society of Sisters*? And it was the centennial of that, and what it said, the Oregon School case, in 1925, Oregon passed a law that every kid had to be in a government school, everybody. So, there's no homeschooling, there was no religious schools. And the Oregon Supreme Court held it to be constitutional. It went all the way to the Supreme Court. Our Federal Supreme Court said in 1925, stunningly effective words, the child is not the creature of the state. The child is not the creature of the state. This has remarkable implications, not only in healthcare, not only in family unity, not only in, but also in in education as well. And we might be good Lieutenant Governor to remind, to kind of affirm, in a ringing way, that stunningly effective belief that the child is not the creature of the state.

Lt. Gov. Patrick: Thank you. Thank you for bringing that up. Cardinal **Dolan**, 1925. Yeah, you wouldn't know it if you listened to a lot of people today.

Rabbi, did you have your light on? Okay, you did not. Any questions? You go **Allyson**.

Allyson Ho: To the moms, you know, I feel like come at me with everything you got right, and I will fight you tooth, tongue, and toenail. To watch your child be hurt and to stick to your principles is next level courage. And I just, I just really want to express my deep gratitude for you as mothers to take the stand that you've taken. And to the daughters, I'm so grateful to my own Godly parents. They would often, I would feel like our home was so at odds, sort of with the culture that I lived in. And now I realize that they were preparing me for my home, which is not here. We are not home. This is not, this is not our home. And what you've experienced that has been, it's been evil and it's been intended to hurt you. And God is going to do amazing things. He already has today. He is already doing amazing things here in this room, and everyone who's listening and watching you, that doesn't make it any easier. It doesn't excuse what was done to you. It doesn't make it any less evil. But it fills my heart with gratitude and appreciation for you. Thank you for being here today, and as the daughters and the moms. Thank you.

Lt. Gov. Patrick: Ryan.

Ryan Shackelford: Yep. this question is for **Dr. Kheriaty**. I listened with interest when you mentioned your proclivity for suing your employers.

But I want to ask you about one of your other lawsuits, because this morning in the first panel, the first witness, **Dr. Eithan Haim** told us about, how after he blew the whistle on Texas Children's Hospital, still performing sex rejecting procedures, the Biden administration went after him legally. Yeah, three different bogus indictments. After you spoke out against some of the COVID excesses, the Biden administration leaned on social media companies to censor you. And you had to, you know, eventually sue them as well. Share a little bit about that, because I think one of the patterns that we're seeing is that the religious liberty violation doesn't just stop, you know, at the violation. But then there are these, you know, coattails of persecution that follows.

Dr. Kheriaty: Yeah. Thank you for that question, **Ryan**. The First Amendment seems to be a package deal. And the first freedom, of course, is the mention in the First Amendment is religious liberty. But once you go after that, I think exact, you're exactly right, that free speech is the next target. Because if you stand up and start defending your religious liberty, then people want to literally shut you up and put a gag order on you. So, this was a case that I filed with the Attorney General of Missouri and Louisiana, *Missouri v Biden*. When we went to the Supreme Court a couple years ago, the case was known as *Murthy v Missouri*, and it was a case where five private plaintiffs, actually the federal government has pillaged our plaintiff, Dr. Bhattacharya, is now working for the defendant as director of the NIH.

So, he's no longer a plaintiff in the case. Dr. Caldor is now working for Health and Human Services as well. But now three private plaintiffs and these two states sued the Biden administration. And what we alleged was that they were coercing social media companies, pressuring social media companies to censor disfavored information online. And initially when we filed the case, the evidence that we had from the private plaintiffs was censoring speech related to criticizing the government's preferred COVID policies and information related to the 2020 election and questions about election integrity. What we found when we got more and more documents on discovery in this case, was that the censorship started on those issues, but then it expanded to other issues. It expanded to abortion, it expanded to gender ideology, it expanded to critics of our foreign policy, critics of our monetary policy. Basically, once the government realized that it could do this, it could force Facebook and Google and Twitter to do its bidding even sometimes to change their own terms of service, to censor disfavored information on social media.

Then everyone seemed to get in on the game. So that was the bad news. The good news in the case is that the government is now settling the case with us. I just looked at the sort of final provisions of the draft settlement. I'm not allowed to talk about it, but we're getting at least a partial win in this case, and the government will be reprimanded for having done this. And so, I think the First Amendment stands or falls together. We have to defend religious liberty for all the reasons that we've talked about today. But once you start undermining that fundamental right, you're going to see other closely allied, closely related fundamental rights from free speech to the freedom of press, freedom of association, which was also undermined by many of the rules during COVID where people literally could not meet face to face. It seems to me that those things stand or fall together. And our Founding Fathers seemed to know what they were doing when they put them together as the, you know, first thing to be articulated in the Bill of Rights and as something of a package deal.

Lt. Gov. Patrick: Any other questions? I have one, **Nancy**, for you. We had a Navy seal in our military hearing back in 2025, who testified that, in his group, the seals that did not take the vaccination for medical reasons were allowed to continue. But his reason was for his religious beliefs, and he was drummed out of the service, lost his healthcare. I think he lost his pension. And I remember that testimony very well. So, did I hear you say it's been a few witnesses ago, but did I hear you say that your daughter **Isabella**, would have been able to go to school if you had said, I don't want the vaccination for medical reasons, would they have allowed that? I may have misunderstood you.

Nancy Costine: There are secular exemptions in New York State. It is incredibly difficult to obtain a medical exemption in New York, very difficult. There are a lot of children that have very legitimate medical reasons for not being vaccinated that are not being accepted by the school districts under pressure from the Department of Health. The districts are under heavy

finer, which part of the *Miller v McDonald* case relates to the fines that were levied on the Amish for not complying. The same could be said for children who need medical exemptions but their districts are not giving them. However, there is a group of children that are allowed to sit in classrooms, children who do not have medical records and are considered displaced. Originally, I think that thought was to help children who might be homeless, you know, someone who had needs the extra time to get settled to establish residency and to establish some kind of pediatric care.

I don't know what that expanded to now. But I do know in 2024, a Freedom of Information Act request was sent to the Board of Education in New York City asking them how many children who were unvaccinated or did not have complete vaccination records that are actually enrolled. And that number at that time in 2024 was 35,000. That's 10,000 children, more than the 26,000 children that had religious exemptions at the time of the repeal. So, my question would be, where is this fervent desire? If this was about public health, removing the children, destroying families, thousands of families left New York, families had to comply against their beliefs. Families had to find alternative ways to educate their children at great expense because of the excuse of public health. If that was the case, then where's the fervent desire to ferret out these children? And that's just in New York City, that that doesn't include the entire state.

Lt. Gov. Patrick: And Cardinal **Dolan**, I think you've said a couple of times a day or maybe you and Reverend **Franklin**, that you see a thread going through testimony. It would seem like there's a thread going through blue states. That seems a thread to me, and not at all cases, but the majority of cases. There seems to be a thread going through the philosophy and the laws that are passed that I don't quite understand why reasonable people wouldn't be reasonable no matter the politics. Doctor, a quick question for you. You said when you were growing up, there were 18 vaccinations roughly, and today there are 70 to 90. Do we have data to know if more children are sick today than they were in your generation because of taking all those vaccinations?

Dr. Kheriaty: Yeah, and of course, Secretary Kennedy has talked a lot about the epidemic of chronic disease, his focus being especially on children. So yes, young people today are not as healthy as they were 30 years ago, and there's an explosion of certain types of illnesses, particularly illnesses related to allergies that we just didn't see when I was growing up. I don't think we have definitive data to articulate all the causes of this, but it's a more than plausible hypothesis that the ballooning of the vaccine schedule and there, that that is to say it's a hypothesis that's supported by a considerable amount of evidence, that the ballooning vaccine schedule may be contributing to downstream unintended consequences, contributing to chronic illnesses. So, while we may be helping to prevent certain acute illnesses, maybe infectious disease in some cases the cost of that, it's not clear that we've struck a balance where the cost of that clearly outweighs the benefits.

So, this is, the important thing here is that scientists need to be able to ask questions and the silencing of dissenting opinions, the inability to raise your hand and ask a question is the hallmark of a, basically, of a totalitarian society. Right? Free and open debate on these questions is absolutely necessary. I think the NIH is under Dr. Bhattacharya's leadership is very serious now about getting to the bottom of what's causing the chronic disease epidemic among children. Hopefully we'll be able to fund some research that moves us closer to more definitive answers. But all of these possibilities, all these hypotheses need to be on the table. And we can't treat vaccines as though there's some sort of sacred untouchable cow. Once something gets on the CDC's recommended schedule, it's therefore unassailable for all eternity. That's just not how science works. Science advances by asking inconvenient questions by challenging what people think they know. And if you, anyone who studies the history of science knows that dogmas in science are overturned by the people that we consider to be the great minds of, you know, the scientific revolutions from Einstein to Newton to Galileo. So, the attempt to control speech within science and medicine the, the attempt to coerce people to basically go along with whatever the current quote unquote consensus happens to be. This is not only something that violates the First Amendment in many cases, but it's also bad science and bad medicine.

Lt. Gov. Patrick: We do know that the drug companies are making a lot more money on it. We have that data. Thank you. Thank you, witnesses. You did a great job. And thank you ladies, young ladies, **Isabella**. Thank you. We have one more panel coming up.

Welcome. Thank you for your patience today and being here and traveling to get here. Dr. **Kenneth Prager**, you're up first.

Physician Training, Ethics, and Practices

Dr. Kenneth Prager

Dr. Kenneth Prager: Thank you. Thank you very much for the privilege of speaking to the Religious Liberty Commission. My name is Kenneth Prager. I'm a pulmonologist at Columbia University Medical Center in New York City, and I'm also the director of clinical ethics and chair of the ethics committee for the past 30 years, my interest in medical ethics began when I was a young attending physician in my hospital's intensive care units in the 1970s when I began to wonder if given advancing medical technology, which made it harder for certain patients to die, who had no chance of leaving the hospital alive, I was prolonging their suffering by prolonging the dying process rather than prolonging their lives. As an observant Jew, I turned to my religion's writings on medical ethics for guidance in how to negotiate these difficult scenarios. I can simplify its writings on end-of-life issues as follows, "whereas it may be permitted to remove an impediment to a peaceful death. One is never allowed to intentionally hasten death or to intentionally cause death." This overarching principle has stood me in good stead for all my career in medicine and medical ethics. The devil, of course, is in the details and is what has made my work in medical ethics so challenging and interesting. It turns out that these same principles have also infused much of secular end-of-life medical ethics in this country until, that is, the legalization in some states, beginning in 1997, of physician assisted suicide or as it's usually called MAID or Medical Aid in Dying. The beliefs of all religions impact on sensitive end-of-life decisions. Advances in medical technology can prolong life, but can also prolong the dying process in patient suffering. America's freedom of religion profoundly impacts end-of-life decisions of many patients and families as well as their caregivers. How to use this technology ethically in end-of-life situations may be influenced profoundly by religious beliefs.

Patients, families, and caregivers should be allowed the freedom to be guided by their religious and or moral beliefs in these situations. First, some definitions about terms that are often confused. Removal of life support, physician-assisted suicide or MAID medical aid and dying and euthanasia. Removal of life support involves removing a ventilator or other life support technology that supports that is keeping the PA patient alive. Based on state criteria, the patient is usually in an intensive care unit, dying of an untreatable medical condition. When these criteria are met, removal of life support is legal in all 50 states. What is critically important from an ethical perspective is that the intent is not to kill, but to remove an impediment to a peaceful death. Patients die of their underlying illness if the patient does not quickly die. The patient is not euthanized.

Medical aid in dying: It's currently legal in 12 states and has just been legalized in my state of New York and is legal in Washington DC. A patient likely to die within six months, requests from a physician, a lethal combination of drugs that the patient must be able to self-administer. The intent here is not to remove an impediment to death, but to cause immediate death. The justification for this is said to be that suffering terminally ill patients should have the autonomous right if they meet certain criteria to end their lives on their own terms. Let me be clear, this is an intensely personal decision, and I can understand the wishes of some patients to die in this manner, but I feel the potential abuses of legalizing MAID and the effects on the moral fiber of our society make the spread of legalizing MAID of great concern. The arguments opposing MAID are multiple. Since the time of Hippocrates 2,400 years ago, before the advent of Christianity, physicians' medical ethics have opposed causing or hastening death even at the request of a patient.

Secondly, MAID weakens the value of the sanctity of life. Thirdly, legalizing it will almost certainly lead to a slippery slope in which criteria for causing death will be loosened, such as allowing it in non-terminal illnesses or even for patients with severe depression. This has already occurred in Canada and in some countries in Europe. And fourthly, legalizing MAID may lead to a lessening of societal support for palliative care in favor of the less costly option of suicide. The third term euthanasia. It's illegal in all states currently legal in Canada and certain European countries and elsewhere at the request of a terminally ill patient or a patient suffering with a non-terminal disease, the patient or the physician or nurse injects the patient with a lethal dose of drugs killing the patient. Jewish views on these end-of-life issues vary among the three major denominations within Judaism.

Orthodox Rabbis who uphold the strictest approach to *halakha* or Jewish law are opposed to any action with the intent to hasten or cause death. They therefore oppose euthanasia and physician-assisted suicide. Rabbis and the conservative movement are more liberal in interpreting *halakha* and in withholding or withdrawing life support. But even they are opposed almost always to medical aid and dying and euthanasia. Reform rabbis are most liberal in allowing withholding or withdrawal of life support and even allow MAID in certain circumstances. As I mentioned before, MAID is currently legal in 12 states, a competent adult patient likely to die within six months, requests from a physician, a lethal combination of drugs that the patient must be able to self-administer. All states allow physicians to recuse themselves from participating in MAID on the basis of conscientious objections. But the states vary as to institutional opt-out provisions.

States also vary as to the obligations of required physicians who recuse themselves to enable their patients to obtain MAID. For example, must physicians inform a patient of the possibility of MAID, must they refer a patient to a physician who will enable physician assisted suicide. Lastly, there's one other important end of life area where the intersection of religion and

medicine is critically important, and that is with regards to brain death. Only four states, New York, New Jersey, California and Illinois, require hospitals to accommodate the religious beliefs of patients or families that do not accept brain death as death. What this required accommodation consists of in the four states varies. In the 46 states that do not require religious accommodation, it is legally permissible to remove what the family considers life support even over their objection. In summary, as medical technology advances, there will be more complex end-of-life scenarios in which the provisions of the Religious Freedom Restoration Act of 1993 will be tested. The act prohibits the government from substantially burdening a person's exercise of religion unless it demonstrates a compelling interest and uses the least restrictive means to do so. To quote from bioethicist Robert Truog, Bioethicist at Harvard and Boston, "families live with the memories of the death of a loved one for years." Certainly, their religious, cultural, and personal preferences during that process should be honored or at least tolerated whenever possible. Thank you.

Dr. Carson: Well, thank you. Thank you, Dr. **Prager**. And now we're hear from Dr. **Leslee Cochrane**.

Dr. Leslee Cochran

Dr. Leslee Cochran: Good afternoon and thank you for holding this hearing and for your work defending religious liberty. I'm grateful for the opportunity to be here today. My name is Dr. Leslee Cochran. I am a full-time hospice physician in California board certified in family medicine with additional certification in hospice and palliative care. For me, medicine is so much more than a profession, it's a calling. Guided by my faith, I strive to treat every patient with compassion, dignity, and respect. As a hospice physician, I care for patients who are frightened and vulnerable as they near the end of life. My role is to relieve their suffering and to help patients live their final days in comfort and with dignity. It's not to hasten their death. In 2022, California amended its assisted suicide law to require even non-participating physicians like myself to acknowledge and document a patient's request for assisted suicide.

This effectively begins to initiate the process for the patient to obtain the drugs they'll use to end their life. Even physicians who objected to assisted suicide had to record this request, provide information about it, and refer the patient to a physician who had provide it. This was no accident. Legislative analysis before the law was passed warned that forcing physicians to document or facilitate assisted suicide was problematic and likely a violation of their rights. Yet the state pushed forward anyway. At the same time. The waiting period to obtain these lethal drugs was drastically shortened from 15 days down to just 48 hours. 48 hours leaves very little time for reflection, and it often is not enough time to address the needs and the concerns and the symptoms which drive most patients to even consider assisted suicide. In more than 20 years, as a hospice physician, I've seen how vulnerable patients are when they're facing a terminal illness.

They're often physically exhausted, emotionally overwhelmed, and fearful of becoming a burden to those they love. Many patients come to hospice with severe, poorly controlled pain, especially those with advanced cancer. Some have already obtained assisted suicide drugs, and others are considering it because they're afraid that their suffering will become unbearable. But with proper hospice care, we can usually resolve those symptoms within just a matter of days. When the pain and distress are relieved, their fear fades, their hope returns, and the desire for assisted suicide often disappears. But under this new law in California, patients might end their life even before there was adequate time to provide that relief. Legalized assisted suicide has also created situations where vulnerable patients can be pressured toward it, even when this is not their true wish. In one case, a family member asked me to encourage their mother to consider assisted suicide.

She was a deeply religious woman who believed suicide was wrong, but her family hoped she might reconsider if a doctor told her, it was acceptable. In another case, I cared for a patient with

questionable mental capacity, whose family was strongly urging them to pursue assisted suicide even though the patient was not in pain or distress. Thankfully, I had the freedom to protect those patients from that sort of pressure. But what happens when you remove the right of conscience of physicians to inter to intervene in those situations? Assisted suicide is never medically necessary to manage pain. The American Medical Association has stated that it's fundamentally incompatible with a physician's role as a healer and would pose grave societal risk. And this is not controversial. There are a variety of organizations all across the political spectrum that support this position that physician-assisted suicide should be prohibited, including the American Academy of Pediatrics, the American College of Physicians, and the National Council on Disability.

I could not in good conscience follow this new law, even if it meant my medical license would be at risk. And I certainly couldn't afford to challenge the state of California on my own. But Alliance Defending Freedom stepped in to represent me. Their attorneys ultimately were able to secure a court order permanently preventing California from forcing physicians like me to facilitate or participate in assisted suicide in violation of our conscience. But there will undoubtedly be future attempts to expand and normalize assisted suicide and force medical professionals to participate in it. The government should never force doctors to practice medicine in a way that violates their conscience or their duty to protect life. And no patient should ever be made to feel that their life is a problem to be solved rather than a person to be cured for. In closing, I want to thank this commission and President Trump for holding these hearings and bringing attention to this real critical issue. We are in the midst of a profound spiritual and cultural struggle between a culture that protects life and one that accepts death as a solution. Your work as this commission is vital in defending religious liberty and affirming the dignity and value of every human life. Thank you.

Dr. Carson: Well, thank you Dr. **Cochrane** for that perspective. And we will now hear from **Ismail Royer**.

Ismail Royer

Ismail Royer: Thank you, Mr. Chairman, and thank you members of this commission and Mr. Vice Chairman. My name is **Ismail Royer** and I'm the Director of Islam and Religious Freedom at the Religious Freedom Institute. It's an honor to speak with you today and to serve as a member of the Lay Leaders Advisory Board for this commission. I'm here today to discuss the perspective of American Muslims in the healthcare field and their exercise of medical conscience. American Muslims make up a significant minority of the healthcare profession, an estimated 5% of the physician workforce for Muslims, while more than 10% of American Muslims, self-report as physicians or dentists. And for a significant number of Muslims in the healthcare field, Islam inspires and shapes their approach to their profession. And for this reason, Muslim healthcare providers may encounter ethical dilemmas in the course of their training and employment.

So first I want to discuss the theological foundations that inform the Muslim physician's moral outlook and the foundation of their conscience claims. The first of these is the inherent created dignity of man, the Quran states, "And verily we have dignified man." Islam teaches that God honored Adam by creating him with His own hand and in His Image, and by blowing Adam's spirit into him. On one occasion, the funeral of a Jewish man passed by the prophet Mohammed and his companions, and the prophet stood up to honor him. One of the companions said to him, do you know that he's a Jew? And the prophet said, is he not a human soul? The dignity of the human person is accompanied by duties and rights with respect to God and his fellow creatures. And so, there is a duty upon each one of us to treat one another justly and to protect one another from harm.

And the prophet said, "let there be no harm nor returning of harm." And this statement constitutes the most fundamental axiom of Islamic sacred law and ethics. In contrast, the ethos of modern medicine and indeed of secular modernity was neatly summed up in *Planned Parenthood v Casey*, in which the US Supreme Court defined the highest human good as the freedom to make "choices central to personal dignity and autonomy." The idea that individual autonomy is the greatest good is now axiomatic in the contemporary secular medical profession. The ethical system of personal autonomy has displaced traditional ethics, and in this new system's hierarchy of goods, respect for human dignity, and the duty to do no harm now must give way of inconveniences in the slightest way, personal autonomy. And as a result of this fundamental contradiction between the ethics of human dignity and the ethics of personal autonomy, there are a number of areas in the medical field in which American Muslim healthcare professionals may experience severe crises of conscience.

And today I want to focus on the rising trend of states passing laws permitting physician-assisted suicide, as my fellow panelists have done. 13 states and the District of Columbia now allow the practice and bills have been introduced this year in the legislatures of another 13 states. Illinois offers a case study as to how the rise of physician-assisted suicide poses ethical challenges for Muslim healthcare professionals. The state's End of Life Options for Terminally Ill Patients Act was signed by the Governor in December, 2025, and takes effect in September of this year. Illinois's law purports to allow physicians to opt out of helping patients commit suicide. But in preparing this testimony, I spoke to an Illinois-based Muslim physician and bioethicist with the Darul Qasim seminary in Chicago, who told me that he and other Muslims he has spoken to in the medical profession are extremely anxious about this law for several reasons, and I'm going to list three of them in order of severity.

The first is that the fear of exercising the option to opt-out will not be honored. The law purports to provide this option, but many Muslims, he fears, will succumb to the perceived social and professional pressures to participate in assisted suicide, first of all, because it's sanctioned by the law. And even if it does allow them to opt out, it will become the norm. And exercising the right to opt out will be stigmatized or be the reason for pretextual consequences for their employment. And second, it's changing the practice of medicine. He told me that the fear is that they will slowly indoctrinate young doctors in medical school. Regardless of how they're raised, many doctors get their ethical education and medical school. And so, the issue here is not, he said just advocating for conscience rights for Muslim physicians, but by replacing the dictum to do no harm with do not infringe on its autonomy and the ethical hierarchy, they're changing the very practice of medicine.

And finally, his concern and our concern at Religious Freedom Institute is what is going on in Canada. Proponents of physician-assisted suicide don't like the term slippery slope, but there is a slippery slope. The medical aid in dying or MAID laws will certainly open the door to legalizing full-blown euthanasia as it has in Canada. In Canada, this began as a practice limited to gravely ill patients who were already suffering at the end of their life. The law was expanded to include people who were suffering from serious medical conditions, but not facing imminent death. And next year, it's going to be made available to those suffering only from mental illness. And Parliament has recommended expanding it to minors. As a recent article in the Atlantic, put it, "at the center of the world's fastest growing euthanasia regime is the concept of patient autonomy."

Once you knock out the axiom that the human being is inviolable and that physicians must do no harm and replace it with the ethics of personal autonomy, there is no substantive barrier to stop the state medical aid and dying laws from opening the door to full blown euthanasia as it has in Canada. I'll close with a statement from the Austrian political scientist, Eric Vogelstein, and who

said “the formula that freedom consists in, the domination of man over himself and nature has released an avalanche of destruction that cannot be stopped at will by those who have released it when enough destruction is worked to make them happy, the avalanche rolls on.” Thank you.

Dr. Carson: Thank you for that perspective as well. And now we have Dr. **Susan Bane**, who was an OB/GYN resident. Many people have wondered how do they deal with the abortion issue?

Dr. Susan Bane

Dr. Susan Bane: Well, that's exactly why I'm sitting here. Because I was specifically asked to talk about the environment, the medical students and residents face related to abortion and life affirming care. So, I am **Susan Bane**. I'm a board-certified obstetrician and gynecologist, and I've practiced for about 30 years in North Carolina. I really want to start by acknowledging that abortion is a hard topic. It's a really hard topic, and I recognize that about one in four women in our country will have an abortion throughout her lifetime. So, there may be people in this room who have either directly or indirectly been affected by abortion. So, I want everyone to know my words while they may cause some pain or not meant to cause harm. So, I think the first thing we have to do is define abortion. The CDC defines an induced abortion as an intervention with the intention of terminating a pregnancy and not resulting in a live birth. So, the intention of this intervention, the purpose is to produce a dead baby. Now, that is in complete contrast with what you've heard throughout the day of the purpose of medicine, which is health and healing. As an OB/GYN doctor, I take care of two patients, a maternal and a fetal patient, a mom and her baby. And so, the direct and intentional killing of one of those patients is never healthcare. It never was, and it never will be.

So there comes a point in all of our training as doctors, where we have to decide what kind of doctor am I going to be? And my defining moment came at the very beginning of my intern year. I was on call. It was about midnight. I got a page from a nurse and labor and delivery. A mom and her baby had arrived, and the baby had down syndrome, and they needed me to come to start the abortion. And I called my senior resident and I just told him, I'm not comfortable participating in this. And he said, okay, I'll take over. As soon as I said that to him, I caught on my knees in my call room, I can remember the green scrubs and the long blonde hair. And I prayed and I said, God, "you have given me these convictions. You have got to give me the courage to follow through on them." No sooner had I said that prayer, my pager went off. It was a different nurse with a different patient in L&D.

I left the call room, I made a right turn, and I bumped into Dr. Frank Gay. He was an attending physician who introduced himself. And he said, are you the new resident with a pro-life feet on your lab coat? And I said, yes sir, I am. And he said, I just want you to know you are not alone. You may feel like it, but you're not. I smiled. I thanked him. And I thought to myself, wow, God, you answer prayers mighty fast. So, when I trained in the 1990s, students and residents like myself had the freedom to learn medicine in a way that was consistent with our beliefs. For me, my Catholic faith, the understanding of the Hippocratic Oath that I took, as well as the development of embryology and human development. Participation in abortion training in the late eighties and nineties was optional. If someone wanted to train, they could opt in, but it was never expected.

