



**Presidential Religious Liberty Commission**

**Third Hearing Transcript**

**September 29, 2025**

**Museum of the Bible**

**Washington, D.C.**

---

|                                                            |    |
|------------------------------------------------------------|----|
| Third Hearing Transcript.....                              | 3  |
| Violence against Faith Leaders .....                       | 8  |
| Dr. Hutz Herzberg .....                                    | 8  |
| Pastor Jentezen Franklin .....                             | 11 |
| Commissioner Eric Metaxas .....                            | 14 |
| Dr. Larry Arnn, President, Hillsdale College.....          | 24 |
| Teachers and Coaches .....                                 | 30 |
| Coach Joseph Kennedy .....                                 | 30 |
| Mrs. Monica Gill, Teacher, Loudon County .....             | 32 |
| Mrs. Marisol Arroyo-Castro, Teacher .....                  | 35 |
| Ms. Keisha Russell, Attorney, First Liberty Institute..... | 38 |
| Question and Answer .....                                  | 39 |
| Protecting Faith Based Schools .....                       | 47 |
| Rabbi David Zwiebel, Aguadath Israel .....                 | 47 |

|                                                                                    |    |
|------------------------------------------------------------------------------------|----|
| Fr. Robert Sirico, Sacred Heart Parish and Academy .....                           | 50 |
| Dr. Todd Williams, President, Cairn University .....                               | 52 |
| John Bursch, Attorney, ADF .....                                                   | 56 |
| Question and Answer .....                                                          | 59 |
| Religious Liberty in Partnerships between Government and Faith-Based Schools ..... | 69 |
| Carroll Conley, Bangor Christian Schools.....                                      | 69 |
| Nicholas Reaves, Attorney, Becket.....                                             | 72 |
| Jason Bedrick, Fellow, Heritage Foundation .....                                   | 74 |
| Professor Nicole Stelle Garnett, Professor, University of Notre Dame .....         | 78 |
| Question and Answer .....                                                          | 81 |
| Dr. Francis Beckwith, Professor, Baylor University.....                            | 83 |



## Presidential Religious Liberty Commission

### Third Hearing Transcript

September 29, 2025

Museum of the Bible

Washington, D.C.

---

# 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 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 judgmental 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 Slovichek, 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 Herzburg who leads Turning Point Education and is their chief education officer and Pastor Janetson 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 through 12 school, Christian K through 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 through 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 10<sup>th</sup>, 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 Mataxis. 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 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 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 Jensen, 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 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 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 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. Arm. 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 Gil, Mrs. Marisol Arroyo-Castro, and Kesha 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 Lowden 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. Gil 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. Gil 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. Lowden 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, Lowden 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 Lowden 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 Royal 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, Kesha, 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 Kesha 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 Kesha. 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 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 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 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 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 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 Shackleford, 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. Gil, 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. Second 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 to basically deny your faith, what was the next step for you? What did 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 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 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, Agudath 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 through seven 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 under 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 49.5 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 through 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 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, 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 harmonizeable 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 nine 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 nine, 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'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 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 Zweibel:** 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 7<sup>th</sup>, 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 7<sup>th</sup> 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 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.

Caroll Conley is with us. Laura Slavis is with us, Jason Bedrick and Professor Nicole Garnett. So Caroll 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](http://www.religiousequality.net) - [religiousequality.com](http://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](http://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:** Carol, 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 argment 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, Kelley, 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 20<sup>th</sup> 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:** 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 task force 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 17<sup>th</sup>. 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.