Today, that structure has changed. I don't have time to tell you exactly how it was changed. Maybe we can talk about it. But it was calculated and it was intentional. It resulted in many things. But one of the things that resulted in, in 2018, the Accreditation Council for Graduate Medical Education, the ACGME, an organization responsible for accrediting residency programs, changed the structure from opt-in to opt out. So, what that means now is part of the plan curriculum, residents must perform abortions unless they have a moral or religious obligation or objection. Now, on paper, that may sound like a reasonable compromise, but in practice, opting out is not as simple as that. Medical education is highly hierarchical. The medical student reports to the resident. The resident reports to the fellow, the fellow to the attending. You're under constant evaluation. And the people who are also evaluating you are the ones who are then deciding your future course.

Let me contrast one other story from when I trained versus what a resident would experience today. I was on morning rounds; I was told to go into room OR12 to assist with the DNC. I assumed the baby was dead. The mom had miscarried. The attending had me put the ultrasound transducer on her abdomen, and it was a living baby. I was able, without any fear, threat of punishment or retaliation to step out of that OR room. Contrast that to today's trainees. That morning, they may have gotten a lecture from an attending teaching them that induced abortion is essential healthcare. I've even heard them say it's bread and butter care for an OB/GYN now. So that student, that resident goes to, OR 12, and the attending is the same one who did that lecture this morning. And you have to be brave enough to stand up for your beliefs.

Many, it's impossible. And they stay, and then they normalize that as part of their practice. So, I am on the board of the American Association of Pro-Life Obstetricians and Gynecologists AAPLOG. And we hear from students, from residents and even attending physicians all across this country, things that should deeply concern this commission. Medical students tell us that they are told over and over again by program directors, they should not enter the field of OB/GYN if they're not willing to do induced abortions. They're told residents have to go to Planned Parenthood. They're told they can opt out of watching the surgeries or participating in the surgeries, but they're highly encouraged to go to the ultrasounds, to listen to the counseling, to actually, some of them even have been in the room when a woman takes the first abortion drug mifepristone.

The busiest part of AAPLOG's website is from women who want to find a life-affirming doctor. Many will not put their name on our website, practicing physicians all across this country for fear of retaliation. So, this is happening at a time in our country when 40% of the counties across our country are considered maternity deserts, not having adequate obstetrical care for them. So, if students, residents, and even practicing physicians are being silenced, we have to have some

solutions. And I have a whole bunch of them, but I'll let that happen maybe during the conversation.

Lt. Gov. Patrick: Thank you. Questions?

Question and Answer

Ryan Anderson: What are your recommendations?

Dr. Bane: Policy change for sure. So, through the appropriations process we can move back to that opt-in process. These graduate programs, these residencies receive a lot of GME funding from the federal government. It was actually in the 2025 House labor bill but it didn't make it to the Senate. It was also one of the White House's budget priorities in 2026. So, the appropriations process is one process. The Center for Medicare and Medicaid they represent about two thirds of the funding that graduate medical programs get, the residency programs, and that's about \$13 billion. And the ACGME actually violates the Coat Snow amendment with the opt-out option. And so, funds should not be going to programs that violate federal law. And then laws representative Greg Murphy, a urologist, as well as Senator James Langford, have introduced a bill called Conscious Protections for Medical Residence Act.

And that is changing back to opt-in if you want your federal funding for your graduate medical education program. At AAPLOG, we care deeply about the next generation, and we are starting a Hippocratic Academy to get students as they enter into medical school, to be able to learn in the summer of each of their four years, and to have that support that Dr. Gay actually gave me when I started my internship so that they are not indoctrinated into what is really now what they're calling essential healthcare. And I'll go back to, let me just let you know how it happened briefly. So, in 1991, a small group of OB/GYNs in my field decided to institutionalize abortion and academic medicine. And they created a subspecialty. We actually have a subspecialty in my field called Complex Family Planning. And the purpose of that subspecialty is to learn, is to train to do second and third trimester abortions started as one program at the University of San Francisco, California, and they're now 38 of those programs across our country.

So, the next generations have to be given that support system so they can understand that they can practice life affirming medicine. We just had our national conference and we scholarship-ed about 80 current medical students and residents there so they could have my Dr. Gay moment and be surrounded by people. And then the last thing is there is a huge contrast between when women want to be able to trust, they're going to go to an OB/GYN or a family practice doctor that's going to provide healthcare for both mom and baby. So, the contrast between life affirming medicine and medicine that includes death as a therapeutic modality. We've got to get the stories of women and doctors out to show the beauty of life-affirming medicine.

Lt. Gov. Patrick: Dr. Carson

Dr. Carson: For patients who are clearly terminal and who along with their families don't want to prolong that, should physicians in training be giving a little more attention to how to keep such patients comfortable and let them just go rather than spending so much time and effort on a terminal patient?

Dr. Cochrane: That is an excellent question. And one of the most shocking testimonials I could give you is the amount of education I had in medical school about the ultimate outcome of 100% of all of our patients. They are all going to die. And we spent zero class hours talking about death and dying. Now, this was a while ago and it's gotten a lot better, but I remember the first patient quite vividly, who I had in the ICU that was dying. And as a young intern, I was perplexed. And then, I got on the phone to, to find out what I was supposed to do, and the phone call went back and forth, and my attending kept saying, and so what's wrong with the patient? And I gave them all the medical information. He goes, no, what's wrong with the patient? And finally, he said, your patient is dying.

And I remember how that hit me. And I had a family that was panicked and they were, they were frantic because they were looking for me to help them. And I had no training in how to provide comfort care. Fortunately, my attending did, gave me some information. We were able to do that. And then the other thing I want to address is this incredible myth, this incredible myth that's been perpetrated that there is this thing called untreatable pain. It, it is not true. Okay? I've been doing this for over 20 years. There has never been a patient that I've ever seen where we couldn't control their pain. And in serious cases, where the pain is intense, there is a very ethical option known as palliative sedation, where we can use enough medication to where the patient is in comfort. So yes, we need education about how to address death and dying.

It should be a mandatory part of medical school curriculum. It should certainly be a mandatory part of residency training. And there is a, there is this narrative out there that just needs to be combated, that people need to have assisted suicide because they're going to be intractable pain. I've had a handful of patients who, despite excellent care, have decided to end their lives. And I can tell you on the day that each of those patients took their assisted suicide medicine, they had a visit from a nurse, are you in pain? No. Are you short of breath? No. Are you anxious? No. Are you uncomfortable in any way? No. The reason why people are doing this is not because they have symptoms out of control for one patient, his decision point was, the day I can't walk to the bathroom on my own is the day I no longer want to live.

And this is where we have to have this conversation about is the highest value autonomy? Certainly, if you have children, you know, in your household, the highest value is not autonomy. You do not let your children run out into the street when they decide they want to run out into the

street. As a parent, you protect them. And, you know, we have our Founding Fathers who talked about life, liberty, and the pursuit of happiness. And there's an order to that. I would say to you, you can't pursue happiness or autonomy if you're dead. So, life comes first. And, these values and, and Dr. **Bane** is talking about, it really begins with the indoctrination in our trainings. If we are mentoring, if we are mentoring and saying to the next generation of physicians that your duty is to do whatever your patient asks you, even if it's to harm them.

You know, and Dr. **Prager** so eloquently pointed out, the Hippocratic Oath existed for thousands of years. It's been well recognized that this problem is going to present itself where doctors are going to be asked to do things that are not going to be in the best interest of their patients. And they need to be prepared to resist that. And if you don't have the training, you know, if you don't, if no one's willing to speak the truth, and you don't really know the truth, how can you support it? And I think in medical school, this could really be a work for the commission that this should be a required part of training in medical school. That teaching and training and preparation about providing excellent palliative care at the end of life should be a requirement.

Dr. Kenneth Prager: I would just add to that, yes, that it's critically important for people to learn how to deal with patients who are dying. The problem is, when you legalize MAID, I bring in the issue of money. It's expensive to put patients on palliative care. It's much cheaper to offer them the option of quickly ending it. And I'm really worried about the financial incentive in places that will legalize MAID. The other thing is, I think that if MAID is legalized, it lowers the bar, it makes people more comfortable for accelerating death. Once it becomes legalized, for example, when you have patients who are having intolerable pain, there is sometimes a nuanced distinction between treating to ameliorate pain and hastening death. Ethically, you're supposed to give only enough morphine to ameliorate the pain and not more morphine to hasten death. My concern is that once you have legalized MAID, that distinction will begin to fade and ultimately disappear and will have an umbrella effect in many aspects of end-of-life treatment as well, when this whole issue of the sanctity of life weakens.

Lt. Gov. Patrick: Ismail. I'm trying to stay on time and, and **Eric** just reminding you, were you going to have a closing comment today, or no? We had talked a little bit about that earlier.

Eric Metaxas: Yeah, no, I'm happy to. I thought you wanted me to do that next time, but I'm happy.

Lt. Gov. Patrick: We can do it next time. We'll do it next time.

Eric Metaxas: I'm happy it's up to you. Happy to do it.

Lt. Gov. Patrick: Okay. Let's listen to him. And you can let me know what you want to do. I'll let you make the choice.

Ismail Royer: Yes, sir. Thank you. Well, **Ryan Anderson** wrote a very earth-shaking paper in our field of religious liberty. That essentially, and I don't want to put words in his mouth, but essentially, religious liberty cannot be the solution to everything, you know, and I think that what we're seeing here from all of this testimony is that when you have evil laws based on falsehoods, then conscience clauses and religious liberty you know, with respect to those laws only get you so far. I, you know, there's, there's this sort of myth or, you know, on, on the left, our friends on the left like to say that, oh, why is it all of a sudden that there's this sort of, there's Christian nationalist that, you know you know, move for everyone to try to you know opt out of things like our curriculum for, you know, LGBT curriculum for three-year-olds and, you know, third graders and so on.

Well, it's not that. It's that you guys have attempted to seize control of the culture and institute false premises and displaced traditional natural law ethics and morality and truth claims. And there's no reason why we should adopt that and throw away thousands, millennia old premises that have served humanity very well and have earned their reputation as truth. And so, our recommendation, we have, I have, we have several recommendations that we included in our brief that we submitted to the commission along with my testimony. But our recommendation is that we start to have a look at some of these laws and, and reorient medicine and reorient the law towards natural law that the declaration is grounded in.

Lt. Gov. Patrick: Thank you, panel. You did a terrific job. Thank you very much. Cardinal **Dolan** had to leave a little bit early, so I'm going to ask a volunteer to pray after **Eric** speaks. **Ryan**, I'll let you close with the prayer day.

Eric Metaxas: Do we have the full 45 minutes or?

Lt. Gov. Patrick: They're waiting for lots of things out there, so if you, if you want to hold it to the next hearing, that's fine.

Eric Metaxas: I'll say it briefly. Go ahead and I can go into more detail next time. But even listening to all of these, listening to everything we hear today I mentioned it earlier I'm seeing everything now through the lens of a 600-page book I've just written on the American Revolution titled Revolution. And when I went into writing the book, people kept saying, what's your angle on the Revolution? And I said, well, I have no angle. I just want to tell the story of the birth of what I know to be the greatest nation in the history of the world. I just want to tell that story. And in the course of doing the research, I was over and over and over astonished at the explicit and bold religious culture of the 13 colonies. It wasn't sort of, it wasn't some people, it was part of the warp and the wolf of the entire culture.

And it stood in dramatic contradistinction to the British elite culture. We were a tremendously religious nation, and our liberties came out of that. And there's no way around that. Most of us have been sold that it was the Enlightenment or something. It's like, no, no, no, it came out of our Christian faith. Looking back to the Sinai Covenant, it's just inescapable. And at the heart of that, and I just think it's important to say because of this commission, religious liberty is not moving away from faith toward secularism. On the contrary, and this is a conundrum, but it's precisely the opposite, the founding generation, especially in the 18th century, because of the secular challenge of the French Enlightenment, they were forced to sharpen their theology and to really think about what do we really, really believe? So, they moved away from the dogmatism of let's say the Massachusetts Bay Colony, which was, you know, punishing people if they dissented from the, because they were doing the exact same thing that folks had been doing in, in Europe, persecuting people who disagreed with them theologically.

And they came up with a deeper theology, which they would've argued was more Christian, which includes inescapably religious liberty. And one example of that is George Washington, when he, we thought we would get Canada, it's taken us 250 years. We'll get it soon, I know and Greenland, but the, the idea was that we can get Canada to join us. And at one point, Benedict Arnold, before he became a villain, was a great hero. And Washington charges him with this mission to go to Canada in 1775 and strictly enjoins him to be respectful of the Catholic faith of most of those in Canada. And this was not an abrogation, this was not that Washington was saying, well, it doesn't matter what people believe. In fact, in his note to, in his letter to Benedict Arnold, he actually says something like, you know, we don't, we don't need to correct them on their errors.

Washington clearly believed as a strong Protestant Christian that those are erroneous views, but his point was, but our job as Americans is to respect them. And so, this idea of religious liberty is at the very heart of everything we have believed we would not have a nation without our belief in religious liberty. It's at the center of the center of American liberty of the founding view. And I would argue of Christian faith at the very center. And as you move away from the originalist view, as you move away from that view of Christian faith, you get intolerance and everything begins to break apart. It's a happy thing for me to think that on this day, 250 years ago, as the British were leaving, had just left Boston, it was a great moment of triumph. If you know the history, if you don't know the history, I'm sure you'll read my book.

And if you don't want to read my book, that's fine with me, just, it wouldn't kill it by a few copies. But the history is actually so inspiring that on this very day, 250 years ago, just as the British had left Boston humiliated, George Washington declares that today, he says, "it becomes the indispensable duty of these hither two free and happy colonies with true penitence of heart and the most reverent devotion publicly to acknowledge the overruling providence of God to

confess and deplore our offenses against him, and to supplicate his interposition for averting the threatened danger and prospering our strenuous efforts in the cause of freedom, virtue, and posterity.” And it goes on and on. It is dramatically, explicitly, proudly religious language from George Washington, whom we've all been lied to, is, oh, he's a deist. He, this is, if Deists talk like this, I'm a deist. It goes on and on. And he declares May 17th, which is coming up, that that will be a national day in, in, in this proclamation in made today, 250 years ago, that on May 17th, 1776, it will be a National Day of Prayer, fasting, and humiliation.

This was done publicly. No one dissented, no one said separation of church and state. What do you can, this, this was who we are. And at the heart of all of this is simultaneously a celebration of our faith as at the heart of our liberties and a celebration of religious liberty. And we have to hold that intention. And I will close by simply saying that this May 17th, on the 250th anniversary of this National Day of Prayer, fasting, and humiliation, president Trump has declared that we will together on the National Mall rededicate the nation to God. And I have to say that that is a staggering thing. And so, to have a president who actually appreciates these things and who understands the importance of religious liberty and with Lieutenant Governor **Dan Patrick** and others has said, we need to make this central that gives me hope for America.

The only way forward after we hear these horror stories month after month is to go back to this founding view at which Christian faith is, is central. It is utterly central. And I'll say it again, because of the explicit boldness of that faith, we have religious liberty and love of those who have different faiths or who have no faith. That is central. George Washington's visit to the Truro Synagogue. And, and other stories can tell you that, but there is literally nothing more important in America. And if we want to know how we can be free we all have to understand this. And finally, listening to this last panel, I thought to myself, my friend and my hero, Chuck Colson, 20 years ago, was talking about this. And he was exhorting people of faith, particularly pastors and ministers and priests, to sign something called the Manhattan Declaration, hearkening back to the Barman Declaration and Dietrich Bonhoeffer, and saying, we have to get ahead of this because we can feel the culture drifting away from these views toward forcing doctors to participate in abortions, toward forcing doctors to get involved in euthanasia and, and all of the things we have to get ahead of it.

And so, we need men and women of in prominent positions of faith to stand and sign this document. And many, many, many of them, I won't mention the names of the most prominent, but many of them did not. They weren't willing to sign because they had a broken view of these things. We need to rekindle our view, not just of religious liberty, but of where it comes from and reestablish these things. And I'm thrilled that on this day, 250 years ago, president George Washington dedicated a day of prayer on May 17th, and that we will together on the 250th

anniversary, re-dedicate the nation to God. So, I'm extremely sanguine about the prospects of liberty of every kind in the United States of America. Thank you.

Lt. Gov. Patrick: I know how long it takes to read a 600-page book. How long does it take to write it?

Eric Metaxas: You know, I just had my staff knock it out. I don't know what it says.

Lt. Gov. Patrick: Ryan, would you close us in prayer?

Ryan Anderson: Sure. I'd be happy to. Join me in prayer. Father God, we thank you for this commission. We thank you for the gift of life, for the gift of liberty, especially for religious liberty. We thank you for this country that seeks to protect religious liberty that would establish a commission on religious liberty. We are thankful for today's witnesses, especially those witnesses who have paid a price because of their religious liberty being violated. We asked you to bless them. We asked you that their cases would be victorious, that their lawyers would you would prosper the work of their hands in the courtroom. We ask you to bless the work of this commission, that the recommendations that we make to the President will be good recommendations, that they will have teeth and that they will be implemented. We ask you to call it a repentance. Those who violate religious liberty call them to conversion to stop their persecution of religious believers, stop their eradication of religion in the public square. And as we finish today's hearing, we ask you to be with us as we travel home. Protect us during today's storms and bring us back together next month for our final hearing safely. I may ask all these things in your name. Amen.

Lt. Gov. Patrick: Thank you for being with us today. We appreciate you coming out. And our next hearing is April 13th. That will be our last hearing. And we will present our report to the President in May, almost one year from the day that he issued the executive order. You all have done great work, great work. And the witnesses who come, **Ryan**, you're right. They've made this committee what it is. Their courage. Just courage. Thank you all. We'll see you in April.



Presidential Religious Liberty Commission

Seventh Hearing Transcript

April 13, 2026

Museum of the Bible

Washington, D.C.

Seventh Hearing

Church and State: Melodies in the Song of Freedom

Mary Margaret Bush: Are we live? Great. Good morning. My name is Mary Margaret Bush. I'm the director and designated federal officer for the Religious Liberty Commission. It's my pleasure to announce the official opening of our proceedings today at our seventh hearing, our capstone hearing and turn things over to Lieutenant Governor **Dan Patrick**, our chairman.

Lieutenant Governor Dan Patrick: Thank you, Mary. She's a new mom, so she has a baby backstage, so that's... Thank you Mary, brand new baby. Before we begin, I want to thank everyone from the Museum of the Bible and Carlos Campo, who allowed us to use these facilities and the families behind the Museum of the Bible. We started last June for those of you to not know. Our first hearing was in June of 25. This is our seventh hearing. We had one hearing in Dallas Hall—have been here. I want to thank the entire staff for the Museum of the Bible. You've been just tremendous to work with. And then I want to thank our great committee here. We have two that had a scheduled conflict today, Cardinal **Dolan** and **Reverend Franklin**,

but I want to thank everyone. You've done great work, and it's been a joy every week that we come together. We're not finished yet. This is the last hearing, but we have a lot of work to do on the report to give to the President and then beyond that, so with that, welcome **Helen**. You are going to give us opening remarks, and then we're going to ask you questions as well. This is **Helen Alvaré**. The floor is yours.

Professor Helen Alvaré

Professor Helen Alvaré: Thank you so much. Thank you so much, **Chair Patrick** and members of the commission, for the privilege of addressing you. I appear before you as an attorney and law professor at a public university who entered the profession due to my strong interest in—and really a devotion to—the cause of religion's flourishing and freedom in the U.S. I speak from a perspective after 42 years of practice, study and scholarship, of pride in the United States' continuing pursuit of religious freedom even as we have of course stumbled from time to time. In fact, likely pride isn't a strong enough word. I should rather say that I'm often moved by the beauty of our founding and continuing commitment, a commitment still visible in our nation's life, not only in law but in interactions between neighbors and in towns and cities in the U.S. Even as the news will always be drawn to stories of conflict, there is in fact far more peace among the many religions represented here, large and small. Thanks in significant part to the manner in which our legal guarantees of religious freedom have shaped our culture. Sometimes there's even more, there's mutual appreciation and even cooperation between religions and between religions in the state though always unsettling, church state friction is the exception, not the rule. This is an objective good for our nation, and yes, also beautiful. I've followed the work of this commission, its gathering of a wide array of personal testimonies and the thinking of scholars and religious leaders. These have provided you exposure to the sweep of relevant history and law to the positive roles religion has played in our society and to both the 10,000 foot view and the view from the ground, which has been particularly interesting. By which I mean from the minds and hearts and souls of particular Americans, of many religions who have benefited from religious freedom or have suffered from a governmental misunderstanding of religious freedom's scope. From time to time, the suffering is the result of malice and recently from governmental preoccupation with sexual expression.

Quite often, however, it arises from a misunderstanding of that unfortunate historically and culturally inaccurate and constitutionally inapposite Jeffersonian phrase, separation of church and state. In some religious freedom is a beautiful ideal, but this commission has undertaken the laborious and concrete work required to keep ideals like this aloft. In the next 10 minutes or so, then allow me to highlight a few themes and issues that I hope the commission will take into consideration as you complete your report. These concern, first, recognizing the positive consequences of religious freedom, including some that I propose to be worthy of particular

attention because of their timeliness and those that I would propose to be crucially, I would say architecturally, related to the ongoing success of this experiment and freedom that is our country. Second and more briefly, I'll address the—and characterize—the negative consequences of the misunderstanding of our constitutional guarantee of non-establishment. And third, I will note the due limits of religious freedom.

First, then even a quick tour of U.S. history can reveal the positive contributions of religion and religious freedom, but today we also have empirical evidence at our disposal. We can better quantify religion's contributions to, for example, the rich tapestry of educational, healthcare, and social services institutions in the U.S. often serving the most vulnerable, religious Americans' volunteer hours, their charitable dollars, supporting their neighbors of every religion or none. Because of my experience as a family law scholar too, I would like to highlight religion's contributions to strengthening the bedrock of American society, which is the family. Almost 200 years ago, Alexis de Tocqueville observed that the strength of America's families, particularly by way of their transmitting their faiths, importantly grounded our democracy. We can confidently say that de Tocqueville was right. We know today that the family in the U.S. is suffering especially among the poorest and that those communities then reap the consequences.

We have less marriage, a large percentage of children missing the stable presence of their parents. The sexual objectification of women and increasingly of men is common. We're also witnessing high rates of non-marital cohabitation, abortion, divorce. Because children of the poor and those with less educational privilege disproportionately experience these losses, they also suffer the related negative outcomes in the realms of education, employment, income and future family formation themselves. This, in turn, leads to the widening and hardening of gaps between the haves and the have nots in a country that has prided itself upon social mobility. But many religions in the U.S. are devoted to forming and sustaining strong families with precepts, programs, and charities empirically associated with good family outcomes. Some highlight the importance of respecting the link between sexual love and new life or adults' obligations to put children's needs before their own. Some stress healthy dating practices, offer marriage preparation, marriage mentoring, family crisis interventions, support for single and impoverished parents and for the divorced and widowed, help for new parents, and many more services.

In recent years, more than a few lawmakers proceeded on the opposite assumption—that is, that religion, sexual and family mores were socially harmful and thus should be legally silenced. On this assumption and their own attachment to opposing principles, they trampled religious freedom. This is certainly ironic given what we now know empirically about the positive outcomes of religious ways of doing courtship, marriage, and parenting. But happily, it's also increasingly facing legal headwinds as a series of U.S. Supreme Court and lower court opinions vindicate the free speech, associational, church autonomy and religious freedom, rights of

religious institutions and individuals seeking to live their family beliefs with integrity. Family is the place where children can learn to love themselves and others to respect a wide array of differences between people of all ages, conditions, traits, and abilities, to develop capacities for sacrifice, generosity, and justice, all indispensable skills for living in our pluralistic democratic society.

This point further counsels respectful deference by the state to parents' decision-making regarding their children's religious upbringing. It's worth taking a moment in fact to celebrate the Supreme Court—and now many lower courts also—recent and welcome articulation of the necessity of constitutional deference to parents, especially by way of the *Mahmoud* opinion. It had always bordered on the absurd to suggest that teachers with no long run connections with or responsibility for other people's children could contradict parents' faith transmission. Finally, today cause for celebration, the constitutional law in this matter is clearly articulated. In fact, religions can be among the government's greatest partners and allies in fostering the ideals and values that our public institutions, including public schools, hope to instill. Our Supreme Court noted this in a case involving Amish parents' rights to homeschool their children, *Wisconsin v. Yoder*, where it pointed out that the exact value that the mandatory education law was supposed to instill adult self-sufficiency perhaps most admirably cultivated by Amish homeschooling practices.

This was also noted in a 1996 federal district court case in Nebraska, which struck down a state law requirement that freshmen at a public university must live in state—not religiously organized—housing in its opinion accommodating religious freedom. The court emphasized that the exact values the state sought to promote—pluralistic interaction and mutual interpersonal acceptance among a diverse array of students—would likely better be accomplished in the religious housing, which included a more diverse array of students than the university's own dorms, including international students and students of color. But beyond inspiring personally virtuous character and conduct, beyond educating the young, beyond massively assisting the poor, the immigrant, the imprisoned, and the sick, religions with the wind of religious freedom at their back do more. They're the sources of ideas and norms that thinkers as various as George Washington, atheist philosopher Jürgen Habermas, and moral psychologist Jonathan Haidt acknowledge to promote cooperation goodness and generosity, reaching even into very private places, and exceeding what reason or the law alone could inspire. Religion is also the source of more than a few of those profound and indispensable commitments that shape the idea that is the United States, and of which we are justly proud.

Our Supreme Court has recognized these contributions, these ideas religion has inspired—dozens and dozens of times in cases dating from the early days of our nation through to very recent years. I catalog these ideas in a recent article in the *Brigham Young Law Review*, and they are

many, to wit: the idea of irreducible human rights and dignity that the government does not originate and cannot trample; the idea that every human being is radically equal to every other; the idea that governments and economies are means to the ends of serving human beings, not the other way around; the idea that there is a higher authority to which governments must answer, thus avoiding a totalizing or totalitarian state. One can find these sentiments too in some non-religious sources, but I would suggest that it is quite difficult to find a stronger foundation for these very American convictions than the religious notions that every one of us is created by the same God and are thus radically equal brothers and sisters with responsibilities not only to God but to everyone God loves, which is every other person. Allow me to turn briefly now to two final points I'd like to highlight for the commission. The first is an affirmation of the importance of the Supreme Court's more recent and welcome turn toward interpreting the First Amendment's non-establishment guarantee. Previously and for too long under the banner of non-establishment, the court had allowed governmental disfavor of religion and even appeared suspicious that religious perspectives might undermine American democratic ideals with the consequence that religion was consigned to social invisibility, to private heads and heart spaces. Sometimes this flowed from the simplistic, ahistorical, and constitutionally agnostic attachment to the Jeffersonian phrase, "separation of church and state." It certainly ignored the dozens of Supreme Court opinions linking religion's presence and religious freedom to the above described structural virtues and commitments of American government and society.

It suggested insultingly to religious citizens that they had to leave their minds, and hearts and souls, which is to say their very persons and integrity, at the entrance to the public square, which could not whisper that our diverse society also included neighbors and coworkers inspired by divine teachings and obligations. No, allowing visibly religious persons, groups and institutions into the public square, coming as they are to receive equal treatment with the non-religious, does not coerce the non-religious to religion, nor favor one religion over others. Instead, it acknowledges equality between citizens and citizen groups, whether religious or non-religious. It is, in short, not an establishment, and our Supreme Court now has more clearly articulated this. And one final note, while for the most part there is harmony or at least not disharmony between religious precepts and the aims of laws and regulations, given that both ordinarily attend to reason, some disharmony and even explicit clashes are inevitable, religion does not and should not expect to prevail in every case.

Religious believers are aware of this. They're as aware today as they have been through the long history and global sweep of church-state relations. Clearly governments can usually accommodate religion without subverting their legal and social aims, but believers can and do understand that to preserve religious freedom for all Americans, whether members of large religions or tiny ones or for those professing no religion, government can set limits to religious conduct beyond which limits truly compelling citizen interests would be trampled, and there are

no means less restrictive of religious freedom to accomplish this. This is not an equation that lends itself to precise solutions in every case, but we can take solace from the fact that our Supreme Court and lower courts have managed this dynamic for hundreds of years, whether under state or federal constitutions, whether under federal or state, religious freedom, protective acts, while overall maintaining the ongoing health peace and prosperity of American society. So again, thank you for the privilege of testifying.

Lieutenant Governor Dan Patrick: Thank you, **Helen. Kelly.**

Kelly Shackelford: One of the things you mentioned is separation of church and state, which we seen so many witnesses that have been really damaged horribly because people would just take that phrase and not understand anything about it and certainly do things totally outside the law. I mean I think of, for instance, the Coach **Kennedy** case, where people always think about separation. Separation of church-state: number one's not in the constitution, it's Establishment Clause, but number two, it's talking about an institutional separation. We don't want a church to control the government, and we don't want the government to control a church. And in Coach **Kennedy's** case, please show me where the church is. There is no church, it's Coach **Kennedy**. What they're really doing is trying to say separation of religion from the government. And so, we just see all these different violations. So, I would love, as somebody who teaches in this area, you see what the law is, but yet you see the kind of conversations going on out in the community and one of the things—the challenge to us—is what can we do to help people understand that these things that they're hearing are just totally inaccurate, and especially after *Lemon* being overruled, hopefully it's a little easier. But I'd love your thoughts on that idea.

Professor Helen Alvaré: Thank you very much, commissioner. It is difficult to educate about a particular civic legal social point unless it is spread throughout the system, this point of education and done repeatedly. I remember when I was working in communications years ago, we used to say unless people hear something eight times and very clearly and simply they won't even register. There have been studies done about the way that our students, especially in the earlier grades K through 12 are being educated or not about religion, and first of all itself is done with such care as if even to speak about religion is to somehow break down this wall in a problematic way. But I would propose for the commission's consideration that some kind of very simple curriculum, and it has to begin early about the structure of government because establishment is a structural principle. Non-establishment is a structural principle as you suggested.

It is about the government not running the church, the church not running the state. And so, I think this would have to be incorporated along with I hope there's other civics education going on at these levels. A lot of the times, I think, and when you read these cases, whether it was the *Lee* case, the *Santa Fe* case, the Coach **Kennedy** case, the fear and neuralgia, the Good News

case about allowing students to gather voluntarily just using a public space, there is a lack of knowledge among generations of the adults who are running these state institutions, and it would be nice to send forth the next generation without this fear of allowing religious persons and expressions to be seen in the public square. I can tell you, I teach at a public university, and this is very possible to do in a way that maintains a very welcoming and positive aspect to my students of every religion and no religion and explains to them what the situation actually is, and it produces a sense of pride. We need to get rid of the fear and neuralgia about keeping religion out. But that has to be begun at a very early stage, I think, and schools are a good place to do it.

Mary Margaret Bush: Thank you.

Professor Helen Alvaré: Thank you.

Lieutenant Governor Dan Patrick: Yes, **Helen**. One of the things we talked about early on in this commission was that we hope when we give our report, Americans will know their rights, where they can pray, when they can pray, and the areas where people try to stop them, where the rights are on the side of the person, not the person trying to stop them. Bishop **Barron**.

Bishop Robert Barron: Thanks very much for the testimony, and I always find the philosophical side of these questions the most interesting, and you suggest I think quite correctly that these foundational ideas of democracy, so freedom, equality, human rights are ultimately derived from a biblical consciousness. I mean you could point to Locke and so on, but even Locke is derived ultimately from a biblical sensibility. And so, to me, one of the ironies is as religions have faded more and more in our society and disaffiliation has gained speed, that's dangerous for our democracy because people start forgetting they don't hear the story of the Good Samaritan, they don't hear about the Ten Commandments, they don't hear the Beatitudes that affects our democracy. It's not just a religious problem. And so, the disaffiliation issue is bad for religion, but it's also bad for democracy it seems to me. I wonder if you could expand on that a bit.

Professor Helen Alvaré: Thank you. There have been a number of thinkers, including some atheists, who have suggested that if we try to suggest that a community, a nation, a school should have no mention of religion, no suggestion that any of its participants are religious, we're basically sawing off one of the branches that we're standing on as a country. This is why when I make arguments whether in an amicus brief at the Supreme Court, or in a public setting, or in a law review article, I never want to suggest that when religious people seek what we call accommodation, we are asking for some special privilege, or, especially in the case I pointed out in the sexual expression fights, they're suggesting that religions are seeking a right to do wrong. What you want is an accommodation to be bad. You want an accommodation to hurt people. And I would say actually no.

We want to witness to teachings that are not only ancient, that are not only natural law and philosophically wise that today, because of fabulous work being done in the family systems theory, sociology, philosophy, you name the medical arena, because of empirical studies being done there, we can show that the witness that we are seeking to preserve—not to tell everybody who's not a common community do this, do that—but the witness we're seeking to preserve is beautiful and good for the common good. And that indeed, this is why I make the point that there are non-religious ways of grounding all of these beautiful principles, the equality of every person and the dignity of every person, *et cetera*. But it is very hard to find a substitute for the idea that we are all created by the same God who cares for each of us, calls each of us, loves each of us, and requires us to love those who he created, who are not ourselves and I in testimony before, say a US Congress or a state legislature, *et cetera*, even when I was representing religious clients or employers, I would begin with the philosophical and the natural law and say: “*and* faith also affirms reason.” It sheds a little additional of illumination here but does not contradict reason but rather affirms it.

Lieutenant Governor Dan Patrick: Ryan?

Dr. Ryan T. Anderson: Yep. Great. Thank you, Professor **Alvaré**. I loved everything you said. I want to ask two questions that I think were implicit what you said, and I want to invite you to make it more explicit. You open by saying the benefits of protecting religious liberty and some of which we can now empirically measure the social services that religious groups provide, the marriage and family counseling and just the witness, the source material for the ideas and the ideals that we value. But it strikes me that the deepest benefit of religious liberty is religion itself, the flourishing of religion, making possible friendship with God, allowing people to evangelize, allowing people to convert to respond to the gospel or to whatever religious teaching they believe to be true. So even if religious liberty didn't have all these other kind of secular social civic benefits that we could measure empirically, there's still a reason to protect religious liberty, and there's still a good that religious liberty protects, which is religion itself.

So that was the one thought. And then the second was that all of the benefits that you mentioned religion provides and that religious liberty allows for, it strikes me that you only get those civic social cultural benefits if you actually believe that your religion is true, right? If you do religion for the sake of having a stronger marriage and family or the sake of having democratic ideals or for the sake of civic services, maybe you can carry that off in a one-off in my particular family, but you can't get cultural transmission, right? The grandkids don't believe it for the utilitarian values. And so, both points kind of converge on that. It strikes me that it's for the sake of religion, for the sake of friendship with God, harmony with God, beatitude, that we should ultimately be concerned with religious liberty and that then allows for the various civilizational

benefits that religion offers. And I think both of those were implicit, and so, I just wanted you to have some more time to say some things about that.

Professor Helen Alvaré: Thank you. Yes, so I think certainly for a believer of each religion represented in the United States, the “what drives them” is the faith that what they are suggesting is not just good for them, is not just good philosophically, but is part of the reality of how God made the human person who they're supposed to be, how they're supposed to behave, what it takes to achieve salvation, or whatever ultimate good they're seeking. And I think that they need to be honest about that for any person of a particular religion to just suggest that they want to be able to practice, so that the society can have the utilitarian and benefits... first of all, as an attorney and a public communicator at sometimes, let's get real: who believes you?

You need to be fully honest that what you believe you believe is good for everybody. At the same time, when we communicate these things in a public setting in testimony before congress, in testimony here, before a public body, one wants also to say: it is also the case that you who do not share my beliefs, whether you have another religion or no religion, can understand that my intrinsic in my religion is love for you and a desire to benefit you intrinsic in my religion. I don't think this sounds very Pollyanna or too sweet for this type of hearing, but I don't think people listen to you if they think you don't actually have some kind of human love for them, some actual respect, but more so yes, the ultimate good is the flourishing of these various religions in a country that allows religious freedom, but I still think you need to explain that this comes from a place of desire for the good for the other and actually has that outcome.

Lieutenant Governor Dan Patrick: Paula, I can't. Your water bottle's right in front of your light right there, so I couldn't tell if your light was on or not. Okay, you're good, Dr. **Carson**.

Dr. Ben Carson: Well, thank you for your insights and particularly how religion has been beneficial for society, but there are those who want to exclude religion from the public arena, particularly from education. Where do you think they get their values? Where do they get the ability to distinguish good from evil?

Professor Helen Alvaré: That's a great question. So first off, I think I would comment that I think ever since really the *Everson* opinion and its very separation take on religion and religious freedom, I think that there has been—and in part, it's public communication about this, sometimes it's the talented communications abilities of groups that, you know, hold that the language of separation of church and state is the proper interpretation of the religion clauses—that this has been communicated to the public very strongly. And again, because news often covers controversies and will cover the statements of those who say religion can't be supported by the state with great fervor, I think this is where you get this separationism often, particularly in the school system, I actually think that the values that we often hear promoted, oh, these are

what we're trying to accomplish and therefore we can't allow your religion to be visible or to have an accommodation, the irony is that they often come from religion. They claim that these are humanistic values that are superior to whatever religion is seeking to promote. For me a great strategy, a strategy toward peace, toward dialogue, and ultimately toward what we would call accommodation is for religions. Not just to say we are against X, but we are for X or Y for this reason and support your good aim, but you're off about how you're getting there or your aim will go in the opposite direction, or you will squelch a public witness that you need to get to the end that you wanted. And so, when I talked about the two cases, the case about the college dormitories, the case about Amish home schooling, it was not to the point where they got all the way through litigation and a court said, "Hey, these religions are actually seeking to fulfill your state aims and might well do it better."

So, to me, I would love to see not just angry parents at a school board, I would like to see dialogue with parents saying, don't you see what we're teaching our children is for this purpose. It will include love acceptance of a wide array of diversity. It simply will not include cooperation with something that opposes our faith. This means not only in addition to what I suggested previously regarding educating the people who are going to become the leaders of these public institutions, so we don't miss a generation and have more people believing in the separation that is false, but we also need to educate parents to be able to speak. Don't you see, I support my teaching because it's not just some idiosyncratic thing for me and my kids. It's for the common good. Thank you.

Lieutenant Governor Dan Patrick: Kelly?

Kelly Shackelford: Just something really quick, I just want to make sure and kind of get on the record since you teach this. Have you seen a pretty dramatic move in a positive way towards religious freedom in some of these recent Supreme Court victories? I think of *Mahmoud*, which you mentioned for parents, I think of *Kennedy* and getting rid of *Lemon*, I think of *Groff* and the religious freedom in the workplace. It seems like that some really good things are happening. The problem is people don't realize it, and so I would love if somebody looks at the whole field history and then up to current how you see things going now.

Professor Helen Alvaré: Yes, thank you. Well, of course, from the perspective of someone who's devoted their career to this, there's always further to go, but indeed, we've had a much healthier, more, true to American life and culture and true to the constitution reading of both the Free Exercise and the non-Establishment Clause. I often think from the beginning of the United States that the government was cooperating with religious hospitals, the government was cooperating with religious charities, the government was cooperating with religious educators. This is who we were. The idea that who we were was the *Everson* opinion and the *Lemon* opinion, et cetera, and the *Lee v. Wiseman* opinion and the *Santa Fe School District* opinion and

the *Locke v. Davey* opinion, the idea that, oh no, that captures it, is mistaking a brief historical period for the actual history and culture and even more the hopes of American citizens who hope whether they are non-religious or of any religion, to actually live in harmony in their school district, in their community as government employees, I think individual Americans are much more likely to make way for one another in institutions than sometimes these regulations or laws have shown themselves to believe. And the Supreme Court is, I think, restoring some of what we had all along, got out of kilter and is now being right sized again.

Lieutenant Governor Dan Patrick: Other questions? So, Professor, let me ask a few. First of all, and this is just to get your opinion on this question: had we had our current positions when this country was founded, which in many ways is anti-God, anti-religion, I wonder sometimes if we had ever gotten out of the starting blocks as a country, if we were oppressed and oppressed by individuals always filing a lawsuit or newscasters of the day, which would've been the criers of the town square saying, oh no, you can't use that Bible in the one room schoolhouse. You can't pray in the openness of the community. I don't know that this country ever got out of the starting blocks and became the great country that we are for a small population in the world. In the big scheme of things, we do more charity, we do more good things, and that's not an accident. That's who we are. I just go back to the 1700s or 1800s, where would we be today if we had this strong pushback of ignorance, quite frankly by some trying to squelch the word of God?

Professor Helen Alvaré: So being a proper professor here, I will say that I know some things and I don't know others, and I don't talk about what I don't know. I'd stay in my lane, and somebody like a Professor Mike McConnell would be the most brilliant expositor of an answer, so I can only make a few narrow points. One is that there was no question that a welcome to a variety of religions, which was by no means perfect, we were hostile to some, but generally understanding that people came here as a place of religious refuge was part of what made America what they called it at the time, the shining city on the hill. And if you look at Madison's memorial and Remonstrance, one of the things he was worried about if we cabined religious freedom was that we would no longer have that reputation in the world, and it's something that makes us admirable. Secondly, I do think that because whether you look at the humanistic enlightenment strain, whether you look at the natural law strain, whether you look at some of the explicitly religious origins of the—and thinking of—the founders, we would not have had the clarity of idea that would have given rise either to the Declaration of Independence or to the Constitution, particularly with regard to the equality and dignity of every person. Of course, with the exception at the time of the revolution of slavery.

Lieutenant Governor Dan Patrick: We have in a typical building or a classroom teacher's room, wherever it may be, we have poster all types of federal posters up about OSHA regulations and various regulations. You must follow, your rights must be protected. We've talked about it a little bit on this commission. Would it not be a good recommendation that every school, every university, every business has to have that one cheat on the bulletin board about protecting

people's religious liberty and that the separation of church and state is the biggest lie that's been told in America since our founding?

Professor Helen Alvaré: So, thinking out loud about this, the various workplace and school and public institutional pieces of information usually respond to some recent development, some sign of the time, something that it's felt that people are insufficiently aware of. So, for instance, when OSHA regulations came through, when people wondered about their free speech rights because that was very neuralgic—and it's becoming neuralgic again specifically with respect to people of faith—it seems to me that in line with what has been done throughout history in the context of these public buildings, and in light of the lack of awareness that we've seen, especially vis-a-vis some of the insults suffered by people who came here to testify before you, that it would be an appropriate time to put up some information about these sorts of rights. Again, you're responding to the signs of the times where this has been misunderstood, and like any other thing where people are unclear about their rights, this might be a way to clarify them.

Lieutenant Governor Dan Patrick: And I try not to talk about Texas too much, but I love it. But we passed laws this past session Senate Bill 10—11, too—to post the 10 Commandments at every classroom, and I think we're now over 50% of our 9,000 campuses in Texas that have posted those. They're free. A volunteer simply has to print them up, and the schools are required to post 'em. Of course, we're being sued, but that's okay. It comes with the territory, and our allowing prayer in public schools that every student has a private time to pray... And then recently, it's made a lot of news because our state board of education has allowed the Bible certain books of the Bible to be taught as part of the school curriculum to go back to that day, and of course, we're being sued over that. So, how do we come, you said the word controversy that the media likes to climb onto controversy.

What do we have to do to get the media to understand that separation of church and state is a lie and this commission makes it clear to America that it's a lie? Because when I look at the First Amendment, what religious freedom is really all about is your conscience to believe what you want and where does that come from? Does that come from what your parents teach you? Does that come from going to church? Where does that come from? But if we can steal people's right of conscience as opposed to religious liberty, which I think is all one and the same, if we can take that away from you that you can't believe what you want to believe, then the other freedoms fall very quickly. If I can get into your heart and steal that from you what you believe and tell you, you, can't believe that you can't express it, then everything else falls pretty quickly. So, thoughts on how we can get some news anchor on some network somewhere to say: shock?!—we've been telling you an untruth all of these decades on separation of church and state because I'm just getting tired of it. I know we're on the right side of it by the Constitution.

Professor Helen Alvaré: So, I've been part of public communications campaigns before, and it's very hard to communicate a message and have it stick. A couple of things I can suggest is to have very accurate and available materials because there's so much out there that's just uneducated, incorrect, reliable, not partisan, not one religion over another, but simply true information. Second, you do need people who can enter into these conversations and there are some wonderful religious freedom groups that already exist, but you have to have people who not only know something but can communicate it, knowing something is great, but everybody doesn't want to hear, I know this, I know this, I know this. You need to persuade about what is true by having people who can explain to you that they're no threat, that, in fact, they are for the common good. Here is how they are for the common good, and here is how religious freedom will serve the common good.

It would be wonderful to have harmony between many religions dedicated to this common conversation, this common communication, and you really have to make an effort to get out there. Again, communications is not a lesser art. I'm an academic, so I tend to think that the academic field is the thing. But if you can't communicate it, it's kind of useless and you have to have people who are able and willing to do the hard slog of communications in every venue, academic, public schooling, popular media, regular news in order to be spokespersons for this. I have seen in the pro-life arena the emergence of a different kind of communicator over the last 30 years that has made an impression, that's one public communications cause that I can think about that was a really hard slog, but progress was made. The same should be true of religious freedom because it's the 250th anniversary of the declaration because you have personally witnessed in this commission the amount of misunderstandings, it's a moment to do this and again, in a very positive, highly informed, don't be wrong about the slightest thing when you communicate and to assure people that your presence is for the common good, not for your narrow interests.

Lieutenant Governor Dan Patrick: Had two other questions, but I want to go to Dr. Phil. And this is a commission of communicators, by the way, great communicators. Dr. Phil?

Dr. Phil McGraw: Thank you so much for your comments because they're so well stated, and I have to tell you—you might guess I would have a question and comment from a psychological perspective—but focused, I spent a lot of time focusing on why people do what they do and don't do what they don't do, and I'm aware that the number one need in all people is acceptance. And you've talked about religion as being marked by love and acceptance, and you would think this would be a message that everyone could get behind, right? Because we're saying it's not that we want something for us, but not you or him, but not her or her, but not him. But for everybody, everybody gets the same thing, and it's the number one need for all people. This is about love and acceptance, and I have to say that the conspiratorial paranoia part of me kicks in to say: what's really behind this? Because those that are fighting so hard for against this, I have to

wonder: is it that they're fighting against this or they're wanting something instead in its place? That let's keep this out but instead advance an ideology that they think is superior to what is being advocated and has been for centuries. I'm just wondering what you think about that if there is an alternative agenda here. So, if we're not fighting against this, what are they fighting for?

Professor Helen Alvaré: This is a somewhat educated speculation. I begin by recalling two conversations during the height of some controversy over military chaplains and same-sex marriage ceremonies, and during the height of controversy about abortion and its place in a hospital, I had the occasion to talk to a military chaplain and to a doctor in a very secular hospital. And in both cases, they said to me, listen, my fellow chaplains or fellow doctors are plenty willing to trade off with me: really, it's a workplace. In the one case, we're in the foxholes together; in another place, we're in a hospital in an intense environment serving humanity together. Nobody says to anybody else, you know, spends time lecturing the other person about their religious precepts. They said people were really pretty willing to say, alright, I can't, but you can, and to make way for one another. I feel that two things, ideology of particular interest groups and politics have driven so much of this. The... speaking of the latter, adding a particular interest group, this sliver of interest group here, this sliver of interest group there, to a political party's base in order to get to the number 51 has led to the assertion of positions that are pretty extreme. They're in line with the interest group but have nothing to do with the way ordinary Americans would perceive or handle it, or you have an interest group that does have particular interests, whether it is a particular ideological outcome, an anger that the church or families or any religious group is standing in the way of this. They are educating their people differently, and they're having influence by being in public places. I don't have a nationwide survey on this, but I suspect that neighbors, coworkers, fellow citizens, other parents, other teachers are far willing to make room for one another than interest groups or political parties are willing to let them make room for one another.

Dr. Phil McGraw: Well, I suspect you're right, and we always say in the media if it bleeds, it leads: if you've got conflict that sells tickets, and I think divisiveness sells tickets. I mean if you go on the news and say today at Third and Elm nothing happened, people don't flock to the TV to see let's see that happen. So, if there was no conflict at this school today or no conflict at this military base, no ideological conflict here, it's hard to sell tickets. I think divisiveness is being packaged and sold, and I think it's a lot more unified in America across the back fence than it is depicted in the media. So, thank you for saying that.

Lieutenant Governor Dan Patrick: One last question, and I'm glad I yielded to Dr. Phil because this ties into get your thoughts on this. The one thing that has been shocking to me during these seven hearings is that government, whether it was a commanding officer to a Navy SEAL, whether it was a superintendent or a principal to a teacher, whether it was someone in higher education to a student, something in healthcare, wherever it was, they didn't just want to deny your right of conscience and deny your religious liberty. They wanted to punish you, take

away your health benefits, take away your pension. We had a teacher on our committee who they've put her in a room basically all day and continue to pay her, but they don't want her in the classroom because she wanted to display a cross. This is a new phenomenon, and we had a story this weekend, **Kelly** and I were talking about two sisters in the Catholic Church are facing 10 years in jail. So, we've gone beyond, Dr. **Phil**, I think, an argument in the public square: is there separation of church and state? We've gotten to the point where, to your point, what is their agenda? Because it's one thing for a nonbeliever, and we respect them, we love them the same. The Bible says love. I don't see them as enemies, people with a different opinion, but as believers of all face and denominations, that's what we're commanded to do is to love our neighbor. And they don't want us to say that. They want us to punish us for that. Is that a relatively new phenomenon in this battle of separation of church and state, which maybe some newscaster tonight will say, oh my gosh, controversy, we've been misled all these decades. There is no separation of church and state. Just speak on, we will wrap this and go to our next witness on this punishment to go after people.

Professor Helen Alvaré: Again, I don't know, I can't paint the historical trajectory for you, but I can say with regard to this virulence, this suggestion that accommodating religious people would allow, we would just unleash tremendous harm. I believe it's more often the product of ignorance. I don't think, I mean, look at some of the things that were said to Jack Phillips and the Masterpiece cake. Look at some of the things that the school board said to the parents who were objecting to transgender material in the *Mahmoud* case. They were irrational. They were born of the same kind of over-the-top commitment to a particular political or ideological stance that didn't really have support, not medical support, not philosophical support, not anything. And I think this is why the interest of your commission in addressing ignorance with information is so crucial because I think ignorance is behind a lot of it. Thank you.

Lieutenant Governor Dan Patrick: Well, thank you. And I sometimes wonder, is it ignorance or they know the truth, but they use it as a throw down reason to go after people of all faiths. You have been stellar. We're blessed to have you here today and thank you very much. Thank you, **Helen**.

Professor Helen Alvaré: Thank you so much. Thank you.

Lieutenant Governor Dan Patrick: We're going to reset the stage here for a few more chairs, I believe. **Clarence Henderson?** You're all so quiet. And for those of you asking the question, "where do we go today," we're going to have this group of five witnesses, and then we're going to have a very interesting open discussion between all the commission members—of some of the witnesses that touched our heart, maybe in some cases really troubled us because they were being punished. We're going to talk about a variety of issues and the direction of our report to the President and the recommendations we're going to make. So, we're going to have a round table discussion with all of us after this set of witnesses. **Clarence**, you're sitting there all by yourself, but they're coming. Yeah. Thank you. I am glad he's the lawyer. He reminded me. There is one

more panel after this. Thank you. Hello, welcome, everyone. Thank you. **Clarence Henderson**, civil rights and faith leader participated in lunchroom sit-ins during the 1960s civil rights movement. **Clarence**, the microphone is yours. Pull that close to you. Maybe bring it down a little bit. Maybe tilt that down just a little bit. Thank you.

Clarence Henderson, Civil Rights and Faith Leader

Clarence Henderson: My name is **Clarence Henderson** and I stand before you, not just an advocate, but as someone who lived through a time when America had to confront its own contradictions. As a young man, I participated in the sit-in movement. During the civil rights era, we faced hostility, resistance, and injustice, but we did not stand on frustration alone. We stood on faith. We believed something deeper than the laws around us—that every human being has value because they're created by God. The belief gave us the courage to sit when others around us told us to move, to stand when others told us to be silent, and to endure when others tried to break us. The civil rights movement was not built on political power. It was built on moral conviction rooted in religious belief. Religious liberty was not incidental to the Civil Rights Movement. It was essential to it.

Churches were the meeting places. Faith was the language. Scripture was the foundation. When Dr. King spoke, he didn't just quote the Constitution, he quoted the Bible because the argument for equality was not simply legal, it was moral. It was grounded in the truth that all men are created equal, not by government, but by God. Today, we face a different kind of challenge—not the outright denial of rights—but the gradual erosion of principles that made those rights possible. We see increasing division. We see a tendency to redefine justice without moral grounding, and we see faith being pushed to the margins of public life. But when you remove faith from the foundation, you weaken everything built on top of it.

Religious liberty is not a threat to civil rights. It is what made civil rights possible. The same freedom that allowed black churches to organize, to preach and to mobilize is the same freedom that must be protected today because once the government gains the authority to limit faith, history shows it will not stop there. If religious liberty had not existed during the Civil Rights Movement, there would've been no safe place to gather, no moral authority to challenge unjust laws, no unifying message rooted in something higher than government. The movement would've been weaker or may not have succeeded at all. We must be careful not to disconnect the rights we celebrate from the foundation that produced them. Freedom is not self-sustaining. It requires moral clarity, shared values, and then freedom to live out these values openly. I have seen what happens when a nation denies dignity, and I've seen what happens when people of faith stand together and say, “that is not right.” If we want to preserve justice in America, we must preserve the freedom that made justice possible. Religious liberty is not just part of our history, it is essential to our future. We must learn to live together as brothers or perish together as fools. This is the greatest nation in the world and that is why people are dying to get here, and no one is dying to leave. In 1960, the sit-in lasted 176 days in Greensboro, and I was honored that I was there to put Jim Crow on trial. And because of religious liberty, Jim Crow was found guilty. Thank you.

Lieutenant Governor Dan Patrick: Members. As always, we'll hear all the witnesses and then we'll ask questions. **Clarence**, no one could have said it better and more simply than you just said it. Thank you, honored to have you. Our next witness, **Helen Aguirre Ferré**, Nicaraguan-American journalist and a White House media affairs director in the past. You're up.

Helen Aguirre Ferré, Nicaraguan American Journalist, White House Director of Media Affairs in Trump 45

Helen Aguirre Ferré: Thank you. And just by way of background, former journalist... working... worked with the first Trump administration as Director of Media Affairs, then worked with Governor DeSantis as his first Communications Director, and currently I am administrator for government and public policy at the Adam Smith Center for Economic Freedom at Florida International University in Miami, Florida. But I would like to thank this commission for the opportunity to speak about the importance of religious freedom as a deterrence against repressive regimes. A country that fears faith is a country that fears freedom. When a government seeks total control, it does not begin with the economy or even with the ballot box. It begins with the individual. It seeks to replace conscience with compliance, truth with ideology, and ultimately, God with the state. History shows us this pattern from the Russian Revolution to the Cuban Revolution, to the modern repression we see today in Nicaragua—the parents—the country where my parents came from. My father was a political exile from the first Somoza regime, 1947, and yet, he was always clear he was never able to go back to his land of birth. And he always spoke that as bad as Somoza was—obviously, he was a political exile—nothing compared to what eventually came of Nicaragua under the Marxist revolution of the Sandinista regime, which came into power in '79 and has stayed in power with a few brief years—of intervals—but has been very strong and entrenched in Nicaragua. The repressive dictatorship of the Ortega-Murillo regime... they demand total control. They refuse to acknowledge any limits to their power, which is spurned by the Catholic clergy in this country that is overwhelmingly Roman Catholic.

The repression remains intense. Authorities have severely restricted and prohibited public celebrations. Just recently, for example, Palm Sunday in Nicaragua, normally you would have very public processions. This is the third year in a row where you're not allowed to have any type of public profession of faith and gatherings. And the same with Holy Week. During regular Sunday mass, parishioners—as they attend church, if they drive to church—police, political police, take photographs of the license plate of your car. They take photographs of those who are going in and out of church during the reading of the gospel and during sermons, you have hecklers, you have horns honking and loud music blazing outside. Many of the churches don't have air conditioning, so the windows are open and obviously it is to intimidate and to disrupt.

But the bravery of the clergy has been really striking. And even though the totalitarian regime has banned thousands of processions, confining worship indoors, the clergy has really stood up. One of the most renowned is Bishop Rolando Álvarez, who has been a vocal critic. He was sent to 500 days in prison—in a common prison—and he was brutally tortured and exiled. And he is just one of the many examples. All the religious sisters have been expelled from Nicaragua. And the lesson here for us today is that this didn't happen overnight. This happens gradually. And you see that... what happens in schools, what happens in workplaces... you see that this is one of those things that... you see the signs and you ignore it because you don't want to face what it really is. But what happened in Nicaragua can happen absolutely anywhere, and we see it in our own country here today.

We see what happens when you have the Richmond—the 2023 Richmond memo that raises serious concerns about people who go to traditional Latin mass, for example, that they're radicalized citizens and that they need to be infiltrated to get sources of information. During COVID, we saw that places of worship were deemed non-essential, although businesses were deemed essential, and so you weren't allowed to go in. In some cities, those from the Jewish faith who practiced Shabbat in the privacy of their own homes were not allowed to celebrate with their entire families, especially if there was a larger number of people there. So, you see that it goes beyond one specific religion. It's the practice of religion, and it's really going after people of faith. Also, through COVID, you saw how parental rights were challenged, and this is one of the things that you really see in Marxist societies is that it is an attack against the church, but it's also an attack on the family.

They go after the individual, and that's where it really, really begins. And why sometimes it's so hard to spot because when you see an attack on an individual, well, maybe so-and-so has conduct that's inappropriate, or maybe they shouldn't have said this or that or whatever, but by the time you figure out that there's a pattern, you're in trouble because it's gotten too big. What you really need to do, I believe, is that we really need to call out infringement on faith every minute we see it, because if you wait, it's like a wave, and it becomes too big. And it will wash all over you. Fortunately, there are many who have really awakened and seen the dangers of what's going on in our own country, and I was born in the United States. But as a child of exiles, all exiles will come with recommendations because we've seen the movie, and we know it doesn't end well.

And so, some of the recommendations of how to impede this from growing in our own country, you can't defend what you don't know. You will fight to defend what you understand. So, number one, teach against the danger of communism and the record of regimes that suppressed religion such as the Soviet Union to modern crackdowns in Cuba, Nicaragua. Teach civics: learn about the principles that lead to the founding of our country and the Declaration of Independence that states our rights are inalienable, that they come from a creator, and that our founding really

makes us exceptional because we declare that our rights come from someone bigger and better than us and does not come from the state. Separation of church and state does not mean divorce from church. As a matter of fact, we want to protect religion from the state, but by protecting religion, you're actually protecting those who believe and those who don't believe alike. Support legal protections that ensure religious individuals and operate institutions—such as schools and charities—and allow businesses to be consistent with their beliefs.

Serve the public without being forced to violate conscience. Confront antisemitism and religious hostility, especially in academics and cultural institutions, in schools when it comes to public funding of schools. Let the dollars follow the child. Instead of having the dollars go to specific zip codes, children should be allowed to go where their parents want them to go to the school. And in Florida, I come from Miami. Our parochial schools have waiting lists to get in because with public dollars, school vouchers that go to these parochial schools, it became much more affordable for parents to be able to do that. And so, parents are opting to go to these religious schools. And religious schools are really good on multiple levels, but outside, faith teaches virtues, which are fundamental to developing character, and you need character to then be able to defend democracy.

I think we have great opportunities with digital platforms. I listened to Bishop **Barron's** Sunday sermons on Hallow, and I really do think that Hallow and these other digital applications have done a lot to reach out to our youth and engage them and bring them as we see that many more are becoming more openly faithful and actually going to church. People are seeking; let's help them get there. And then finally, let's just stay vigilant, especially on small encroachments. Most erosions of freedom happen gradually. A policy here or a restriction there, and then there's a redefinition of what is acceptable. Recognizing early warning signs is critical. And we really have to do this because John Adams made it clear: “Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.” Thank you.

Lieutenant Governor Dan Patrick: Thank you, **Helen**. To your point, quickly, we just opened up our first school choice program in Texas with a hundred thousand slots, which is a lot, and we had 250,000 or more apply. Let's go next to **Erika Bachiochi**. Is that close?

Erika Bachiochi, Scholar on Faith and Women's Rights

Erika Bachiochi: Bachiochi?

Lieutenant Governor Dan Patrick: Okay, **Bachiochi**, a scholar on faith and women's rights. Thank you. Thank you.

Erika Bachiochi: Chairman **Patrick**, Vice Chairman **Carson** esteemed commissioners and fellow panelists, my name is **Erika Bachiochi**, and I'm honored to join you today to discuss the contribution of religious liberty to the historic achievement of women's rights. It was after all America's tradition of religious liberty that enabled our nation's earliest women's rights advocates to publicly defend their claims in a distinctively religious voice. In these short remarks, I want to reintroduce this theologically grounded account of women's rights, one that has been lost to our nation's collective memory. And so, too to our understanding of women's rights. But briefly let me introduce myself, I am a Catholic legal scholar who works at the intersection of constitutional law, political theory, women's history, and Catholic social teaching. After a stint in college as a socialist feminist, I experienced a profound religious conversion back to my baptismal faith and have since been attentive to the role of faith to women's full flourishing.

Today, I am the happily married mother of seven children as well as a Catholic classical school founder, a fellow at the Ethics and Public Policy Center here in Washington, and a professor of practice at the School of Civic and Economic Thought and leadership at Arizona State University. There, I teach a course called Women and Rights in Western political thought and have published three books and many academic articles on the subject about which I've invited to speak. So too often today when we hear the phrase women's rights, we think immediately of abortion rights. This now common association is particularly striking when viewed from the horizon of the 19th century women's movement, which was strongly opposed to the practice of abortion. Like the American founders, the movement knew that human beings are not autonomous bearers of rights to do whatever we please. Rather, they understood that the civil and political rights they sought were intrinsically correlated with responsibilities.

As Lucy Stone said in 1892 of the movement that had grown under her leadership, "we are all getting to be women's rights advocates or rather investigators of women's duties." Now of course, the American founders themselves did not think that the laws of nature in nature's God demanded women's civil and political rights. And so, the emergence of the rights of women like the emergence of full citizenship for black Americans was a historic achievement. One likewise grounded in core principles of the American founding. That is to say the early movement built its rights claims on the scriptural and natural law foundations that women like men are rational creatures made in God's image and personally responsible to him. They eventually persuaded the

nation that as individuals equally accountable to God and especially endowed with responsibilities to care for their families and communities, women should receive a full-some education and participate in the obligations and privileges of citizenship.

The 19th century women's movement had emerged on the heels of two massive historic events, the Industrial Revolution and the Second Great Awakening. The existential interdependence of husband and wife as they labored together for centuries in the productive agrarian household had begun to fray in the new economy as much traditional work was displaced by the era's new machines as Catholic philosopher Edith Stein put the point in 1930, "industrialization revolutionized average domestic life, so that it ceased to be a realm sufficient to engage all of women's potentialities." The Second Great Awakening for its part had inspired religious women to speak out against the ongoing horrors of slavery alongside abolitionists like Frederick Douglass as well as the deracinating impact of industrialization, particularly harsh for women and children at the margins of society. So, in addition to offering practical relief, religious women organized public campaigns against child labor, illiteracy in moderate consumption of alcohol, unjust laws, poor working and living conditions, and domestic abuse.

They sought to elevate women—just as Christianity had from its origins—calling both women and men to their family and social responsibilities, not the least of which were marital chastity and the shared nurture and education of the young. Therefore, alongside our nation's first female physicians like Elizabeth Blackwell, 19th century women's rights advocates condemned the practice of abortion in the harshest of terms. They sought not the freedom to end the life of an unborn child to whom they knew that mothers and fathers owed duties of care. Rather, they sought the freedom not to be forced by physical coercion or economic circumstance into marriage, prostitution, or unwanted sex. And so, they worked to provide far better medical care to both mother and child and to expand women's educational and economic opportunities. Indeed, much like the American Revolution itself, it was unbounded, unjust, and arbitrary rule that these women came together to denounce among the most influential women of the antebellum period or names we scarcely recognize today.

Take for instance, the great abolitionist, Sarah Grimké, who in 1838 penned the deeply influential letter on the equalities of the sexes. Translating Genesis from the original Hebrew and echoing St. Augustine, Grimké writes that dominion was given to both over every other creature but not over each other. Woman, she says, was created man's divine helpmate because she was in all respects his equal gifted with intellect and endowed with immortality. She was a moral and responsible being, Grimké wrote, and the glory of God was the end of her creation. Grimké's interpretation of Genesis would be echoed at the first National Women's Rights conventions in the 1850s, which grounded women's equal moral status in the *Imago Dei*. Paulina Davis, another name that has been lost to history, served as the president of the first two National Women's

Conventions in 1850 and 1851. She collected the convention speeches into the aptly named publication, “Woman's Rights Commensurate with Her Capacities and Obligations.”

Echoing Grimké's letters, Davis said that the fall described in Genesis 3 had inverted the order of human things. Calling upon the Messiah, the prince of peace who took the form of a servant, Davis bemoaned how power which is properly only a servant of goodness is everywhere it's master. These early conventions echoed Grimké and Davis in their conviction that every mature soul is responsible directly to God, and so they insisted that women like men receive the kind of education and opportunities that would facilitate their full human maturation in the midst of another massive technological revolution. This one accompanied and shaped by widespread secularization women's rights advocates of the 20th century sloughed off these theological and natural law foundations raising up for veneration figures hostile to religion instead.

Consequently, in my view, American women as American women have ascended in social and economic influence over the last several decades. Too few have fully embraced the humane moral vision at the very heart of the original women's rights claims. It has been my honor to reintroduce you to, this morning, these forgotten American women. They, like me, were grateful to their heavenly maker for the sublime dignity of being created a woman and to their nation for providing them the liberty to speak. Thank you.

Lieutenant Governor Dan Patrick: Thank you, **Erika**. **Dr. Akshar Patel?** **Dr. Patel...**

Dr. Akshar Patel, Radiation Oncologist and Leader in BAPS Swaminarayan Sanstha

Dr. Akshar Patel: Respected Chairman **Patrick**, Vice Chairman **Carson**, members of the commission and my fellow panelists, thank you for the opportunity to speak here today. My name is Akshar Patel, and I'm honored to represent BAPS, one of the largest Hindu organizations in the United States. I'm here to share the experience of Hindu Americans, an experience rooted in faith, service, and a deep appreciation for the opportunities this country provides and to reflect on how religious liberty has enabled our community to flourish. My personal journey reflects that of many Hindu Americans in this country. I immigrated to America legally. I attended medical school here, started a family, and was afforded the opportunity to lay down roots in my community. Living here, I'm fortunate to be able to serve my patients as their physician, serve my family, and serve my community using my faith as my foundational driving force. Hindu Americans are a hardworking and law-abiding community. Many of us or our parents and grandparents came to this country seeking opportunity, freedom and the chance to build a better life. Over the decades, we have established roots in communities across the nation, contributing to the economy, participating in civic life, and raising families grounded in both American values and our cultural heritage.

BAPS, the organization I represent, opened its first Hindu house of worship, or mandir, in Queens, New York in 1974. From that single mandir 50 years ago, we have grown to over a hundred mandirs across the United States. This growth reflects something truly special about America. It is a testament to the American promise and to the power of religious liberty—that an immigrant community can come here legally, work hard, establish itself, build meaningful relationships with neighbors, and flourish while peacefully practicing its faith. Throughout American history, religious liberty has allowed diverse communities to not only survive but thrive. For Hindu Americans, this freedom has meant the ability to build mandirs, celebrate festivals, teach our children values and morals, and contribute openly to the broader society without fear. It has allowed us to transform faith into action, strengthening both our own families and the communities around us. At the heart of Hinduism is the principle of service.

Our faith teaches us that serving others is a form of devotion to God. My guru, Pramukh Swami Maharaj, has said: “in the joy of others lies our own.” This belief guides the work of BAPS, serving as a responsibility and a pillar of our faith. Through BAPS, we have worked to support communities across the United States in meaningful ways. For example, we have organized nationwide health fairs that provide medical screenings, health, education, and access to care for thousands of individuals regardless of background or income. We have assisted in disaster relief efforts, mobilizing volunteers and resources to support victims of hurricanes, floods, and

wildfires. Our volunteers regularly participate in food drives and community outreach programs, helping to address hunger and support vulnerable populations in cities and towns across the country. We also believe in service to our country, as many Hindu Americans have joined our military as a way to serve our nation.

In fact, this commission heard from a BAPS volunteer last December, Lieutenant Harish Rao, who is also an active member of the army. He told you about the challenges he faced by wearing the *tilak-chandlo* on his forehead while in the military. The same symbol you see on my forehead today. These efforts reflect how religious liberty does more than protect faith. It empowers communities to serve and strengthen the nation as a whole and in return, we have been embraced by our neighbors forming bonds of trust, friendship, and mutual respect. I mentioned earlier BAPS went from an organization that made its first footprint in America in a small house in Queens over 50 years ago. Our community soon outgrew that house and moved to a larger facility. We then expanded to two facilities. Over the next 50 years, we expanded to over a hundred mandirs across the country.

In 2024, we opened the Akshardham Mandir in Robbinsville, New Jersey. Some of you may have heard of this mandir or temple. This is one of the largest active Hindu mandirs in the world. I'll say that again. One of the largest Hindu mandirs in the world is located in New Jersey. Over 12,500 volunteers from across the country came together to create this beautiful temple. These volunteers consisted of teachers, lawyers, engineers, doctors, dentists, plumbers, electricians, and even students. These volunteers took weeks, months, even years out of their lives to come together and build a mandir of this magnitude, A story this amazing is only possible in America. Nowhere else in this world can a community come together, practice their faith, build something so beautiful for everyone's benefit, both Hindus and non-Hindus alike. But recently, something has changed. The force that helped lift our wings of liberty and faith have now become our headwinds. The environment has changed to become anti-religious and specifically for us, anti-Hindu.

A growing number of acts of hate directed towards Hindu Americans and our places of worship have created fear and uncertainty within our community. In the past year alone, there have been eight attacks on Hindu mandirs, four of which were BAPS mandirs. These incidents are deeply troubling not only because they target places of worship, but because they threaten the very religious liberty that has enabled our community to flourish. For many Hindu Americans, this is a new and unsettling reality. Mandirs that once felt like sanctuaries of peace and unity are now places where security is a concern. Families who come to this country seeking freedom of religion are now worried about practicing their faith openly. Today we're seeing hateful messages painted on our mandirs. But what should we anticipate tomorrow? Will we even have a place to pray? This fear and uncertainty have become crippling for our community, and this fear is not reserved just for us.

Unfortunately, many faith groups are experiencing similar, hateful and anti-religious sentiments. I'm here today not only to share our concerns but also to reaffirm our faith in the values of this nation. The same religious liberty that has allowed generations of Americans from many different faiths to build, contribute, and thrive must be protected for future generations. I was afforded this wonderful opportunity when I came to this country 20 years ago. It is my hope and wish that my seven-year-old son, and many children like him will get to experience this same freedom and liberty to practice their faith, enrich their communities, and serve their neighbors as our faith asks of us. Thank you very much.

Lieutenant Governor Dan Patrick: Thank you, Doctor. Dr. **Paul Brintley**, minister, author, entrepreneur. Dr. **Paul**?

Dr. Paul Brintley, Minister, Author, Entrepreneur

Dr. Paul Brintley: Thank you so much for having me. Appreciate everybody coming out this morning. I appreciate this commission for having me to giving me the opportunity to speak. My name is Dr. **Paul Brintley**. I serve as a pastor and overseer of a network of 15 churches, many which include immigrants and immigrant families, particularly Haitian believers who came to this country because they believed America was different. When before I was born, my father got that dreaded disease that Dr. **Patel** takes care of all the time. The C word, I don't even like saying it. He died a month before I was born, and there was my mom at the funeral of my dad pregnant with me, my 10-year-old brother on one side, and my 8-year-old sister on the other side and trying to figure out how she was going to be a single parent and raise three kids. What got my mom through it all was her faith.

I remember during COVID standing with my congregation and hearing them ask me questions I had never thought they would ever say to me. They said, pastor in America, we've been told that we cannot assemble and worship God. We never thought that would happen. As these families came to me, it began to startle me and got me involved in not only political things that were happening but my civil responsibility in the community. For them, this wasn't political. It was deeply personal. They had seen what happened when their governments became deciding in how their faith had been practiced. As a pastor, I faced a defining moment. Would I treat faith as something optional and adjustable or as something essential and protected? That experience clarified something for me. Religious liberty is not theoretical. It is lived, or it is lost. Religious freedom has never been a barrier to justice in America.

It has been one of its greatest drivers. The same biblical truth that I preach every Sunday, that every person is made in the image of God has historically fueled movements for human dignity, equality, religious freedom and reform. It is why people of faith have built schools, hospitals, and charities. It is why they stood against slavery. It is why they march for civil rights. Religious liberty does not divide. It forms conscience and a society without conscience cannot sustain freedom. There is a growing narrative in our country today that religious freedom is simply a license to discriminate. That is a fundamental misunderstanding. Religious freedom is not about imposing belief. It is about protecting the right to live according to what you do believe. When people of faith are pushed out of the public square, we don't get neutrality. We get a vacuum, and the vacuum is quickly filled by whatever ideology holds power at the moment.

But I want to tell you here this morning: we are blessed. The founders did not create a system to exclude our faith. They created one to prevent government from controlling our faith. I'll also say plainly, as a pastor, we in the church must take responsibility as well. There has been a weakening in some areas of pastoral leadership where speaking truth has been replaced by

silence, and conviction has been replaced by caution. But historically, the strength of this nation has been tied to the pulpits that shape moral clarity, not avoided it. So let me address the question that was posed by this committee just a few minutes ago by our chairman. What would America look like if religious liberty had been restricted 250 years ago? If pastors had been told what they could preach or if scripture had been removed from the public life or if faith had been confined to private silence? There would have been no more framework to declare that all men are created equal, but we are blessed.

There has been a movement in America that's changed it, but if we would not have had that faith, there would be no movement at all. But we are blessed. So, no civil rights movement would've happened as we know it, but we are blessed. There had been no shared conviction that rights come from God, not from government, but we are blessed. And so, in short, where would America be today if it went back 250 years ago, and they would've told our fathers the framework of the Constitution to reduce the tone of religion? Religious liberty must remain protected, not just in Word but in practice. As an ambassador of the North Carolina Faith and Freedom Coalition as a network of 2,500 churches in North Carolina that I work with elected officials and candidates that have the opportunity to stand on their biblical worldview, and so they can go and challenge voters to come out and vote for them.

Just a couple of stats and I'll be done. According to the national research, nearly two-thirds of Americans still identify as Christian. That means biblical values are not on the fringe. They are rooted in the lives of millions every day of our citizens. And while not every one vote strictly based on faith, about one in four Americans say their religion strongly influences how they vote, with many more saying it plays at least some role in their election process. This is not a small group. This is significant and meaningful for this nation. What even more is important that the data shows those who actively participate and practice their faith. Those who attend church regularly are among the most consistent and reliable voters in this country. So, the question is not whether our values matter in elections. The question is whether we are willing to live out those values not only in our churches, but in our civic responsibility.

And for the people of faith, it is a reminder: your vote matters, your voice matters, and your values matter. When people of faith participate, they shape a more thoughtful values and form public square. That means protecting the free exercise of faith and public life, ensuring churches are not treated as non-essentials and safeguarding the rights of individuals and organizations to live according to the sincerity that they hold in their beliefs and doing so for all people of faith equally and without coercion. So, closing, because when a nation begins to treat faith as something to be managed instead of protected, it does not become freer, it becomes more fragile. And if we want to preserve freedom in the next generation, we must protect the very foundation that made it possible in the first place. Ladies and gentlemen, I see it here today in the greatest

nation in the world, and I want to tell you because of our religious freedom, we are blessed. Thank you so much.

Lieutenant Governor Dan Patrick: And we've been blessed with five great witnesses. We have four more to go and throughout every hearing, every hearing we've just had spectacular people telling their stories. And pastor, you need to get a leave of absence from the church because I'm taking you on the road with me. Okay, Dr. **Carson**.

Question and Answer

Dr. Ben Carson: Well, thank you all for those testimonies. For **Clarence Henderson**, my wife and I have been blessed to hear you speak in the past and see what you've done, and obviously you had a lot of courage to go up against an establishment that threatened your very life. And I'm just wondering what gave you the courage to do what you did, and would you have had that courage without your faith?

Clarence Henderson: No, I would not have. But it actually started when I was born. My father named me after a sharecropper—he was a sharecropper for an individual—and it helped set the tone for me, help bridge the gap between the races, and I've been called into it ever since then. Faith requires courage and we're going to walk by it. And so, I've dedicated my life to help bridge that gap, so that in America we stop perishing together as fools and start living the life that America affords us. That's where I stand right now, and I see, I am so concerned about the inner conflicts that's going on in America, how we are destroying America from within. As you've heard me say it in my speech, it's that we're dealing with an agenda. If America's so racist, why are people dying to come here, but nobody's dying to leave? And so, we who understand what America's all about, have to stand together and fight so that we can preserve the freedom and dignity of American for our people coming behind us, our children... what kind of America we need then if we don't stand up for what we believe in right now?

Lieutenant Governor Dan Patrick: Correct. Thank you. Thank you **Clarence**, Bishop **Barron**?

Bishop Robert Barron: Just a brief remark of especially in regard to our first and last speakers, that connection between religion and civil rights movement. Some people said there was a similarity between the civil rights demonstrations, and let's say that one's in 2020. And I always said no for a number of reasons, but one of the most important was the lack of religious leadership or religious presence in the demonstrations of 2020. The Civil Rights Movement, religion was not incidental to it, not accidental to it, was essential to it. As you articulate well, and we talked, Dr. **Anderson** mentioned he might draw attention in our report to heroes of religious liberty. Gosh, Dr. King is a great example because he so effortlessly embodied and articulated the connection between the American idea and the great biblical tradition. The letter from the Birmingham City Jail, which is making a civil argument if you want, but it's grounded in as he says explicitly Thomas Aquinas and Augustine, both of whom are grounded in the Bible. And then not far from where we're sitting, King stands on the steps of Lincoln's memorial and again effortlessly weaves together biblical rhetoric, American civil rhetoric, secular poetry. If you had said to Martin Luther King, there's a high wall of separation between religion and civil life... I mean his whole life embodies the opposite of that. And so, I think he's one of the great heroes, if you want, of what we were talking about. So, thank you for that witness.

Lieutenant Governor Dan Patrick: Kelly?

Kelly Shackelford: One of the things I thought was interesting—sometimes, there's a theme that is directed in this by one higher than us—and I think of the first witness and then what you said, and there's a theme to me. It's the fact that our democratic republic comes out of the faith that founded this country and that every country that goes into totalitarianism has to get rid of that. And the COVID example just reminded me we filed the first COVID case victory in the history of the country—it's out of Louisville—and we won every COVID case we filed on behalf of churches and synagogues. But the fascinating thing to me was everywhere we won, within two to three weeks later, the businesses were opened. It was never the lawsuits to open the businesses and then the churches were opened. It was always the lawsuit to open the church, and then the businesses were opened. I just think about what our first witness and all of you have said, and I think of what a totalitarian government needs. They have to have direct control over the citizen, and these intermediary institutions like the church get in the way, and the authority of parents get in the way of them having control. And so that's why we see these fights and it's just so important to being who we are. So, I just... all different stories, but all such a powerful message that you presented today and I just want to say thank you.

Lieutenant Governor Dan Patrick: Any other questions or comments? Thank you once again, and **Paula**, I sit here and I listen to the testimonies and the great questions and remarks, and I just reflect on—thank the President of the United States, Donald J. Trump for establishing this commission. And we said it in the first hearing, but God has his hand in all things and it all started when the President called me thinking I had called him, which I would not have done, and talking about a lot of things. And I said, here's an idea. And he said, we're going to do it. President Trump... I believe this will be one of his greatest legacies at the end of the day, and I'm just so thankful to the President for allowing all of us to serve here and introducing all of us to all of you. That was a God thing. I hear you called. No, I didn't call.

Pastor Paula White-Cain: Just thinking how **Kelly** said it was perhaps a higher thing that was happening. Absolutely divine providence. And I was reflecting about... thank you so much for all of your witness, and it just takes us back to why we're all here because the foundation of this nation was absolutely established with religious liberty and how it affects women and ethnicity and our churches and synagogues and BAPS and every single thing we do. Thank you so much.

Lieutenant Governor Dan Patrick: Thank you, Dr. **Ben**?

Dr. Ben Carson: For our second witness, I appreciate you talking about communism and socialism effects. It's sprung up all over the world, and it's springing up in our country now, too. What is the reason that everywhere it springs up it is so anti-religion and anti-God?

Helen Aguirre Ferré: Thank you, Dr. **Carson**. That's an important question, and it's because totalitarian governments fear the individual, fear the individual conscience and what that can do. We speak of, you know, what **Clarence Henderson** did and the bravery that that required... Dr.

King, what that required... The power of one. Totalitarian governments fear the power of one. And they can't control our thoughts. Once we speak, that's where the battle really begins. But they know we're thinking, and we're thinking freely. And what they want is to really take away conscience and truth, so they can implant ideology. That's why they tend to be successful with the very young and then when the very young get older and wake up, in some cases, it's too late. But strong religious presence is really the antidote to totalitarianism, to communism and socialism, so the stronger we are as faith-based people and communities, the freer we will be.

Lieutenant Governor Dan Patrick: And **Clarence**, just to close one thing that you said, certain things I've heard from different witnesses, stay with me. Where would you have met if you couldn't go to the church in the Civil Rights Movement? Where would that meeting have taken place? Where would that meeting have taken place where people prayed? Where would that meeting have taken place? That launched a movement, and I just had not heard that. It's obvious, but I had not heard it articulated before. So, thank you, **Clarence**, appreciate you. Members, thank you all of you. . . oh yes, I'm sorry, **Eric**, I didn't see your light.

Eric Metaxas: Thank you. I'm always curious what ideologies are the enemies of religious liberty? We know that Marxist atheist ideology typically is against the idea of religious liberty, the idea of faith, but Dr. **Patel**, you mentioned many attacks on the Hindu communities, and this has ramped up. Who are some of the groups behind these attacks against Hindu communities? It seems somewhat unimaginable to me that Hindu communities are such a big threat that we need to attack them. Can you tell me—give us—hear some idea of who have attacked you all?

Dr. Akshar Patel: Thanks so much for asking that question. When our first temple got attacked a little over a year ago, it was in Long Island, New York, and this was the first time something like this had ever happened to us. We had heard of other temples, not part of BAPS, but other Hindu temples that had been attacked. But this was the first time that it happened to us, and there were some, you know, the way we had been attacked was that they had painted some really offensive and racist messages on our property. And so, the first thing we did was we called law enforcement, because we didn't really know what to do. We didn't know who would feel this way about us—generally, I know I'm biased, but we're a kind community—we don't go out of the way and poke our fingers at anybody else. And so, it caught us off guard, and we let law enforcement do what they do best. Everybody has theories as to who it might be, who it might not be. We still don't know the answer: who did this to us? And then the subsequent three other attacks on our temples. . . we also did what we were supposed to do. We called law enforcement, we spoke with the right people and many community groups, the Jewish community, the Christian community, they came to our defense.

Eric Metaxas: Did the Muslim community come to your defense?

Dr. Akshar Patel: I believe so, but what I'm trying to say is our larger community supported us. But we still have not figured out, and we have not been told who has done this to us. And that's something that continues to instill fear in our community, because if at least we had an answer as to who did this, we could ask the appropriate authorities to do something about it. But we don't even know who did it. And that's the scariest part of all this. Thank you for asking that question.

Lieutenant Governor Dan Patrick: Anything else, **Eric**?

Eric Metaxas: No, I'm just so fascinated because we have in America, it's just one of the joys of living in America is that the love most Americans have for genuine diversity of creeds. And so, when you hear of something like this, you just want to know who is doing this. And it's baffling to me that law enforcement would not be able to figure this out. It shouldn't be so difficult. But we're sorry to hear of it, but we're grateful for your testimony. Thank you.

Lieutenant Governor Dan Patrick: Thank all of you. You've come a long way for some of you, and a privilege to have you here today... thank you for your words. Thank you all. We have one more panel of four witnesses, and then we'll have our open discussion. I must admit, sister, when a nun walks in, it gets all of our attention that we have to behave, so thank you for being here. **Heather Rice**, is it **Minus**?

Church and State: Partners in Solving Today's Problems

Heather Rice-Minus, Prison Fellowship

Heather Rice-Minus: Yes.

Lieutenant Governor Dan Patrick: With the Prison Fellowship. You have the microphone.

Heather Rice-Minus: Thank you so much. Good morning, Lieutenant Governor **Patrick**, Dr. **Carson**, members of the commission. Thank you for the opportunity to speak with you today.

Heather Rice-Minus with Prison Fellowship, and Prison Fellowship is the nation's largest Christian nonprofit equipping the church to serve currently and formerly incarcerated people and their families and to advocate for justice and human dignity. Our work is grounded in the belief that all people are created in God's image and that no life is beyond redemption. Our mission is to encounter Jesus with those impacted by incarceration, and we envision a revival of the church inside and outside prison that brings justice, mercy, and hope to our culture. This year actually marks the 50th year anniversary of Prison Fellowship, and for five decades, we've partnered with churches, volunteers, correctional leaders to support rehabilitation, restore families, and promote safer communities. And as many of you may know, our ministry was born out of the story of Chuck Colson.

The late Chuck Colson was former White House Counsel in the Nixon Administration. As a result of his involvement in the Watergate scandal, he landed himself in federal prison, but that wasn't the end of the story. He promised he'd never forget the men he met inside, and he went on to found our ministry and to become a prominent leader in evangelical circles and author of many books. And today, our work offers a clear example of how faith-based social services strengthening the United States by addressing some of our most pressing social challenges. We appreciate the President's creation of this commission because religious liberty plays a foundational role in making our work possible. The First Amendment guarantees the free exercise of religion, and those protections do not end at the prison gate. Every incarcerated individual retains the right of religious expression, and that right should be carefully protected. For more than two decades, the Religious Land Use and Institutionalized Person Act, legislation that Prison Fellowship helped passed alongside our founder,

or RLUIPA, has helped ensure that people in prison are not subjected to unjustified barriers when practicing their faith by requiring governments to use the least restricted means before limiting religious exercise. RLUIPA enables faith-based organizations like Prison Fellowship to

serve individuals in meaningful ways. These protections matter. First, because Dr. **Anderson**—to the question you asked my favorite law school professor, **Helen Alvaré**, earlier—because friendship with God in and of itself is a good, and it is something that is a means in and of itself. But second, faith-based programs also contribute directly to rehabilitation and to public safety. When incarcerated individuals can participate in religious services, mentorship and spiritual formation, they often develop a renewed sense of purpose and hope and these qualities are essential for reentry. At Prison Fellowship, we believe that reentry should start actually from the moment of arrest, not just upon someone's release.

And the Prison Fellowship Academy is our most intensive program. This voluntary year-long initiative is offered at no cost to the government and is available to anyone of any faith or no faith at all. It combines mentoring, community building and faith-based instruction to help participants develop values such as community affirmation, productivity, responsibility, restoration, and integrity. These values support personal transformation while reinforcing accountability. And a recent study in Texas found that a 6% recidivism rate among our graduates. That represented a 53.8% reduction when compared to a match comparison group with similar criminal history. More than 6,000 people have completed the academy, and faith informed programming contributes to safer correctional environments. Participation in religious activities fosters respect and healthier relationships amongst the incarcerated as well as benefiting the staff. These outcomes extend beyond the prison walls. As transformed individuals are more likely to return home prepared to contribute positively to their communities and families.

In fact, in just a few weeks, I'm going to be joining a group of graduates from the Prison Fellowship Academy from decades ago. One of them is now an attorney, one of them is a pastor. Another is overseeing a reentry home that he founded in Arkansas, and I can think of also our mission ambassador at Prison Fellowship. Germaine Wilson, who after graduating the Prison Fellowship Academy in Kansas, went on to become the mayor of Leavenworth, Kansas. So much good can come from a partnership between faith-based organizations and the government. There's also such importance in recidivism reduction through the connection between family, those who have stronger connections to their families are more likely to succeed post-release and prison fellowship's Angel Tree program is one example of how we can strengthen this. Approximately 1.3 million children in the United States have a parent in prison. Angel Tree partners with local churches to support these children, to strengthen families, and we try to do that not just at Christmas time but year-round.

In fact, I've had the pleasure of serving with Prison Fellowship Angel Tree here in Washington DC and not only was able to deliver Christmas gifts year over year to the same family, but I also had the privilege of driving this family down to visit their dad incarcerated in North Carolina.

And they had not been able to visit him in prison for much time even though they talked to him on the phone because they just were living paycheck by paycheck—didn't have a vehicle. And so, I got to be a fly on the wall as they had a first meeting after not seeing each other in 15 years. Angel Tree has served more than 12 million children since its inception, and 120,000 children have also attended an Angel Tree camp. And none of this would be possible without the partnership that we have with chaplains inside prison who make this application available to parents who want to sign their children up.

Scripture calls us to seek justice, to encourage the oppressed, and faith-based social services strengthen the United States by addressing individual transformation and community wellbeing. When individuals return home equipped with values support networks in a renewed sense of purpose, neighborhoods become safer, families are stronger. And as you consider the future of religious liberty on this commission, it's important to recognize that the protections under RLUIPA enable this work to continue. Ensuring incarcerated individuals can freely exercise their faith allows faith-based organizations to provide programming that supports rehabilitation. And to that end, I want to share just a bit of hard-fought good news. In closing, director Marshall and Deputy Director Smith, their recognition of the role of faith-based programming within the Bureau of Prisons is opening the door to more faith in community-based programs than ever before. We're proud that the Bureau of Prisons has recently designated the Prison Fellowship Academy as an evidence-based recidivism reduction program under the First Step Act.

Additionally, over 30 Bureau of Prisons wardens are currently participating in the Warden Exchange Prison Fellowship's leadership development program designed to help corrections professionals envision and build healthier prison cultures. Since 2013, we've actually had over 820 graduates of this program, many from Texas, but this year marks the very first year that we've actually been able to have a federal warden participate in this free program made available to corrections leaders across the country.

For 50 years, Prison Fellowship has witnessed the impact of faith in action. We've seen individuals transform their lives, parents reconnect with their children, and communities benefit from successful reentry, and these outcomes demonstrate how religious liberty empowers faith-based organizations to serve the common good. Commission, thank you for your time, for your commitment to protecting religious liberty, and supporting faith-based social services, including for those who are behind prison walls today.

Lieutenant Governor Dan Patrick: Thank you, **Heather**. Sister **Mary Elizabeth** with Sisters of Life Ministry to Women and Children in Need. Sister?

Sister Mary Elizabeth, SV, Sisters of Life

Sister Mary Elizabeth, SV: Chair **Patrick** and members of the Commission, thank you for inviting me today to share what motivates my religious community, the Sisters of Life, to serve the most vulnerable among us and how a recent threat to our religious freedom could have seriously impeded it. The Sisters of Life were founded in 1991 to promote a sense of the sacredness of human life in society. Through prayer and service, we bear witness to the inherent dignity of every human life created in the image of God. Each of our sisters has encountered a love that is so great, so beautiful and true, a love that captivated her heart and called her to respond. This love became incarnate in Jesus Christ. We, as Sisters of Life, offer our lives to the Lord Jesus, so that others may come to know and experience this great love.

This love we believe is the source, the meaning, and the destiny of every human life. Our community engages in a variety of works in order to share this love. Today, I am going to highlight our mission, serving courageous women who are pregnant and in crisis in need of support, friendship, and practical compassion. We are also privileged to serve women who are seeking hope and healing after the experience of an abortion. We are blessed to see time and again how Jesus's perfect love and tender mercy cast out fear and transforms lives. We believe that every human being is sacred, unique, and infinitely loved by God. And we want every person we encounter to know their own dignity as beloved sons and daughters of God, especially the pregnant women we serve. Because once a woman experiences that she is loved and believed in, she can do anything, but only if she has meaningful support and options available.

Such was Nicole's story. When Nicole found out she was pregnant, she felt overwhelmed and afraid. She was already a single mother working 12-hour shifts in a factory to make ends meet, and she was barely getting by. She had previously had an abortion and didn't want to go through that again, remembering the pain and regret it caused. But she felt like she had no other option, so she obtained abortion pills but couldn't bring herself to take them. Her boyfriend kept saying: "it's your choice." Nicole told us what she really needed to hear was: "I will be with you every step of the way no matter what."

She found us through a friend and in our first conversation she shared a weighty list of needs from a mortgage to baby clothes, school fees, and a broken washing machine. So, we packed up our van and hosted a baby shower at her home, providing her with a crib, stroller, car seats, maternity clothes, and everything she needed for her baby. We also called upon local friends who supported Nicole with meals, car rides, groceries, community and friendship. Receiving this tangible support, Nicole was empowered to discard the abortion pills she had contemplated taking and instead to make a leap of faith and welcomed her baby into the world. She named her

daughter Emma Grace. Emma, because it means my God has answered me, and Grace because he answered when she least expected it.

Supported and invited to dream again, Nicole began school to become a paramedic. It wasn't easy, but she graduated with honors and got a job driving an ambulance, an accomplishment she would have never dared to dream of before she became pregnant with Emma, who recently turned five years old. Nicole is now reaching out and sharing her story with other women in her position and connecting them with our sisters. Speaking with Nicole last week, she told me, I can't imagine life without Emma. She brings such joy. She gave me a new beginning, and I am so much the better for it.

Nicole's story is one of countless examples of how Christ's redeeming love has changed lives over the course of our community's existence. Through locations such as our visitation mission in Manhattan, we build relationships with each woman who seeks us out, listening to her hopes and her fears. We desire to meet her needs, emotional, spiritual, and practical, so that she may have the greatest freedom to choose life for both herself and her child. Our large network of coworkers of life enables us to provide all of this support free of charge, and regardless of a woman's religious affiliation. The support we provide continues far beyond a mother's decision to give birth to her baby. Some reside with us during pregnancy, childbirth, and for whatever time each woman needs, often several months after her child's birth. Melanie was one such woman, and her story shows how God's love poured out overflows into the next generation.

18 years after Melanie's son Zion was born, he came to see us. The doorbell rang at our midtown Manhattan convent. The sister who answered found a group of tall, strong, college aged young men on our doorsteps. The one in front had a huge smile on his face and he said: "Hi, sister! I was born here." Zion explained that his mom had told him about us, and the convent where she lived when he was born. All his life he had wanted to come back and see it for himself. He was proud of his mom, knowing some of the sacrifices she had made to bring him into the world. So, as a college freshman on a football scholarship, he found himself in New York City with his teammates. The football players crowded into the front foyer of the convent to meet the sisters.

Zion recently graduated from Yale and moved to New York City. He comes to volunteer at the convent where he spent the first few months of his life. How beautiful that God allowed our religious mission to inspire others. Zion, his team members and classmates at Yale, and all who are touched by Zion's goodness. Ours is just one of thousands of religious ministries seeking to be such a light in the world, to create a society in which people are cared for, valued, and protected. Together, we sacrifice for the vulnerable, the downcast, and enable human flourishing.

But not everyone understands or shares our commitment to the sanctity of human life at all stages.

In 2022, the state of New York passed a law targeting our ministry to pregnant women. It allowed government officials to force pregnancy centers, but only those that do not perform abortion, to turn over internal documents, including sensitive information about the women we serve. Our missions are a place where women can feel safe with the knowledge that their stories are kept confidential. Many are in search of refuge from abusive partners and situations. We could not in good conscience break trust with the women who come to us for help. Because we could not comply with the new law, we faced the threat of serious financial and legal punishments. After much prayerful discernment, we sued the state of New York with the help of the Beckett Fund for Religious Liberty, eventually winning a court order, protecting us, and allowing us to continue providing for the needs of women who seek our help. Through this experience, we learned that we must value religious liberty as a society enough to continue prioritizing it anew for each succeeding generation. Most acts of charity by religious groups go unnoticed by the world at large, but it is through these actions motivated by the love of God that the world is changed, one heart at a time. Protecting religious ministries by protecting religious freedom is one of the best ways our policy makers can promote true human flourishing. Thank you for all you're doing to ensure that we can keep reaching out to serve those in need. God bless you.

Lieutenant Governor Dan Patrick: Dr. Phil. I was thinking of you in your question earlier, and I know we're holding questions, so I'm not asking a question, but when you said who's behind all of this—when you're trying to separate a woman in need and the sisters—there's evil behind that. There's evil behind that. We will talk more in a moment. **Oriel** is that?

Oriel Ekşi: Oriel.

Lieutenant Governor Dan Patrick: Ekşi?

Oriel Ekşi: Ekşi. Yes.

Lieutenant Governor Dan Patrick: Ekşi. Okay, managing partner of The Woolf Group.

Oriel Ekşi, Managing Partner, The Woolf Group

Oriel Ekşi: Chairman **Patrick**, Dr. **Carson** and distinguished members of the commission.

Thank you for the opportunity to testify today. It is truly an honor. My name is **Oriel Ekşi** and I serve as managing partner at The Woolf Group, a government relations firm based here in DC focused on social impact initiatives. Our firm works with organizations across the nation, including many faith-based organizations to help them navigate in government systems, serve victims of crime, and build sustainable programs that protect human dignity and strengthen communities. But long before any title, long before Washington and long before policy work, I was a little girl growing up in rural Kentucky. I was raised in a Catholic environment. I attended Catholic school. My mother was heavily involved in the parish and in the school as a parishioner and a donor. Faith was not something distant or occasional in my childhood. It shaped the rhythm of my life. It formed my understanding of right and wrong, sacrifice and mercy, truth and hope.

And then beginning at the age of 13, my mother trafficked me. She sold me to men. That kind of betrayal changes a person forever. It attacks not only your safety, but your very identity and sense of worth. It attacks your ability to trust other people. And for many, it attacks faith itself. There are people who hear a story like mine and assume that the natural result would've been bitterness towards God, anger at religion, or the complete collapse of belief. They assume that suffering like that would make faith impossible, but that was not my experience. Instead, it is when God held me closest. My faith did not disappear in suffering but carried me through it. It gave me the language for dignity. When other people treated me like an object, it gave me a conviction that my life still had inherent value, even when the people closest as to me acted as though it did not. It reminded me that evil is real, but so is truth. So is mercy. So is purpose. So is the image of God in every human being.

I have often thought about Viktor Frankl's insight that suffering when it cannot be avoided does not have to be meaningless. That has been true in my life. My faith did not make suffering good, and it did not make evil less evil. But it kept suffering from having the final word. It taught me that pain could be carried without surrendering—resolve to survive through it, to see light in the distant future, and that even wounded places in a life can become places where God builds resilience, clarity, and purpose. During my trafficking at age 16, I became pregnant and the first words out of my mother's mouth were, “what about an abortion?”

I was aghast. “What about it?” I snapped back with an absolutely not stance in my heart. Even though I was talking to my trafficker, someone I feared and who had put me in this situation, all trepidation vanished in that moment of rebellion. Consequence be damned because it was a line I

would never cross. A line that my faith upheld in the darkest of circumstances. Again, I was at a point where other people wanted power over my body, my future, and my choices. But I fought back, and I did so with courage because of my faith. In the years since, I have often thought of the words of St. John Paul II, “the Gospel of God's love for man, the Gospel of the dignity of the person, and the Gospel of life are a single and indivisible gospel.” I did not have that sentence in front of me at 16, but I knew its veracity. My child was not a problem to be erased. She was a person with value, a life with purpose, a gift entrusted to me. Today, that baby is named after a nine-day prayer for special intervention that I prayed over her and a saint who lived and died in the name of God's love for mankind. Novena Valentine is a faithful, beautiful, clever, athletic, cheerful, 14-year-old girl. And every time I look at her, I'm reminded that faith is not merely a private comfort. It is a force that shapes choices, preserves lives and changes generations. That is why I'm here today.

For me, religious liberty is not an abstract legal theory. It's not a slogan or a talking point. It is the freedom to live according to what I know for a fact to be accurate. It is the freedom to remain rooted in faith in the face of evil. It is the freedom to reject coercion. It is the freedom to choose life. It is the freedom to heal without being told that faith has no place in healing. And it is the freedom to serve others openly, generously, and genuinely. That brings me to the work I do today. At The Woolf Group, I lead a team that helps organizations navigate the complicated relationship between mission and government. Many of the organizations we support serve victims of crime, survivors of trafficking, women facing violence, vulnerable children, and struggling families. Many are organizations of faith. Some were founded by people of faith. Some maintain an explicitly faith-based identity, while others simply carry religious conviction in the way they show up to serve. And what I can tell you from my direct experience is this: faith-based organizations are often among the first to show up, the last to leave, and the most trusted by the people they serve.

In the anti-trafficking field especially, faith communities are often where survivors first encounter consistency, compassion, and hope. Sometimes, it is a church member; sometimes, it is a pregnancy resource center; sometimes, it is a faith-based nonprofit, a volunteer mentor, a safe home, or a local ministry willing to walk with someone through the long and difficult road of recovery. These organizations do not merely provide services. They restore belonging. They remind people they are more than what has been done to them. They often reach people that formal systems have missed, and they do it with extraordinary sacrifice, love and endurance. But too often, government systems treat faith-based service providers not as valued partners, but as problems to be managed. Sometimes, the barrier is direct. A faith-based organization is told, either formally or informally, that to participate in a program, qualify for funding, or partner with a public entity, it must effectively secularize itself.

It must mute its religious identity. It must strip away the very beliefs that motivated the work in the first place. Sometimes, the barrier is bureaucratic. Small and mid-size ministries doing life-saving work are buried under layers of compliance, procurement requirements, reporting structures and cultural assumptions that large secular institutions are simply better equipped to absorb. The result is that trusted organizations closest to the suffering are often kept furthest from the resources. Other times, the barrier is ideological. Faith-based groups are viewed as inherently suspect, because they believe that moral truth is real because they maintain convictions about life and family or because they believe that spiritual care can be part of holistic care. And sometimes the barrier is subtler but just as damaging. The assumption that religious belief is acceptable in private life but unwelcome in public service—that is not religious liberty. A nation that truly values religious liberty does not tell people of faith: “you’re free to believe whatever you want as long as your beliefs do not shape your work, your institutions, your hiring, your witness, your compassion, or your service to others.” That is not freedom. That is containment. And for survivors, that kind of containment can be devastating because survivors are not simply bodies with material needs. They are whole people. Many are wrestling with shame, identity, purpose, motherhood, forgiveness, and whether or not their life still has meaning. Many want their faith respected as part of recovery, not dismissed as irrelevant to it. If religious liberty means anything, it must include room for faith informed care when it is freely offered and freely welcomed. This commission has an opportunity to say clearly that religious liberty must include the freedom of faith-based organizations to serve the public without surrendering their identity.

That means first that faith-based organizations should have equal access to grants, partnerships, and public programs without being forced to choose between participation and religious integrity. Second, organizations serving victims of crime should be allowed to offer holistic care that includes spiritual support when requested and welcomed by the person being served. Respecting faith is not coercion. In many cases, it is a part of respecting the survivor as a whole person. Third, conscience protections must be real, not theoretical. People working in victim services, healthcare, pregnancy support, foster care, education, and other mission-driven fields should not be forced to violate deeply-held beliefs as the price of service. Fourth, we should reduce unnecessary barriers that keep smaller ministries and faith-based nonprofits out of the room. Some of the most effective organizations in this country are not the largest or the most polished. They’re the most trusted. Government should not make trust, conviction, and community roots a disadvantage. And finally, we need to remember that protecting religious liberty does not only protect institutions. It protects people like me.

It protects the girl who still believed that God saw her when the world did not. It protects the young mother who refused to sacrifice her child. It protects the survivor who needs care that does not ask her to leave her religion at the door, and it protects the people in ministry who

opened those doors in the first place. For Christians, we may call that Kingdom work. Others may describe it differently, but in a free country, government should not stand in the way of people living out their faith through service, prayer, mercy and love of neighbor. My daughter and I are living proof that faith not only matters, but saves, preserves, and perseveres. The ability to practice faith matters. The ability to serve through faith matters. Religious liberty matters because it protects the freedom not only to believe but to live out the meaning that faith gives to suffering, to life, and to service. In my own story, faith transformed survival into responsibility. It called me not only to endure but to fight for others. I'm deeply grateful to President Trump for making religious liberty a national priority, and I'm grateful to this commission for taking seriously the role that faith plays in human flourishing, moral courage, and service to others. Thank you for your time, for your work, and for the opportunity to share my stance on the most important of issues.

Dr. Ben Carson: Well, thank you for describing what faith can do to get you out of a terrible situation but also the barriers that are faced by those who are trying to help communities of faith. And now, I think we will hear from Rabbi **Aaron Lipskar**.

Rabbi Aaron Lipskar, Aleph Institute

Rabbi Aaron Lipskar: Good morning, Chairman, Vice Chairman, commissioners, and all of you have gathered here. Thank you for the opportunity to speak and to share with you a little bit this morning. My name is Rabbi **Aaron Lipskar**. I am the CEO of the Aleph Institute and National Non-for-Profit organization, which was founded almost 45 years ago by Rabbi Shalom Dovber Lipskar of blessed memory, and we have worked at the intersection of faith and the criminal justice system supporting incarcerated individuals, their families, and the institutions that serve them. The work that we do at the Aleph Institute was inspired and directed by the Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson of blessed memory, our mentor who I proudly serve as his emissary, to approach this work in a holistic way and to make sure that we address the needs of all of those that are affected or connected to that community in a dignified and respectful way.

This is all done, of course, through faith—through faith-based programs—through education, and through preventative education beforehand. In order to try and minimize those challenges, we have a very unique focus on the families that are affected by this and specifically the children. As we heard earlier, some statistics of the amount of children in the United States that have an incarcerated parent. We know the studies that show that children of an incarcerated parent have a greater likelihood of ending up incarcerated themselves. Our work is rooted in Torah and Jewish values, the belief in the infinite dignity of every human being and the responsibility to care, especially for those on the margins. But while our foundation is Jewish, our advocacy is not limited by faith or practice and is open to all. We serve individuals of all backgrounds because the principle is universal. Every human being deserves dignity, purpose, and faith.

Now, while we do not minimize the accountability or responsibility of those that are incarcerated, we also live by the motto: “no one alone, no one forgotten.” We will not allow people to be defined by their worst moment or to define themselves by their worst moment. When we want to raise a society—when we want to raise a building and stabilize it—we know that we have to go to the foundation to ensure that it is strong in order to stabilize all aspects of that community. So let me begin with this simple premise. Faith is not a privilege in prison. It is a necessity. There is a reason why the prison environment is called a correctional institution. It is there to help people to correct, to rehabilitate, and to hopefully reenter society as a productive member of society. We see every day that when people practice their faith in a meaningful way in the prison environment, it completely transforms them.

It instills a certain level of responsibility, structure, and hope and creates a safer, more stable environment for everyone. We think about safety and security in those environments and, of course, about those that work there and those that are entrusted to care for these individuals are all part of the approach that we take. Often, through the countless visitations that I've personally participated in prisons and through the hundreds of volunteers that participate from the community, rabbinical students and others throughout the year, one thing is always a underlying message: people that are neglected, disconnected, or alone and forgotten, ask a very simple question, "why are you here? Why have you come to see me?" And when the answer is always the same, it is because we are family and we have a responsibility to each other. All of a sudden you feel that something shifts within that person, a moment where people start to see themselves, that they have value, that they're a human being, that they want to care, and that they may be able to maintain and protect their connections to their families.

We're certainly very grateful to the Department of Justice to the Bureau of Prisons. As you heard earlier about the inclusion of so many more religious programs. Of course, the First Step Act, which was put into law during President Trump's first term, and how faith is now a critical component of the First Step Act utilizing faith-based programs as necessary requirements in order for people to earn their first step credits. Although there will always remain gaps within the environment because of the safety and security, we continue to strive to work with the departments of corrections, with local county and prisons to create policy that allows for the full extent of observance according to the level that the person wants to observe. I must point out that when it comes to Judaism, specifically, Judaism governs a person's entire life, every moment of that life. How they pray, what they wear, when they pray, what they eat, how it's prepared, how they observe Sabbath observance—every moment is governed by Torah law, and it's specifically in a restricted environment where we try to create the policies and opportunities that those that wish to observe properly have those opportunities. Although we have seen great strides within the Bureau of Prisons and the federal system, we continue to see certain challenges within the different state systems, and we continue to try to work. And we'll work closely with Department of Justice, and of course, we look forward to the recommendations of this commission to ensure that RLUIPA and other critical religious rights are observed.

But beyond creating policy, we have to think that this is about people. A person sitting in a cell asks, do I matter? When a person can pray, connect and believe that their life still has meaning, they're no longer alone. And when a system supports that moment, it affirms that dignity. So, if there's something I'd like to leave you with, it is this. The Rebbe, of saintly memory, taught that no individual is ever beyond redemption, and no system should treat them as if they are. At the Aleph Institute, we live by a simple principle: "no one alone, no one forgotten." And when we ensure that those behind bars can pray, still connect, and still believe and have the freedom to

practice their religion, we are not just protecting religious liberty, we're affirming that they are not alone and they're not forgotten. We're restoring human dignity.

And dignity is restored. Lives change, institutions improve, and society become stronger. This is not just policy; it is who we are. And if you'll be so bold as you'll allow me in closing with a remark to the esteemed commission, to all of those that have given testimony to all of you that are here in the room today or listening online, I challenge you: take a moment today to think about somebody in your life that might be forgotten, might be feeling neglected, and think about how to help them restore their faith, how to help them restore their dignity. Thank you.

Lieutenant Governor Dan Patrick: Thank you, rabbi. Open up for questions for our witnesses. Kelly?

Question and Answer

Kelly Shackelford: Ms. Ekşi, that was probably one of the most powerful testimonies I've ever heard. Thank you for doing that. And I want to ask you also the expertise you have would really help because one of the things we want to make sure we can do is if there's something we can recommend to the President that would help on making sure that faith-based groups aren't treated differently, we want to do that. I mean, I think there's a Supreme Court case, *Carson*, that says if you have a generalized program of benefits, you can't exclude the recipients because of the religious or they're doing it in a religious way—and that should take care of these issues, and so are these problems—can you tell us a little bit—are you seeing these problems on the federal side, on the state side? I mean it shouldn't matter. They're both unconstitutional, but I'd just love to know where this is happening to help us know how to resolve it.

Oriel Ekşi: So, at both the state and federal and even the local level, religion is encouraged to be left at the door. And so, as I work with organizations, things get tense whenever we begin to talk about faith or a faith aspect of it. And yeah, I really just think it should be able to be incorporated as much as it is welcomed by the people. I would be happy to prepare full recommendations for what we could do to make this situation better.

Kelly Shackelford: We would love to have any thoughts you have as we're putting these together. And I mean it sounds like maybe just a lot of education needs to occur with these government officials to understand that not only is it not okay—it violates the Constitution—so they almost feel this pressure to go the other direction when what they're doing is illegal.

Oriel Ekşi: Absolutely.

Kelly Shackelford: Well, thank you.

Lieutenant Governor Dan Patrick: Dr. Phil?

Dr. Phil McGraw: Mr. Chairman, you made a comment earlier about what a competing agenda is. And this is really a comment to Bishop **Barron** and Sister **Mary Elizabeth** about what you were talking about and these competing agendas. There's a case right now going on in New York, another case in New York with the Dominican Sisters of Hawthorne, and their Rosary Hill Home, which is probably the most well-known. This is a group that for 125 years, for those that don't know, have provided comfort and skilled nursing care for indigent patients with incurable cancer, just helping them on their journey out. They charge no fee, they take no government aid, they accept no insurance. These holy women are a hundred percent focused on just lovingly accompanying patients on the final journey. And now, the government through the New York State Department of Health has started issuing a series of Dear Administrators Letters and a training curriculum as part of its implementation of the New York LGBTQ+ Bill of Rights for patients in long-term care facilities.

It exempts Christian Scientists, but no exemptions for Catholic or other faith-based nursing homes. And they're requiring the sisters to train the nurse, the nuns, and the staff in gender ideology, requiring them to engage in speech and services that are gender-affirming: biological men in women's rooms, even over the opposition of a female roommate; permitting residents and visitors of one sex to access bathrooms set aside for those of the opposite sex; using language concerning pronouns; affirming patient's sexual preferences; and accommodating patient's desire for extramarital sexual relations. And if they don't, the sisters and their staff may lose their license to provide services to these dying patients. They face potential jail time if they don't do this. And that's what I mean, Mr. Chairman, about competing agendas. Here, we have this group that for 125 years asking nothing in return, just assisting people in their final time in this world. And they view their work as a form of living their faith, not merely social service. And it is the roots of their faith, the dignity of the human being and charity to the poor and suffering. But yet, the government is now coercing them to adopt things absolutely antithetical to their faith. And that's where we have to look at religious liberty being more than just where someone worships, but how it goes into their life and how they're living. And sister, I'm just curious how you view this kind of intrusion by the government.

Sister Mary Elizabeth, SV: Well, I think it's dangerous, obviously, and limits access to really life-affirming care and compassion that should be available and accessible and also limits the expression of our religion. You know, Jesus said, "whatsoever, you do to the least of these, you do to me." So, our religion actually impels us forth to charitable service to others, and that has been welcomed in our country for many years. And I think our country will just be a colder, sadder place without it. But Bishop **Barron**, I'd love to hear from you.

Bishop Robert Barron: Well, thanks for mentioning the Hawthorne Dominicans, of course, founded by the great Rose Hawthorne, daughter of Nathaniel Hawthorne, maybe our greatest writer. She's another figure that embodies both faith and the culture. I'm going to talk about it when I make my general remarks, but it's one of the basic forms of this problem is that we have an ideology that really is an alternative religion that's asserting itself in the public square and then therefore forcing us out of it. So, I think that's the fundamental problem. It's a religious battle, but it's a kind of secularism, which I'll speak about, I think should be central to our report. And one of its manifestations is precisely this sort of thing.

Lieutenant Governor Dan Patrick: I find it interesting both of those cases are in New York. What's wrong with the people in New York and government? I mean, I have to ask that question. I mean, you're coming against the sisters, you want to put them in jail. And I had a little text from someone that said, you said evil. There are lots of non-believers. They're not evil. They're living their life. They choose not to believe. That's fine. But the people trying to stop those sisters from helping people dying of cancer and stop you from helping someone who's having a crisis pregnancy experience, I don't know what else you do. I mean, I don't know what else you say to them or how you describe them. You're talking about destroying potentially a person could die or not have a baby, which means the baby dies because... that's just pure evil. It's like—would be like—running into an emergency room and saying, stop. Don't save that patient because you're wearing a cross around your neck to the emergency room doctor. Don't do that.

Dr. Phil McGraw: And if a group wants this type of palliative care or whatever with those values, then establish one. That's the whole point of the freedom. Establish one, but don't interfere with this religious group that's doing it consistent with their belief system and have been doing it in New York for 125 years and asking nothing of no one other than just to have the privilege of ushering people to the next life in the way their belief system dictates. Let them do what they want and go do what you want. That's the great thing about this experiment called America. You can do that and no one will bother you, but don't bother them doing what they believe their religion and their heart tells them to do. But that's not the thing. It's attack them and stop them from doing it instead of doing what you want to do. And that's the problem. That's the problem, I see. And it's an absence of common sense.

Lieutenant Governor Dan Patrick: Yeah, Eric?

Eric Metaxas: Well, first of all, thanks to all of you. I feel like I have a personal connection to **Heather** and to Sister **Mary Elizabeth** because I had the great privilege of working with Chuck Colson at Prison Fellowship. And I think the tremendous good that Prison Fellowship has done for innumerable people. It's unbelievable. And Sister **Mary Elizabeth**, my wife, we live in New York City. But we're Christians, and we love America, I promise you. And my wife, Suzanne, for 12 years ran the largest crisis pregnancy center now called Avail. And every now and again, she'd come home raving about meeting with the Sisters of Life, how I have to meet them. They

fell out of heaven. They're unbelievable, the joy. And I thought, oh, they're just faking that. But I joke because you can't fake it because it's real and just as real as the love of God is.

And as God is in our lives, so is evil real, and we have to stop from shrinking when we use such terms. There is such a thing as evil. And when we think about who would come against the Sisters of Life for trying to do what they do, it is evil. Perhaps the people doing this themselves are unaware that they're tools of evil, but they are evil. But to take it away from those terms and to think of us as Americans and are founding documents, it is the establishment of a secular religion. It's what Father Neuhaus referred to in his book, the *Naked Public Square* in 1984, an attempt to establish a secular religion, which is as wrong as to establish any religion. It is unconstitutional. It is fundamentally wrong, but obviously there's an attempt to dodge this and to pretend that secularism is not the establishment of religion. It's the opposite of that, but in fact, it's not. And we have to be clear that sometimes people game the system. They use religious liberty, for example, to impose a lack of religious liberty or to impose ideologies that are antithetical to religious liberty. And that's what's going on here. And of course, we see it in the bluest states like New York and Washington state and Oregon and Michigan. We see that over and over.

But I guess I just want to ask the sister, surely when they're coming after you on something like this, that what you're dealing with is in fact spiritual. I mean, I do think we need to have some recommendations on this commission of how do we face the reality of the establishment of a secular religion? We've been dealing with it for many decades, but we never name it. And we kind of go along with the lie that it's not a religion. It is. These are secular ideologies that they're trying to establish. But just on a spiritual level, sister, it seems to me that you can smell the evil behind this, that even if the people themselves think that they're doing well, that when they would come after you in the way that they do. I guess I'm just wondering what it feels like to you, and I assume that you all know that it's spiritual and that you're in prayer about it.

Sister Mary Elizabeth, SV: Well, yeah. Our primary mission is actually prayer on behalf of promoting a sense of the sacredness of human life because Pope John Paul II wrote in the encyclical, the Gospel of Life, that we are in the midst of a dramatic struggle between the culture of life and the culture of death between good and evil. So, he named it for that. And yeah, life is at the heart of it. So that's why we devote our lives, particularly to prayer, intercessory prayer on behalf of human life. And I think that, yeah, it kind of boggles the mind, and it's not the sentiment of ordinary New Yorkers. I'll let you know. I mean, we walk around like this in Manhattan and people are very welcoming and open to the work that we do. Even people who vehemently disagree with us about abortion, they think providing access to resources and services to women who want to parent their child is a good and noble thing. So, I think it's the

minority that's promoting an agenda against the work that we do, and regular Americans are in support of it.

Rabbi Meir Soloveichik: Ryan?

Dr. Ryan T. Anderson: Yep. Thank you. I thought these were amazing testimonies. Halfway through, I thought the AC system was pumping in a bunch of pollen, because all of a sudden, my allergies were very much kicking in. And so, I wanted to ask a question following from what **Helen Alvaré** and I had talked about kind of like the goods of religious liberty, one of which being religion itself, friendship with God. And then what all the stories kind of drove home to me is that following very closely after that is transformation—that religious liberty allows for the flourishing of religion, which then allows for transformed lives. I think it's the very last chapter of CS Lewis's *Mere Christianity* where he says, “are we looking for nice people or new men,” and we get new people as a result of this encounter with Christ. And that there are things that each and every one of your ministries is doing that the secular government equivalent, if it even exists, couldn't do.

I'm not even sure if there are government-run pregnancy resource centers. I think all of them are in essence faith-based or faith-inspired. And that the miracles that you work on almost a daily basis, whether it's with inmates, whether it's with women facing unplanned pregnancies, women who have been trafficked, *et cetera, et cetera*, that there are things you can do that simply couldn't be done if you were secular or if you were government-run. And that—that's one of the goods of American religious liberty is working these transformations of people's lives. So, I just wanted to invite any of you, all of you, one of you, whoever wants to take the ball and run with it: can you share a little bit about what it is that you're able to do that you wouldn't be able to do if you were a government-run institution, if you were the DMV Sisters of Life or the DMV Prison Fellowship? Right. Some of us have better DMVs than others, but there are things that they can't say they can't do that you can. And I think it's why we see these lives transformed and turned around, and we should cherish that. We should report on this. This should be something we highlight as one of the fruits of religious liberty.

Heather Rice-Minus: I'd be happy to speak to that because Prison Fellowship—we in 2024—updated our mission statement from to restore those impacted by incarceration to encounter Jesus with those impacted by incarceration. Certainly, the work we do leads to restoration, but just a recognition that the unique thing that Prison Fellowship has to offer is an opportunity to encounter Jesus. And we believe that we get to offer that to people whether they may know it or not. And I think some of the unique things that come out of the ability to operate authentically in our Christian faith in the context of prison is one, we have the opportunity to pray with people—we have the opportunity to have discussions about. Oftentimes people come to prison, they've hit

rock bottom, and they're asking the big deep life questions. They're asking about concepts like forgiveness. They're seeking healing. They're trying to understand purpose.

And to be able to engage in a dialogue, and to be able to accompany someone in prayer through that process and perhaps unpack some of the worst choices someone's ever made in their life with them, is just something the government can't do. And furthermore, we bring in volunteers. We bring a connection between our programs and the church, and that means that we are not just a program isolated into prison. But we're actually an ecosystem. We have an opportunity not just to care for the person in prison but for their family through our Angel Tree program. We can come alongside their family, and we can also connect them to the local church. I was mentioning earlier about the Iowa event that I'm going to be attending in a few weeks where we're reuniting some of our Prison Fellowship Academy grads, and one of them is Pastor Cudi Marshall of Hope City Church.

And when he was in prison, men came inside, mentored him, walked with him, and “what does it look like to live out your faith?” And meanwhile, also, the church did Prison Fellowship Angel Tree and came alongside his then girlfriend and his daughter who was two at the time. He later married Angela. And when he got out, he joined that church, and they actually helped him found Hope City Church, which is now one of the fastest growing churches in Iowa. And they're now doing Prison Fellowship, Angel Tree, and their multi-campus—they just launched their next campus in prison. And so, this ripple effect happens, and I think there's something that faith communities are so good at, and that is community and belonging—and that's just something the government can't offer.

Lieutenant Governor Dan Patrick: Any other questions here? **Heather?** Thank you for mentioning Texas a few times. We do have a lot of people in jail, so we might, you know, we're a big place, so we might lead in some categories. We, some states believe in law and order as well as religious freedom. But we have a program there called The Heart of Texas, as you're aware of, which works alongside of you. And Christian Fellowship is it's just a tremendous organization. And Colson, again, God picked one person out of jail. You could go back, make that a very biblical connection to others. But we have graduated over 200 pastors who take a full four-year seminary course, and we primarily look for people who are serving 20 years to life.

And the wardens at our other prisons tell us when they come in because we send them out, they're there 24/7, 365 at 2:00 in the morning when someone needs help, they're at a crisis, a suicidal attempt, or they're in fear because they've never been in prison before. And it's a nonprofit. Then the ladies who are about 10% of the prison population in Texas and in America, they said, we want to, so now we have our first women. So, I feel like there's an uprising for

good reasons in our prison system members. These are people who, as you said, rock bottom. They don't think they can be forgiven. They don't think they can be forgiven because they can't forgive themselves for what they did. And there are some very evil people in every prison that are evil, but there are many people who just want an opportunity. And when they find out whatever faith it is, when they find out, it changes them and gives them hope. And going back to this—what secular reservoir they trying to establish in America—this is really all these groups should be titled: “we're the group trying to stop good things from happening.” Because...

Someone doesn't even want us to even turn in our report. That means they're really afraid. They're really afraid when there's a group suing us, it's public suing us from even turning in our report. What are you afraid of? What are you afraid of? Oh, don't turn in the report because it's going to have testimony from some of the most incredible witnesses in America. So, thank you for doing what you're doing and all of you thank you. But no other questions. We'll excuse you from the panel. Thank you.

So, we're going to do something that we have not done in any of these hearings because this is our last hearing. We're going to have an open discussion here about things we think we should recommend to the President talking about some of the testimony we've heard in the past. And so, I'm going to just open up the floor and each member we've said, have five, 10 minutes, 15 minutes, whatever you want to discuss and make it a discussion. This is really rare to have a discussion like this in public, which is the law also, but it's good to have this discussion and I'll start with **Eric** stepped away. So, Bishop **Barron**, would you like to begin?

Bishop Robert Barron: Sure. Thank you, Mr. Chairman. And I've just prepared five minutes of remarks just to give you an overview.

Lieutenant Governor Dan Patrick: All you want, take all the time you want.

Bishop Robert Barron: I want to begin by reiterating something that I said at the opening session of our commission, namely that the principle enemy of religious liberty in our country is what I call the ideology of self-invention. This is the philosophical program that denies the objectivity of moral values and the stability of human nature, and which proposes, consequently, that individual choice alone is the determiner of purpose and meaning. This dictatorship of relativism has taken hold in many of our institutions of government, education, and healthcare, and its advocates correctly recognize that their most important intellectual opponents are precisely those who subscribe to traditional religion. It's no exaggeration to say that the proponents of the culture of self-invention want religion out of the pivotal institutions of our society. So, we should be very clear-eyed about this. Now, this philosophical opposition manifests itself in a number of concrete ways, and we've heard about them throughout this year.

I'd mention first, the anti-religious violence that's been increasing dramatically in our country over the past five to 10 years. Attacks on churches, statues, and most terribly of course on religious people themselves constitute a direct threat to religious liberty. The rise of antisemitism encouraged by figures on both the left and the right sides of the political spectrum is a particular concern here. In regard to healthcare, the culture of self-invention expresses itself in an aggressive attitude toward those physicians and nurses who refuse on religious grounds to participate in certain medical procedures. Conscience protection for such individuals is therefore of crucial importance. This extends to among other issues the HHS mandates regarding abortion and contraception, IVF insurance mandates to which Catholics strenuously object, and the requirement to perform so-called gender transition surgeries. As we've heard now many times, this entire gender ideology, which proponents endeavor to insert into programs of education across the country, represents a very real threat to the religious liberty of those who find such ideas repugnant to their beliefs about the human person.

And finally, under this healthcare rubric, we should continue to advocate for pro-life demonstrators who simply want the right to pray at sites where abortions are being performed. Criminalizing such righteous activity is a gross violation of religious liberty. We must also be vigilant with respect to religious social service organizations such as Catholic charities that receive federal funding. That financial support should not be contingent upon a repudiation of traditional teaching regarding marriage and family. Furthermore, since parents are the first and most important educators of their children, they should not be penalized through the tax code for choosing religious schooling. Also, the attempt in a number of states to require priests to break the seal of confession should be exposed for what it is, namely, a particularly gross violation of the Free Exercise Clause of the First Amendment.

Finally, though it's somewhat oblique to my central argument, I like to say something about immigration. The Catholic Church strongly holds that a nation has the right to defend its borders and enforces immigration laws, but it insists that such defense and enforcement be conducted in a morally upright way. Accordingly, it insists that those Catholics who are incarcerated in connection to immigration violations have a right to humane treatment and access to the sacraments. It furthermore requires that immigration agents should never disrupt worship services in the carrying out of their duties. In a word, the religious liberty of detainees and worshipers should always be respected. And just a word by way of conclusion, I want to say the work of our commission is of supreme importance in the life of our country. Religious liberty is rightly called the first of our freedoms and the linchpin of our fundamental rights. So, though it's far above my pay grade to make the suggestion, I nevertheless urge the President to allow this commission to continue in some form going forward. Threats to religious freedom both at home

and abroad are not disappearing anytime soon, and I believe it's very much in the national interest to persevere in monitoring them. Thanks.

Lieutenant Governor Dan Patrick: Thank you, Bishop. Yes, we would like to continue our charter expires in a couple of months, and I think if we all sent a letter and signed it to the President, we'd like to continue to monitor the outcome and to continue to have hearings as needed, as stories break and news breaks would be a great privilege. **Eric Metaxas?**

Eric Metaxas: Thank you, Chairman. I grew up in the Greek Orthodox tradition, and so because of what we celebrated on Sunday, I want to say to everyone in that tradition, *Christós anésti*—that is at the heart of my story as an American. My father came to this country in the mid-fifties, grew up in the Greek Church, and we didn't learn much really in terms of doctrine, but we knew that we were supposed to hate the Turks. As I grew in my faith, I came to see that that was not quite right, but that we were supposed to hate the ideology of the radical Muslim Ottoman Turks, which brutally, brutally subjugated and persecuted Greek Orthodox Christians for four centuries. I was made to see that what one believes matters, and that not all faiths are equal, and that there are some faiths that there don't believe in what we call religious liberty, who are in fact the enemies of religious liberty.

My father raised me also in terms of being a good Greek to love America, and many times because my mother came out of a communist—came from East Germany—to love America and to love freedom. But I wasn't really able to articulate these things. And I think the reason we have this religious liberty commission today is because we have for many decades failed to articulate what it means to be an American, what liberty is and is not, what religious liberty is and is not. And my principal recommendation to the commission and to everyone in America is that we must know our story: we must know what liberty is. We have to be able to articulate why it is that some faiths hate liberty and some faiths love liberty. And I would say to you that having just written a book on the founding of America, on the American Revolution called *Revolution*, I really learned myself only in the last couple of years doing my research how liberty and religious liberty are inextricably intertwined with biblical faith.

Faith in the scriptures leads to the idea of religious liberty, and I think we used to teach that in schools, and we've ceased to teach that in schools. Just by way of background, on August 2nd, 1776, when the 56 signers actually signed the declaration, it wasn't on July 4th—that's a whole story—it's a chapter in my book, but it was on August 2nd that they signed what's called the engrossed copy. And the day before they did, Samuel Adams gave a speech to all of the members of Congress. And the headline, his main line was: “Today we have restored the Sovereign.” Capital S.

And what he was saying—and I think it is vital that Americans understand this—was that in forming the United States of America, we were creating a form of government that had not existed since the Sinai Covenant when the Israelites in the desert made a covenant directly with God, that God would be their sovereign. They were no longer under the slavery of the Pharaoh. They were now free. But what does it mean to be free, free to be governed by the Sovereign—capital S—so the God of the Christians and Jews? That was the guiding light when we talk about liberty and the founding of America. And unless we teach that, unless we make it clear that that's what the founders were about, we can't possibly understand what it is to be free and what liberty is. And we wouldn't be in the mess that we're in with all of these witnesses talking about these horror stories if most Americans understood what we ought always to understand.

So, I think it's important for us to understand that it is only out of the biblical tradition that you get religious liberty, and it's vital to understand it and to stop pretending that you can find it in Enlightenment principles. That's simply not true. Thomas Jefferson didn't invent the idea that all men are created equal. It wasn't even his idea. It comes from the Bible. Everyone at that time understood this comes from the Bible. Without the Bible, you're not created equal. The idea that even we're created by a God who loves us and creates us equal, these are radical ideas. And when these ideas are imported to form a government to create a nation, it creates what we call the United States of America. And it had never been done before. And we used to know this as a people and used to cherish this. And we have to stop confusing this idea of religious liberty with the idea that all faiths are equal.

They're not all equal. It really was. In fact, it was the critics of Christian faith, the French Enlightenment, secular critics of Christian faith that I think forced American Christians to sharpen their theology and to say, okay, we're not going to do what the Puritans did when they first came over and insist—create a little theocracy. No, we're going to have this thing called religious liberty. It forced them to sort of squeeze the Christian faith to see what it's really made of and what pops out of genuine Christian faith—so the founders understood—is this thing called religious liberty, that even though I may have a belief that is different from yours, I will defend your right to your faith. Classic example of this, George Washington, when he sent Benedict Arnold through the wilds of Maine up to Canada, he said to him, when you get to Canada, you're going to encounter what we call Catholics.

And we, George Washington, we don't agree with their theology, but we are not there to correct their theology. We want to respect them. What a radical idea that you could have a different ideology but that at the heart of your ideology is to respect someone else's ideology, to respect them as human beings created in God's image that's at the center of our founding. And we cannot underscore enough the religiosity, the faith of all of these men who signed the Declaration of Independence, which is inescapably a Christian document. You cannot say we're endowed by our

Creator with certain inalienable rights. It is fundamentally a biblical idea. You don't have to like that, but it's a fact. So, at the heart of America, at the heart of American liberty and religious liberty is faith in the God of the Bible. And I think part of the reason we're in this mess is because that used to be assumed, but secularists in the last a hundred years or so have undermined this, on the Liberty Bell, as many of you know, is a quote from Leviticus.

These things cannot be wiped away, but we've forgotten them. So, I would say the more Christian faith we have in our culture, the more liberty we have. In other words, if I'm somebody who's not of Christian faith in America, I want there—and Dennis Prager said this very often—I want there to be more Christian faith. I as a Jew will be more protected and more free as a Jew if there is more Christian faith, not less Christian faith. Wherever there are enemies of freedom, when you look around, we've talked about it, you have in the Soviet Revolution and the French Revolution, the enemies of freedom are the enemies of biblical faith. And in our day, the enemies of the Jews. We have to recognize who the enemies of liberty are. We mentioned a lot of cultural Marxists. Sharia law is antithetical to American liberty.

We have to be able to talk about this without buying into the lie that we're criticizing Muslim individuals. You can love a human being and see that person as created in the image of God, but you have an obligation to understand that that ideology is at war with liberty, with religious liberty. I would say the same of Catholic integralism. There are all kinds of twistings of faith away from genuine faith and away from liberty. We have to teach kids that it was the Great Awakening and the evangelistic efforts of George Whitefield that led to the possibility of America being born. Everyone used to know these things. And so, I simply wanted to say that unless we teach these things in schools, unless most Americans understand that our liberties are fundamentally out of the Christian scriptures, out of the Bible, we cannot go forward. And so otherwise, all we're doing here is these are just stopgap solutions. It's vital. We understand our identity as a Christian nation, which because of its Christian faith respects those of other faiths. Thank you.

Lieutenant Governor Dan Patrick: Thank you, **Eric**. And throughout these seven hearings we've had Sikhs, Jews, Muslims, Hindus, Catholics, Protestants. We've had everyone here because one of the things that the President and I talked about is this is a commission to look at religious faith and freedom. And so, we respect all of those different faiths. And it's interesting... the secular movement attacks all of us. They don't just attack the Christians. They don't just attack the Jews. They don't just attack the Hindus. They go after everyone. And if someone doesn't want to believe, we're not the wrong to believe. It's your right as an American, that's a faith in its own. When you have no faith, there's a faith. I believe there is no God—they may not know that—but I don't know where they all meet on Sunday or Saturday or Tuesday, but that's the faith in their own. **Kelly**.

Kelly Shackelford: Yeah. I've spent 35—37—years of my life defending religious freedom, Catholic, Protestant, Native American, Indian, the Falun Gong, I mean you name it. Because either religious freedom for everybody or religious freedom for nobody. And I just want to say it's just been such an honor serving with all of you on the commission. I mean, this has never happened before. There's never been a Religious Liberty Commission for domestic. So, but when I think of the commission, I can't, over the last year, I can't help but think of the testimonies. You can just start thinking back, and I mean, it seems like it's a hearing requirement that we have to tear up at some time... including testimony today, just so powerful. But the things that we're hearing should never be happening.

That's the thing. It's happening to women, children, men, it's happening to groups, and it's in America. And so, the good news about that is I think we have a lot of recommendations that we can make to the President that can really make a difference, not just now, but for the future. And I'm not going to go through the—I think 35 or whatever recommendations—but I thought I would... some big themes arose for me in the recommendations. First is education, and by that I mean there's been some big changes in the last even five to six years in the religious freedom law. You think about the Coach **Kennedy** case, which overturned *Lemon*. You think about the *Groff* case, which dramatically changed religious freedom in the workplace. You think about the *Mahmoud* case, which just came down about the religious freedom of parents over their children in the schools.

And I don't think most Americans have caught up with what's happened. And a lot of the government officials haven't caught up with what's happened. And so—horrible thing—people's rights are being violated when the law protects them now and they don't know. So, I think there are things we can do. And so, one of the things we talked about that I think is a real obvious one, because you spent two hearings on this, is the Department of Education produces guidelines on religious freedom in our schools, the rights of parents, the rights of students, the rights of teachers. We heard testimony on all those things. And I think the ones they just released recently can be strengthened a little. For instance, *Mahmoud* and the right of parents to opt out and to be notified, I think should be more clear. But you can take... one of the recommendations that I think we should make is to take those and to have the President require that anyone who, any school district which receives federal money, which is every school district, should have to certify that they have these guidelines, they have trained their teachers on these guidelines, that they've taught their students on these guidelines, and then anyone who either refuses to do that or violates them and the rights of their students, their parents, their teachers should lose their funding because the incentive will educate people. There has to be something that starts to get them the information. So that's one area. A second area that we've discussed just here and there in the hearings, but I think it's probably one of the biggest problems in religious freedom are judges who want to avoid these controversial cases.

You understand the humanity of, and Ms. **Ho** just won a Supreme Court case with a bunch of judges who tried to do that in her case—she just overturned them nine to zero at the Supreme Court. But this is so common, and when I train attorneys on how to do these cases, I always tell them, most of these cases are not won and a loss on the substance of religious freedom. They're lost with all the trapped doors that are created to allow the judge to avoid your lawsuit. And this is not just my theory. Supreme Court justices have said this, other judges have said this. And so, one of the strong recommendations, I think, and the most important to the President is to encourage the President when he's picking judges—we have to pick people not just with the right philosophy but with courage, people who have shown in their life that they're willing to pay a price to do the right thing because good philosophy doesn't do it if you're going to avoid the religious freedom case—you're going to avoid the controversial cases because you want to be elevated in the future.

The third area is what I would call giving power to citizens. And so, for instance, when HHS won't do anything, when somebody's religious freedom and conscience is violated right now, the citizens have nowhere to go. They should be able to bring their own cause of action. We can't depend upon whether the administration in power at that time likes them. Right? Same thing with when there are violations of religious discrimination, which we heard Jewish students not even be allowed to go into the classroom, and yet, the administration not doing anything with these clear civil rights violations—they should have a right to bring those claims. Right?

And a real big one, which we talked about when we had Dr. **Heim** here, the whole idea that citizens are at such an imbalance when the government comes after them. And the idea the government should not have that kind of authority over citizens. If you win your lawsuit against the government, if they come after you, and you win—whoever that citizen is—they should have their attorney's fees paid for, their costs paid for, then they could all get attorneys. But what happens now is even if you lose your finances and everything is destroyed, and that should be easy—it should be bipartisan. Everybody should say, yeah, I don't trust the other side when they're in power to misuse the power of the government. And if anybody understands this about lawfare and the use, it's the President of the United States right now. Now, he had the resources, but most citizens don't. So that would be a huge shifting of power in favor of citizens.

And then the last area that I saw was the opportunity the President has with the Department of Justice. And a few things popped out for me. We had a lot of professors say that if the DOJ would push this point on religious liberty, if they would push for clarification. I remember when we had a case that has been up the Supreme Court down is probably on its way back up, is the whole issue of the authority of parents. It was the Amish case, the *Miller* case, the authority of parents over their children with vaccination and New York trying to force the Amish who've just

been trying to be left alone for 250 years, try to force them to vaccinate their children. What a wonder it would be if when that case gets to Supreme Court that the Justice Department joins on behalf of the religious freedom of those parents.

And so, there's a lot that DOJ can do. And I would add one more that I think is sort of an IRS and DOJ recommendation is we just saw just a few weeks ago—yet again, this whole idea of scaring churches from talking about political issues—there was a lawsuit that should have been decided. We had a judge find a way not to rule. It just happened a few weeks ago. And there is a way to deal with this, and that is if the President would ask the IRS to go ahead and issue a small fine against any church for talking about politics and then make clear to the DOJ, we want a decision on the constitutionality of this IRS regulation versus the First Amendment of the United States Constitution, then we can finally get a precedent that then will make clear to every church the freedom they have. But until we get that, everybody's going to be scared. And this is something that the President can do.

So, there are a lot of great things. But since, I'll say one last thing since **Franklin Graham** is not here, his recommendation at our military hearing, which we all agreed with, which is when we had the Navy SEAL testify, and we learned about all the military. There was a victory eventually in court on behalf of the Navy SEALs. And a lot of people were stopped from being thrown out of our military. But there are a number of great people who served our country who were pushed out before that decision. And Reverend Graham asked if we could ask the President to make them whole. They lost their pensions, they lost all kinds of things, and that's something the President can do. So those are at the top of my list, but I'm just excited because we're going to get this report and recommendations to the President. And it's going to change religious freedom and the future of our country. It's just been an honor to be a part of it.

Lieutenant Governor Dan Patrick: Kelly, let me, and I'll come to the rabbi next. Let me—and all of you please feel free to ask anyone who's talking a question—so I'm one of the few non-lawyers on the panel. I feel like I have some type of degree after all of this and being in legislature for 20 years. But my question is, it's a simplistic question: when the sisters are being threatened—this latest case of going to jail for 10 years, or our whistleblower from Texas children over transgender surgery was threatened with prison and a number have been threatened with prison—exactly what law are they breaking? What law are they breaking to allow the government to come after them with such harsh penalties?

Kelly Shackelford: Well, they create laws, regulations to have this power over them. And when it comes to the federal government, I think the power will begin to equalize if you could actually have the right to know that you can get an attorney—that if you win, they'll have to reimburse all the attorney's fees because then the attorneys will do it *pro bono*. They'll do it in order to get their attorney's fees. So, you put the power back on the same level for the first time because right

now the power is all with the government, their attorneys, the DOJ attorneys, everybody else. If you've got a bad administration, it's going to attack religious freedom. And I would say though, talk about this case that we mentioned today with the nuns and maybe trying to put them in jail of up to 10 years. Wouldn't it be wonderful the DOJ would come to their rescue, too? That they would join? I wish. I mean, there's plenty of things that going on with DOJ, but I would love it if there were some attorneys that that was their job is to get involved, make a difference, stand for what the President stands on—religious liberty—and take some of these cases like the case in New York.

Lieutenant Governor Dan Patrick: I should have clarified my question. I realize they're being threatened because of regulations that a certain—New York seems to be enemy number one here. However, there's nothing they're violating in the Constitution. The sisters aren't violating it.

Kelly Shackelford: Well, the sisters can't violate the Constitution. Right? Only the government can violate the Constitution. But the beauty is they have the Constitution on their side. And so, when the government comes after them, the government's going to have to deal with it.

Lieutenant Governor Dan Patrick: So, the issue of our report recommendations, there's a lot centered around giving people not only information, not only maybe I'll print up a million bumper stickers saying there is no separation of church and state. I think we all need to say that every time a reporter says separate: no, there is no such thing—show it to me in the Constitution. But that we want these people, and we have to empower the individuals. Rabbi?

Rabbi Meir Soloveichik: Thank you, Mr. Chairman. I'll try to be brief. I appreciate it, but it's very dangerous to tell a rabbi take as much time as you want. So, thanks. I want to thank you for seizing the providential moment to help bring this commission into being. It's really been a privilege. I agree entirely with the Bishop about the importance of continuing our work. I also want to thank the Bishop for referencing the rise of Jew hatred and its sources on various parts of the political spectrum. Part of what I've been thinking about is not only what are our policy proposals, to which **Kelly** eloquently discussed, but also what can we do to ensure that the value of religious liberty endure. And so, I'll also speak about education, which the chairman and others have spoken about, but in a slightly different way. And it's inspired by a personal experience of mine from last week, I happened to be at the White House in the Oval Office for a wonderful meeting with the president. **Paula** was there. It was a gathering to mark the Jewish community's celebration of Passover. It was also the day of the Easter egg roll. So, as I was in line to get into the White House—nice family, I was wearing a hat—and the nice family looked at me and said, hello, and said, are you also here for the Easter egg hunt? And I said, no, I'm here for a different event.

And then after the Oval Office meeting, there was a lovely little Passover party actually in the EEOB, in the executive office building. And then I had to run out to catch my flight, and I stopped because in one of the corridors of the executive office building, there was a little exhibit that I think was called "Moments that made us"—something like that. And there was an image from a painting of a story from American history that I tell all the time. So, I was struck to see it, a story that occurred in 1774, I may even have mentioned in our discussions here. And this was the gathering of the First Continental Congress in Philadelphia, which was not in what became known as Independence Hall, but was actually nearby in what's called Carpenter's Hall. And we know about what occurred there because of John Adams' letter about it to his wife.

And one of the delegates, Thomas Cushing proposed that they begin with prayer. And this was opposed by some of the attendees originally, because this is Adams' words, because "we were so divided in religious sentiments, some Episcopalians, some Quakers, some Anabaptists, some Presbyterians, and some Congregationalists, so that we could not join in the same act of worship." Now, to us, the notion of this, considering the future religious diversity of America, that these are unbridgeable divides, it's kind of striking. But again, in Europe, people had been killing each other over these disagreements. And then Sam Adams stood up and said that he would hear a prayer from any gentleman of piety and virtue who was also a friend to his country. And a clergyman was brought in, and he read Psalm 35, "Plead My Cause, oh Lord." And, Hebrew, *Riva Hashem*, "plead my cause with them that strive with me, fight against them, that fight against me, say unto my soul, I am thy salvation."

And John Adams wrote that evening to his wife: "I never saw a greater effect on an audience. It seems as if heaven had ordained that psalm to be read that day," and that he concluded, "I must beg of you to read that psalm" this described in part on the oval—an OEOP wall. But to me it was always a striking story, not just because this passage from the Hebrew Bible that was read seemed itself. Heaven sent that it be read that day as Adam said, but also because the story captures how religion can be a positive force for unity in America without denying our differences. And that was certainly my experience at the White House that very day as I came in for the Passover, meeting the President on the day of an Easter celebration at the White House. So, how religion and its unity and diversity has been a central part of our nation's story was captured by my own experience but also by that '74 event and marked how different we are from say the extreme secularism of post-revolutionary France.

And it certainly marked in history an important moment in the story of disparate colonies coming together. It seems to me though that this prayer of Carpenters Hall and others like it should not merely be a moment marked in the OEOP, though it's wonderful that it is, but also perhaps in—say—a monument on the federal land that is Independence's National Historical Park. The President is rightly inspired us to think about the way in which we mark America's 250th

birthday, not only in the moment but in the way that we mark it so that aspects of how we mark it will endure for generations. I've had the opportunity of traveling with my family to most of the central sites of American history. Our family has visited Independence Hall, Antietam, Fort Ticonderoga, Valley Forge. Though I say with shame, Mr. Chairman, that we've not yet been to the Alamo. I hope maybe you'll host us there in the future.

Lieutenant Governor Dan Patrick: We are having a tremendous rebuild, and I'll be sure you get an invitation.

Rabbi Meir Soloveichik: Okay, please. I'm going to hold you to that. I'm going to hold you to that.

Lieutenant Governor Dan Patrick: I appreciate the hat you wore today. I'll get you a Davy Crockett Coonskin Cap.

Rabbi Meir Soloveichik: I did share with the chairman that if there was a Chief Rabbi of Texas, just think of the hat that he could wear. I thought that would be, that was my way of putting my name in for the job. I think I did. But we take educating our children about America seriously. We've taken them many different places. I took my son on a Segway tour of Gettysburg—actually, though, I did crash my Segway, and now I can say I've been injured at Gettysburg. But it is—we care about what the next generation knows about America. But as I think back to all the places we've been, it actually struck me that it's hard to think of national park sites whose monuments and public material go out of its way to describe the importance of religion and religious freedom in the American story. There are the words of Jefferson and his memorial, but there's not a Religious Liberty Memorial itself, at least not as a federal endeavor. There are memorials to the story of religious liberty, but not in the way that I'm describing as the chairman has said today and previously. Part of what we have to address is not only how to protect people like the courageous witnesses from whom we've heard, but also how we educate and also as importantly, commemorate for the future. Anything considerations of this matter should, I believe, also be part of our report. Thanks very much.

Lieutenant Governor Dan Patrick: Thank you, Rabbi. And let's see, I have **Allyson**, I'm going to come to **Allyson**, then **Ryan**, then **Paula**, Dr. **Phil** and Dr. **Ben**, my great Vice Chair will finish with all of you. **Allyson**?

Allyson Ho: Thank you, Mr. Chairman and Mr. Vice Chairman. I'm so grateful to President Trump for creating this commission and for the opportunity to serve as a commissioner. It's been an exceedingly great privilege and great blessing. Religious liberty is the first freedom, the foundation for all others. Without religious liberty, no other freedom survives. Courage is the first virtue, the one that makes all others possible. Without courage, religious liberty cannot be defended. As I reflect on the witnesses that have come before this commission over the past

months, what strikes me most is the courage demonstrated by these extraordinary ordinary Americans—fathers, mothers, sons, daughters, coaches, veterans, doctors, teachers. When faced with a choice, no American should ever have to make—a choice between conviction and capitulation—these brave witnesses chose conviction at great cost to themselves, their families, their careers, their communities. We owe these courageous men and women and children much more than our gratitude.

We owe them no less than our sacred commitment to stand with them and defend religious liberty with the same courage. When Americans seek to vindicate their religious freedoms in court, they deserve judges who will carry out their oaths to support and defend the Constitution of the United States with the same courage that we've seen witness after witness demonstrate. But too often, courts hide behind judge made doctrines that deprive people of faith of their day in court. They invent legal excuses, distort facts or even insult the parties and their counsel to avoid dealing with religious liberty claims on their merits. This must stop. People of faith deserve better. Our nation deserves better. I hope the commission will recommend to President Trump that he nominate men and women to the federal courts who have demonstrated the same courage we've seen in witness after witness before this commission. These brave witnesses deserve judges who aren't afraid to make the tough calls and to incur the wrath of elites who ridicule people of faith, distort the constitution's guarantees, and erase our nation's history to serve their own agendas. Extraordinary ordinary Americans are standing up for religious liberty at great personal cost. The least we can do is stand with them and ensure that the courthouse doors are open to protect and preserve the first freedom whenever and wherever it comes under attack. Thank you.

Lieutenant Governor Dan Patrick: Thank you, **Allyson. Ryan.**

Dr. Ryan T. Anderson: Great, thank you. What I would like to share follows very nicely with what **Allyson** just shared. I was struck someone who has done work in religious liberty—liberty—for the past 10, 15, 20 years. I was struck by the expert witnesses we had who were themselves, the victims of religious liberty violations, ordinary people who didn't seek out persecution, but when it came to them, they refused to bend the knee. And many of us on this commission, we have politicians, we have lawyers, we have a radio show host, a TV host, a rabbi, a bishop, a pastorate, we're public people. These were largely not public people until their religious liberty was violated. And two things that struck me, one is that they refused to bend the knee to Caesar, but then also they didn't just go away quietly because some people will say, look, I'm not going to violate my conscience. I'll just get fired and find a new job. They said, I'm not going to violate my conscience and then I'm going to sue, and I'm going to get **Kelly** to represent me—and we're going to win. So, it strikes me that one recommendation, something I would love to see happen is these people should be honored as heroes. I would love to see them, a selection

of them. I would love to see Jack Phillips at the White House for the Presidential Medal of Freedom, I guess is the one that would be there, right?

A champion of religious freedom winning the medal of freedom strikes me as something that would be very appropriate. But just in general, what a political community chooses to celebrate and honor demonstrates what it actually values. And so, I would like to see some of these heroes, people who started as being victims but who rose above that victimization honored in a public way. And I hope the stories end up in the report. If this is the first hearing that you've attended, I encourage you to watch the video that's online of our prior hearings because all of the testimonies have been very convicting, and the experts that we had were heroes. So that's one thought is that we should honor these people beyond what we were able to do during the commission. Encourage the President to honor them, celebrate them as a way of teaching religious liberty by honoring the heroes of religious liberty.

Second thought was about the foundations of religious liberty. Going back to that very first hearing that we held, looking at both the philosophical and the theological roots. Religious liberty matters because religion matters, because God matters. It's not our opinions about God. There's a reality about God as the Creator and then our duties to that Creator. That's just a gloss on James Madison's memorial on Remonstrance where he's citing the Virginia Declaration on rights that we have rights amongst men because we have duties to the Creator. And that religion is about the duty that we owe to the Creator, the manner in which we discharge that duty. And that's why government can't control that, right? That before we're citizens of the civil society, we're subjects of the governor of the universe. Again, paraphrasing Madison. It strikes me that it's very important to highlight this because that then also demonstrates the scope of religious liberty.

It's not just about what we do Friday night in a synagogue or what we do Sunday morning at a church. It's what we do seven days a week, 24 hours a day. Religion impacts every aspect of a believer's life. What cakes they can bake or not bake, what photographs they can take or not take, what vaccines they can take or not take, what they can teach at school, what they can say or not say at school, what they can do in the military... it's all encompassing and that scope of religious liberty should be robust. We've seen recent threats where people would want to narrow religious liberty merely to the freedom of worship. And that was language that we heard from the State Department during the Obama administration. Secretary Clinton repeatedly referred to the freedom of worship, which in the international context has huge implications for whether or not you can evangelize whether or not you can convert really important protections of religious liberty for the flourishing of religion.

George Washington in the letter to the Hebrew congregation of Newport, Rhode Island. He says it's no longer that toleration is spoken of. He's taking a dig at John Locke. Locke at the time was at the forefront of religious—the letter concerning toleration. Washington says, no, we're not about tolerating the Jewish people as if there's something bad that we're merely putting up with, right? We're going to tolerate you, Rabbi **Soloveichik**. He's like, no, we're going to respect your inherent natural rights. I think that's important to see that this is not a gift from political communities. This is an inherent natural right and that we have duties to respect it and to protect it. It's not about tolerating something as if it's like a disease.

Third thought were about some of the threats to religious liberty. **Eric** already mentioned Father Neuhaus's influential book from 1984, the Naked Public Square. Many people seem to think that a public square devoid of religion is somehow neutral. But as Bishop **Barron** pointed out, that's just an alternative religion. It's an alternative ideology that will impose itself. Nature abhors a vacuum. Something's going to be the governing philosophy of any given political community. Governor **Patrick**, you had asked, I think you asked **Kelly** what the source of these laws that the nuns were violating. Unjust laws are one of the primary threats to religious liberty, right? And so, what's at stake in many of these—thank God it has not yet passed at the federal level and God willing it will never pass at the federal level—but in many states, they have elevated sexual orientation and gender identity to a protected class in civil rights law. And so, imagine had that taken place either during the Obama or Biden administrations when it was pending, every federal civil rights law that we have that prohibits discrimination on the basis of race and every mechanism that the federal government has to go after racists would be used for people who hold a biblical conviction of the human person.

That's what the nuns are facing with their nursing home and the Hawthorne nuns in New York—Dominican nuns in Hawthorne, New York. And so, an effective response can't just be exemptions from unjust laws, but it has to be establishing a just law in the first place. This is what Martin Luther King was getting at in the letter from the Birmingham Prison that Bishop Barron cited. He cites Augustine to say, an unjust law is no law at all. And then he cites Aquinas to say that a just law is a manmade code that's in harmony with the natural law and the eternal law. That's the best defense of religious liberty in the long run.

And I think we want to highlight that some of the other threats that we saw was that many jurisdictions placed physical wellbeing over spiritual wellbeing. You could get an exemption from the vaccine if you had a physical medical condition but not if you had a spiritual or religious concern, right? The casino and the liquor stores could be open during COVID, but the churches couldn't, right? It's when we place physical wellbeing over spiritual. We saw this in the healthcare context, we saw it in the military context. The primacy of the spiritual is vitally important. And when we forget that and when we focus on the primacy of the physical as if that's

what we're living for, we're living for something beyond the physical. And then as both **Kelly** and **Allyson** have said, we have cowardly public officials. Sometimes, they're judges, but sometimes, they're just government bureaucrats who refuse to protect religious liberty. We have executive branches who won't enforce these also. So, both the recommendation is to have private right of actions, so ordinary citizens can sue to vindicate their religious liberty rights and then also having judges who won't skirt the issue. So better nominations.

And then the last thing I want to mention were the benefits of religious liberty. And it strikes me that the first benefit of religious liberty is religion itself. It's our ability to respond according to our own conscience and convictions, to what we believe we owe the Creator. That's the primary, the first benefit of religious liberty. It has other subsidiary benefits. **Helen Alvaré** was great in talking about all the various social services that a religious community provide, all the various ways for marriage and family formation and things like this, that religious liberty allows for the better ministering to people. It also allows for a peaceful pluralism. In a certain sense, I think it would be better if we didn't disagree about the truth about God. But so long as we are disagreeing about the truth about God, I would prefer that we don't kill each other over it. Religious liberty, I mean people fled the wars of religion in Europe to come here so we could peacefully disagree. Religious liberty is about that peaceful pluralism while we disagree about God.

And then the last—strikes me—benefit is that it's the sources of moral reform. The first panel we heard this morning, the Civil Rights Movement, the Women's Rights Movement. So many of our sources of moral reform have come from religious traditions. The reason this commission was established is because it's a 250th anniversary of the declaration. The declaration itself is a philosophical theological statement that we're created equal endowed by a creator with certain inalienable rights. Religious liberty and religion is the source of these moral, philosophical, theological truths. And look, sometimes political leaders don't want to hear it, and I think it's good to have reform movements, whether it was Martin Luther King Jr. during the Civil Rights Movement, whether it was a variety of female leaders that **Erika Bachiochi** cited earlier today, it's helpful to have the space for religious leaders to bear witness to spiritual and eternal and transcendent truth claims, even when political leaders might want to cut corners. And with that, thank you, Chairman **Patrick**.

Lieutenant Governor Dan Patrick: Thank you, **Ryan**. You can feel free to applaud. So, **Paula** and then Dr. **Phil** and Dr. **Ben**. **Paula**?

Pastor Paula White-Cain: Thank you, Mr. Chairman. I'm so grateful to be here and to be a member of this very important commission and the work we're doing and to be with all my colleagues—and just friends and people who are really in this battle. So much has been said. I want to say a huge thank you also to our President, President Trump, who formed this

commission with you. Just over a year ago, President Trump took the historic action by establishing the White House Faith Office, which I'm honored to lead. The Faith Office is the very first White House office focused exclusively on faith located in the West Wing, not as a symbol, but because it was a place of importance. As it's been stated so often here and almost in everyone's closing remarks, if we don't have the foundation of religious liberty and the freedom of it, we lose all other freedoms.

It is the bedrock and he understands that very, very clearly. So, he elevated it to the highest place and put it all throughout government with either a faith director or an entire faith center in every department and agency, not only in the Executive Office of the President, and, as we are, a top priority in our White House Faith Office is religious liberty, protecting religious liberty for people of all faith. A few months after establishing our office, President Trump once again made history by establishing this commission, the first body of its kind focused exclusively on religious liberty and answering directly to the president. This could only happen with the President who understands the importance of the faith community and of religious freedom. And that is why we are all here today. I look out, and I'm so excited to see so many students and young people who are engaged.

And not only have our witnesses been so profoundly impactful, and sometimes, we've been very teared up, at least I have myself or found myself just feeling all those emotions of the really persecution and rejection that many of them went through. I remember as a parent was testifying on her two children were crying there because not only had they been rejected for their stand on faith by a school and a play that they were in a talent show, but then it went on to their community and their own church. I mean, this, this broad impact of what people have gone through is just overwhelming. But President Trump really has that commitment and recognizes that religious liberty is a bedrock of American life. And that's why he gave the Faith Office in this commission the crucial task of helping him to ensure that all Americans of all faiths, from Christians to Jews, to Muslims, to Sikhs, to Hindus, are able to approach God freely, to worship him fully and to live out their faith without governmental interference.

And **Kelly**, I love what you recommended there in favor of citizens and **Ryan** reiterated and so many have is that if a person, and I've heard that up to 85% of the prosecutions are against come from government. And so that—I don't know if that's stat is correct, but it seems to be the one that I've heard in recent years. We do know it's very high, and the government should never be able to weaponize against people for practicing their faith legally in this great country of freedom. And so that recommendation, I just third, fourth, triple, quadruple, I mean, I think it would stop some of that weaponization and certainly people that don't have the resources don't even know what attorney to turn to would have a fair shot at a true defense. So, President Trump

understands that we have this right without government interference. And over the past year, the Faith Office has been hard at work to work alongside our president and partners of the administration to do just that.

The federal government was taking away the rights of Americans of faith with outrageous policies that discriminated against its own people. I want you to think about this, all the witness and testimony we've heard, whether it was literally putting people in jail for praying silently in front of an abortion clinic or kicking them out of the military or surveilling pastors and churches and having the IRS go after them or as we saw a child in a talent show or we could just continue to go... nurses that were tricked into performing abortions. It's outrageous. It's hard to even think how prevalent it is in this great country. In previous administrations, people of faith were not welcome. As we said, people being put in jail, people being discriminated against. But President Trump has made history for the faith community by boldly not only bringing faith back in the public square and working to all ends to end every form of any kind of religious discrimination. Along with this commission, many know we have two DOJ task forces against religious persecution of Christian bias and all other forms of religion and against antisemitism. He's pardoned pro-life activists, prosecuted those who attack churches, issued prayer guidance for school children, expanded school choice, and forced the Hyde Amendment directed federal agencies to protect religious expression in the workplace, placed faith directors or faith liaisons in every federal department and agency. And through these and other efforts, he's done what seemed nearly impossible just 13 months ago made religious freedom great again.

But our work is far from being done. Religious liberty matters not only for America, but for all nations. If we fail to stay strong in the religious liberty in the United States, I have come to recognize more than ever in this position at the White House Faith Office that there is no hope for the world. If we collapsed with religious liberty, the world is in great danger. 344 million people will be persecuted worldwide or killed this year for their faith. And I promise you, on a daily basis, I see it that America is the beacon of hope. We must uphold religious liberty for our own citizens but also never forget that we truly are the light to the world. People are suffering at high levels of persecution and discrimination for their faith around the world. They're being killed on a daily basis. And President Trump has fought for international religious liberty by issuing targeted strikes against terrorists, attacking people of faith in Nigeria, standing firmly with believers under threat in the Middle East, and using faith diplomacy to secure eight peace agreements and ending religious conflict throughout the world. The President and the Faith Office have also placed a spotlight on religious persecution by inviting victims from many parts of the world and the countries all over the world. Recently, we had people from Sudan and Turkey, China, Cuba, Finland in telling their testimony and their stories. And as long as oppressive regimes continue to silence and punish their citizens for their faith, we will continue to champion religious freedom as a foundation of freedom and peace. On behalf of President

Trump, I want to thank the members of this commission for their dedication to the vital work, the sacrifices you all have made, the expertise that you have all brought to bear, and the devotion that you've given to the sacred cause have made this commission an extraordinary success.

I also want to thank the witnesses who courageously shared their stories from students banned from talent shows to counselors forbidden to speak freely. You have shown us that religious discrimination is far too common in America and that we must act swiftly to eradicate such bias from our nation. This administration's dedication to protecting religious freedom will not end. President Trump and this Faith Office will continue to protect this fundamental liberty and absolute devotion, working to implement the recommendations of this commission and ensure that freedom flourishes.

There are a few things, so much has been recommended, but as our great speakers concluded today, I was thinking and thought of some recommendations for grants under the Biden administration and previous administration. Our numbers would bear out that approximately \$7 trillion of government money went to grants. We'll know at the end of the studies they do how much we DOGE bad ones, whether it's making an impact.

President Trump recognized that this was an important position and put a grants director in our office, but we have a lot to do. And some recommendations could be that there is a lack of grant readiness. We need funding for that. We need to educate, as **Kelly** has brought up, the NOFOs—the notice of funding opportunity—needs to be more faith welcoming. It's not inclusive of people of faith. Not only do we know the competition's very tough because the way the grants are written and the things that are put on, but it's hard for small ministries and synagogues and parishes to compete against universities and hospitals. And I think one of the things that could help with that is to put an overhead cap of 15%. That's the indirect cost. So, we have heard that in some of the grants that awarded to these big companies and big, I call 'em companies—not-for-profits—have 50% going to staff, *et cetera*.

There could be perhaps a cap. We also need reviewers to be more faith friendly, and we need peer reviewers. We need people involved, and we need to give some guidelines. And we need to keep in mind that 95% of agency staff are career and not political appointees. So perhaps there could be better guidelines and cooperation that we would lay down for that one person perhaps in an agency making a very big decision. It's difficult, and I'm very passionate about this because I've been in ministry for 42 years. And the best things I've ever seen is the ground roots people that just care about people. They don't ask you, are you a Christian? And now I'll feed you. It's: “Are you hungry? Do you need help?” They're the greatest community champions they are. And

we need to make sure if we aren't directly helping them help others, that we at least take all the restrictions off of them that's preventing them from helping others.

Lieutenant Governor Dan Patrick: Thank you. And they also don't ask her, you are a Republican, Independent, or a Democrat.

Pastor Paula White-Cain: It's true. Absolutely.

Lieutenant Governor Dan Patrick: Just need help, Dr. **Phil**.

Dr. Phil McGraw: Well, thank you. Thank you, Mr. Chairman. What a journey this has been. I'll never forget the day you called to ask me if I was an—accept an appointment to this committee. I was with my two sons and I had my phone on speaker and I hung up and they went, nah—butt dial—had to be a mistake. You better call him back and make sure it was actually him and not some radio station punking you, but it was you. And it has been an amazing journey, and I thank you for your leadership on this committee as well as you, Dr. **Carson**. I thank you. And let's not forget Mary Margaret Bush, our director from the Associate Attorney General's office.

I think she worked right up to the first minute of labor and was back within minutes thereafter. So, thanks to her and most of all thanks to President Trump because he has made a serious commitment to this. He's been here to commission meeting and spent time with us. And he's not alone in this leadership in this country. Many have gone before him. You think back, Thomas Jefferson in 1776, “that we hold these truths to be self-evident, that all men are created equal and that they are endowed by their creator with these inalienable rights.” George Washington in 1783 said, “the establishment of civil and religious liberty was the motive that induced him forward.” James Madison in 1789 said, “the civil rights of man shall be abridged on account of religious belief or worship.” John Adams in 1812 said, “nothing is to be more dreaded than the national government meddling with religion.”

And Ronald Reagan: “Freedom prospers when religion is vibrant and the rule of law under God is acknowledged.” President Clinton: “Let us instead respect one another's face and fight to the death to preserve the right of every American to practice whatever convictions he or she has.” President George W. Bush: “Religious freedom is a cornerstone of our republic,” and God bless each and every one of these leaders and others along the way. But President Trump, in my view, tops that list because he has shown an ongoing commitment establishing this office of faith and this ongoing commitment with this committee here. It's been action. So, he's built on those that have gone before him. And on May 1st of 2025, he created this presidential commission, a commission established by a president that's committed to amplifying and elevating the God-

given right of religious liberty in the life of every citizen, in every walk of life. This isn't just choosing where you worship but in every walk of life.

And to do so in a way that our national government never encroaches on those inalienable rights and further to do so for generations to come. And think about it: there will be millions of people he will never meet—will never have the opportunity to thank him for creating this opportunity for them to have this religious liberty. And he charged this commission with a responsibility to investigate the state of and then make recommendations to solidify the foundations of religious liberty in America so we can be a beacon for the rest of the world. And these liberties, they do seem to be under attack in more ways from more different angles than perhaps any other time in our 250-year history. A definite downside to the internet for sure—used to be somebody could have some nutty ideology in some farm community or something, it went to like eight or 10 mouth breathers hanging around.

Now, it spreads like wildfire on the internet and they can recruit people all over the place. So that's one of the downsides of the internet, that we were asked to identify the origins of those attacks and the modern day orchestrated threats and I say orchestrated threats—that we now collectively face—including government interference, because there has been and is the threat of government interference and to create a report on how to mitigate these in lasting ways. And it quickly became apparent that we are dealing with so much more than just the right to choose your place of worship but also the right to exercise the tenets of that faith in every aspect of life without restriction or harassment by government or community. Because religious liberty is profoundly enmeshed into every aspect of our existence and every day of our lives, not just on the day or days of formal traditional worship because it includes daily choices of conscience, public exercise in schools, military workplaces, healthcare, community gatherings.

If you think about it, it's gotten to where they have attempted, as I was speaking about earlier with the nuns in New York, they're trying to push into everything and try to regulate it as though it's not religious. Now our protocol has been to hear verified testimony from Americans with amazing courage and those that have sat in these chairs, oh my gosh, they have been amazing from Coach **Kennedy**, who was disciplined for taking a knee after a game to pray with players, and it cost him his job. He was disciplined from **Marisol Arroyo-Castro**, who had—what—a six-inch crucifix on a bulletin board and was threatened with her job if she didn't take it down and put it in her bottom drawer. And when she was brought, allowed, after pushing back to come back to work, sat in a room by herself—we have lost our minds—and she had to fight back legally.

And I'm not a lawyer—I don't mean to brag, but I'm not. But to have to go through that is crazy. Sophia Schumacher—they had a day where on senior day you can decorate your parking spaces in the parking lot. She was not allowed to decorate hers with any religious symbols because it

might offend somebody parking next to her. Are you kidding me? We don't have enough to worry about that. We got to be concerned that Billy Bob in the parking space next door is going to be offended by her having a cross. Military servicemen, because they wanted to adhere to the religion—who all they wanted to do was fight for America—and we find a way to take away their pension, take away their commission, take them out of the service, and the attacks on this first right have escalated.

Until a few years ago, it seemed like most Americans supported religious freedom. I think they still do. I think we are being programmed, brainwashed with the tail wagging the dog, the tyranny of the fringe that has hijacked the legacy media to make this more than it is because the vast majority of the people are not standing up and saying, wait a minute, that is not offensive to me. I don't need your help in this. But it's being pushed. It's an agenda being pushed. It seems like those days are gone because we have ideological campaigns that are focused on redefining human sexuality. What constitutes a male and a female, what defines a marriage, procreation, the value of human beings, not just at the beginning but also at the end of life. And we have people now trying to impose this postmodern ideology on others, especially those who have deeply held religious beliefs.

And the religious community increasingly find themselves targeted by government restriction and coercion and cultural intimidation. In other words, just persecution. And this all adds up to the reality that the fight for religious liberty is much more layered than simply the right to worship at the church, temple, mosque, or synagogue of their choosing. And psychologically, this is a dangerous reality. And I have seen documents from the old Soviet Union talking about how to attack society here, and it talks about starting to nibble at the edges to sabotage the young people rather than aggressively being overt by trying to totally eliminate a given religion, just suppress the right to live it on a day-to-day basis. And it seems like that's where the focus has been. Stop them from being able to express their religion at work or in the service or in the world of medicine. But then again, we look at what's happening at synagogues in New York City and the outrageous antisemitism on campuses nationwide. I have heard things that I never thought I would hear in my lifetime. Antisemitism in America? I never thought I would hear this in my lifetime. And so, we as a commission, if you're a late comer to our process, we at the commission have sought to identify strategies to generate and support robust protections against encroachment on religious liberty, not just as a freedom, but again as the first freedom. And it's important to distinguish religious liberty as the first freedom. We must guard against listening to the loudest voice.

I often say to parents, you are not going to be the only voice in your child's ear, so you better be the best voice in your child's ear. And we sometimes listen to the loudest voice, the most shrill voice. Twitter isn't a real place, by the way. That's not a real place. You can't drive over to

Twitterdom or Xdom. Now, less than 20% of people use these platforms, and 10% of all the posts come from less than 10% of the people. I mean this is a minuscule part trying to drive an agenda. And what better issue could there possibly be to unify Americans than a return to our first defining declaration of right, promoting public awareness of religious pluralism, treating each other with tolerance, dignity and respect, protecting rights for individuals and institutions to exercise their right without government interference. And that is profoundly important.

We do need to come together. What better way to do it than all coming together and unifying over religious freedom? You practice what you want to practice. I'll practice what I want to practice, and I'll fight for your right to do so. That's not political, that's not political, that's human dignity, and it transcends all politics. And it protects—religious liberty is so important because it protects not what you do but who you are. Every other right governs your actions in the world. The right to religious liberty governs the inner life from which all actions flow, the freedom to form your own conscience, to live according to your deepest convictions, to worship or not worship as you see fit. This is the precondition for human dignity itself, and that's where psychology and religion intersect. They're not at odds. They intersect, and history delivers a consistent warning to totalitarian regimes—which **Paula** articulated so well—of what's happening around the world.

Thank you for talking about that. These totalitarian regimes invariably couple suppression of religious liberty with a broader repression of civil liberties. No regime has ever systematically crushed religious liberty and left everything else intact—otherwise, do what you want to do. Soviet Russia silenced the church and the press, Nazi Germany, the pulpit and the courts in the universities. Maoist China suppressed worship and free thought and free expression of every kind. This is not coincidence. Attacks on religious liberty don't happen in isolation. They're always part of a larger seizure of control over human life where you see one, the other follows. When the state claims authority over your innermost convictions, it has already decided the individual exists to serve the state.

Religious persecution is not a destination. It is a road sign telling you where you're headed. And the founders put religious liberty number one out of a clear-eyed suspicion of power. They had lived under governments that reached inside the conscience and thought to redirect it. So, religious liberty is not protecting one group at another's expense, it's protecting the principle that no government ever well intentioned is wise enough or trustworthy enough to be put in charge of what a person believes or has access to. In America, we must recognize and systematically resist those who want to make choices for us. If somebody's pedaling hard, you need to be backing up hard. Now, look, we're committed to providing information and data from everyday Americans, central to protecting that first right and making sure that government is never allowed to come between an individual and their belief in their higher power.

We need to be making choices that matter at a time that counts, and that's right now. Look, this is chess, not checkers. Every walk of life is involved. There's a purpose for everyone you meet, some you encounter to trust you, some to teach you or use you, some to bring out the best in you. And maybe all of these ideological attacks right now are meant to wake us up. Maybe it's meant to wake us up. Maybe it's meant to put us on point. Maybe it's meant to say that we need to rise to meet the challenge because if responsible people don't talk about responsible things responsibly, irresponsible people will talk about them irresponsibly. We need to surround ourselves with people that share this passion, and we need to take back the right to religious liberty and the heartland of America needs to stand up and say, "I am not a second class citizen because I believe in God, because I have a spiritual part of my life. I am proud of that. I claim it. It may be different than yours, but I celebrate you and you celebrate me." This can unify this country, and I am so proud to be a small cog in those works and part of this commission, and I thank President Trump for his vision. I thank you for your leadership. Dr. **Carson**, thank you for your leadership. Thank you.

Lieutenant Governor Dan Patrick: Thank you, Dr. **Phil**, Dr. **Carson**.

Dr. Ben Carson: Well, I'm not from one of those professions with a lot of loquacious people. I was a surgeon. Surgeons tend to be laconic, so I'm not going to put you through a lot here, but I will say that shortly after President Trump started second term, I was with him, and I said, "most people your age are sitting on the porch in a rocking chair: where do you get all this energy from?" And he didn't even have to think about it, he said: "it's from God." So, this is a subject area that is very important to him. I want to thank you, Mr. Chairman. It's been wonderful working with you. Thank you for your courage and your leadership and thanks to all who are here—members of this outstanding commission, terrific people—and to the public, it's been a privilege serving the President and the American people. Alongside all of you, we have heard the inspiring and heart-wrenching stories of incredible witnesses from across this great nation, religious freedom has always been very important to me personally.

As a pediatric neurosurgeon, I could not and would not have done the things that I did without praying before, after, and during challenging procedures. One of the things our work has shown in this last year is how important religious liberty is to America's entire way of life. Faith is so woven into the fabric of our culture, our art, our habits and holidays, our political and economic institutions that it's easy to take it for granted—easy, that is—right up until the moment you realize how vulnerable religious liberty is. Ronald Reagan famously said, "freedom was never more than one generation from being lost." Religious freedom is our first freedom. It's our foundational freedom—with it goes all the others. In the last quarter of a century, it's come under attack. Religious students, teachers, parents, workers, businesses, and nonprofit organizations

have been targeted by every branch and every level of government in this country to say nothing of the anti-religious pressure groups working every day to strip God from the public square and God-fearing people from their constitutional rights.

In many of America's most influential boardrooms, newsrooms, state houses and faculty lounges, antisemitism and anti-Christian bigotry are considered chic, sophisticated progressive virtues. And so, as the President charged us, this commission's work cannot just shine a light on threats to religious freedom. We have to offer concrete proposals to overcome those threats. That's what our report is going to do. We don't want a sectarian government, but we need a government that understands America's duties to our God and Savior come first. America's Declaration of Independence, our Constitution, our Bill of Rights, are all premised on human dignity and inalienable rights endowed by our creator that no man can take away, unless, by fear, we let them. Logic and common sense are some of our best weapons to resist religious persecution. When we are willing to put the facts on the table and then discuss our differences first privately, but then out in the open, we are much more likely to reach a populous, ignited, and driven agreement.

For example, should religious institutions be required to hire people who do not believe in God? Should places like the Museum of the Bible be required on the basis of fairness to hire atheists or should the Holocaust Museum be required to hire a holocaust denier? There was a time in this country when these would be considered ridiculous questions, but we as a society have now reached a point where everything is questioned and common sense is a thing of the past. The work of this commission has shown how important it is to discuss and address these kinds of issues before they fester in pools of division. The report of this commission will help people to distinguish between violations of one's conscience, which would be in serious conflict with our constitutional rights, and willful disregard for the safety of others because of disagreements about their lifestyle. Many of these kinds of issues cannot be resolved by executive order, but open non-threatening discussions with the facts on the table will lead to a better place for all mankind. If Americans learned anything over the last 250 years, it is that religious liberty is worth fighting for, and if we want to keep it, we're going to have to engage in the perilous fight. We cannot be the land of the free, if we're not the home of the brave.

Lieutenant Governor Dan Patrick: Thank you, Dr. **Carson**. I'll be brief. It's been a long day for everyone. Thank you for your patience and sitting and being here in the audience. Going back to the beginning, very quickly, I knew some of the people here. I've known **Kelly** a long time. I've gotten to know Dr. **Carson** over the last several years, and I can tell you he's a pool shark. I've never won a game from him—must have been that delicate working on brain surgery—here, you know the angles. I'd just gotten to meet Dr. **Phil** when he moved his productions to Texas and we're glad to have you in Texas, who left Los Angeles because they thought he mentioned God too many times in a show and he reminded them he can take it elsewhere. To **Paula**, who

I've gotten to know during this process, and thank you, **Ryan** and **Allyson**, who I know a little bit, and **Eric**, I've known you for a couple of years. But I want you to know that all of us came together not really knowing where we were heading. We didn't have a plan on day one except we were going to have witnesses and ask them questions and talk about religious freedom in America. And the very first hearing that we had on this stage on middle of June last year, we really all got together about 10 minutes before the hearing and it became a symphony of thought.

Everyone worked together. They're all professionals, they're all speakers and warriors for what is right and believers of different faith, different denominations. This has been really a miracle. And when the President called that day—again, an error that started all this—within five minutes he said, I want **Paula White**, I want Reverend **Graham**, I want Cardinal **Dolan**. And I said, I want Dr. **Carson**. I want Dr. **Phil**. I want **Kelly Shackelford**. And then we got to meet Rabbi **Soloveichik**. And so, we don't have planning meetings before we come out here. We just come out here and say what we think, and we listen. We're all good listeners to our witnesses.

The one witness and so many have touched our hearts was little **Shay**. And if you haven't watched as you're watching today, if you haven't watched and go back and look at some of the various witnesses when we have a little boy who was forced to read a book about being transgender to another student in his school, and he went home and said to his mom, “I don't want to disappoint my teacher. I don't want to get a failing grade, but I don't believe this is what you would want me to do. And this is not how you brought me up.” And when he was sitting here, he was in the last chair, and his mother was next to him. And I happened to be on that day sitting on the other side. He just had such soulful eyes. His heart hurt every witness he heard, Dr. **Phil**, you could see he was reliving what he went through. And that school district drummed them out of school, drummed them out of the community, and he was courageous enough to fight. And while his mother read some of her testimony after he had talked, this little boy put his arm around his mother. Remember that, **Paula**?

That was a moment that I'm saying this is what we're doing to people in this country is wrong. And I agree with you, Dr. **Phil**, America's with us and out of this committee, I can only speak for myself: I'm going to push back hard. I don't have any malice towards anyone that doesn't believe in any type of faith. That's fine. That's what America is about. But these organizations, these organizations that are pushed by some ideology and pushed by someone's bank account who wants to remove God from our country? We need to push back. Every time we hear separation of church and state, we need to say there is no separation of church and state. That's a lie. And every time I think we have some interviews after this, I'm going to make it very clear because we know that's what the Constitution says.

I want to thank also Brittany Baldwin and Vince Haley. They were assigned to me by the White House last March and the two of us—and then we brought **Kelly** into the fold early—and this all became a reality. I think in terms of my recommendations, I do want to make a recommendation that we do post a person's rights on religious liberty in all of our school teacher lounges and our businesses. I'd love to see some type of hotline, and I know you need more staff, **Paula**, because you're getting calls all the time. But a place where someone is told you can't do this because you violated the Constitution, that they can pick up the phone and maybe the first thing the voice says, a recorded voice—I'm sure it'll be AI—there is no separation of church and state. Go back and tell them. And then we need to push back, and let individuals be able to sue.

There's so many other things we can do, but this has been a wake-up call. Can this happen on America? Like you said, Dr. **Phil**, and you come down to the conclusion that these people who throw this always, they throw it out there. Separation of church and state. I know they'd never have me on The View because they're such hateful people on that show, but I'd like for them to defend it. I'd like for 'em to defend the hatefulness that goes on every day against people of faith. And remember when someone throws that down, it's either their pure stupidity, and these are people in power in elective office. Again, superintendents, high-ranking officials, the CEO of a company... it's either stupidity, total ignorance, or they know the truth, and they're using a lie to deny someone their religious liberty.

This Easter—and the Rabbi and the Bishop **Barron** had to leave for a flight—this Easter, sometimes God gives us reminders! And God has given us this commission, I believe, to stand up and fight. You know, through, I say fight through—our—by pushing back every time there's a lie set against people of faith. But on the Friday before Easter, they thought they had killed him. He was in a tomb, like a crevasse. And on Sunday he emerged. I'm not talking about Jesus. I'm talking about a colonel who flew a plane. They thought they killed him on Friday. He hid in a tomb on Saturday. He left the tomb on Sunday, and the people rejoiced. That was not an accident. That was a reminder from God of who we are. And he's looking for brave colonels and brave citizens to stand up for his Word in this country. God bless you all. We'll continue our work. Thank you all, and we'll see you all soon. Thank you. This commission hearing is over.