



AMERICAN ATHEISTS

May 6, 2019

The Honorable Sen. Tony Luetkemeyer
Chair, Senate Judiciary and Civil and
Criminal Jurisprudence Committee
Missouri State Capitol, SCR 1
201 W. Capitol Ave.
Jefferson City, Missouri 65101

**Re: OPPOSE House Bill 728, a bill which would undermine the freedom of religion for all
Missourians**

Dear Chairperson Luetkemeyer and Members of the Senate Judiciary and Civil and Criminal
Jurisprudence Committee:

On behalf of American Atheists and its more than 1,000 constituents who live in Missouri, I testify in opposition to HB 728, a controversial bill which would undermine the freedom of religion for all Missourians. The separation of religion and government is a foundational constitutional principle and the very basis of the freedom of religion that all Americans enjoy. However, this bill would undermine this essential freedom by making it more difficult for people whose religious liberty has been violated to bring lawsuits against the government. We strongly urge you to vote against this dangerous bill.

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the “wall of separation” between government and religion created by the First Amendment. We strive to create an environment where atheism and atheists are accepted as members of our nation’s communities and where casual bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building and work to end the stigma associated with being an atheist in America. American Atheists opposes efforts to undermine the freedom of religion guaranteed by the First Amendment to all Americans. No one should be subject to public harassment or death threats for simply enforcing their constitutional rights.

HB 728 would put plaintiffs who stand up for their freedom of religion at risk by preventing them from bringing cases anonymously. It would treat these plaintiffs differently than other litigants, who may bring cases under a pseudonym if the lawsuit would put them in danger. This bill is an attack on the constitutional rights of all Missourians. Everyone should be able to go to court to protect their religious freedom, and no one should be subject to public harassment and death threats for doing so.

The unfortunate fact is that all too often, people who stand up for their religious liberty face public harassment and death threats. For example:

- a. After Madalyn Murray O’Hair, the founder of American Atheists, challenged school-led prayer and Bible readings in public schools, her children were physically assaulted. Moreover, their home was firebombed and the fire department purposefully failed to save it.¹
- b. When Joanne Bell and Lucille McCord in Oklahoma filed suit to block unconstitutional religious meetings and distribution of Gideons Bibles at their children’s schools in 2008, their children were branded as “devil worshipers,” and the Bells received threats which eventually culminated in their home being burned down.²
- c. In 2010, Rhode Island high school student Jessica Ahlquist faced severe harassment at school and numerous death threats because she stood up against an unconstitutional religious mural at her school.³
- d. Two families (one Catholic and one Mormon) in Santa Fe challenged unconstitutional religious coercion by their school district in 2000, including chastising children who held minority religious beliefs, proselytizing during school, permitting the distribution of Bibles at school, and conducting prayer at graduation and football games. Because the families feared that asserting their constitutional rights would put them in danger, the court allowed them to proceed anonymously, as “Doe” plaintiffs. The speculation about their identities was so intense that before the trial, the district court judge issued an unusual order specifically instructing the school district’s representatives not to reveal the families’ identities to anyone for any reason and threatening anyone who violated the order with contempt.⁴
- e. In 2011, a Texas family that challenged the unconstitutional practice of prayers at a high school graduation, as well as the judge who heard the challenge, received unrelenting harassment and death threats throughout the case. US Marshals were required to provide a continuous security detail in order to protect the plaintiff and judge.⁵
- f. Lisa Herdahl received death threats after challenging prayer at her children’s public school in Mississippi. Other parents even threatened their own children with beatings for playing with or talking to the Herdahl children.⁶
- g. The Dobrich family challenged their public school’s practice of permitting teachers to proselytize and distribute Bibles to non-Christian students, they were driven to move to another county due to anti-Semitic taunts and threats.⁷
- h. When Louisiana high school student Damon Fowler asked school officials to reconsider having a prayer at his 2011 Bastrop High School graduation ceremony, his name was leaked to the public.

¹ Katie Koch. (2012). Bypassing the Bible. Harvard Gazette, Nov. 2, 2012, online article. Retrieved May 5, 2019, from <https://news.harvard.edu/gazette/story/2012/11/bypassing-the-bible/>.

² Americans United Blog. (2008). Hell In Little Axe: An Oklahoma Mom's Chilling Battle With Religious Bigotry, Nov. 24, 2008. Retrieved February 23, 2019, from <https://www.au.org/blogs/wall-of-separation/hell-in-little-axe-an-oklahoma-moms-chilling-battle-with-religious-bigotry>.

³ Ng, C. (2012, January 18). Rhode Island Teen's Battle Against Prayer Banner Has Gone “Too Far.” Mayor Says. ABC News, online article. Retrieved February 23, 2019, from <https://abcnews.go.com/US/rhode-island-teens-battle-prayer-banner-mayor/story?id=15386786>.

⁴ *Santa Fe Independent School District v. Doe*, 530 U.S. 290 (2000).

⁵ Contreras, G. (2011). Colorful Judge Biery at Eye of Legal Storm. San Antonio Express-News, July 3, 2011, at 1A.

⁶ Saul, S. (1995). A Lonely Battle in the Bible Belt: A Mother Fights to Halt Prayers at Mississippi School. NEWSDAY, Mar. 13, 1995, at A8.

⁷ Bario, D. (2008). A Lesson in Tolerance. American Lawyer, July 2008, at 122.

Students threatened to kill him, teachers publicly demeaned him, and his own family disowned him and kicked him out of the house.⁸

As illustrated by these cases, public harassment and death threats against those who assert their religious freedom are not limited to one religion – they affect everyone. However, this harmful legislation would effectively weaponize public harassment and embolden those threatening the lives and well-being of Missouri citizens in order to prevent people from standing up in defense of their constitutional rights. Actively promoting this harassing behavior is not only shameful, it is unconstitutional and un-American.

Thank you for allowing me to testify against this dangerous and unconstitutional legislation. We strongly urge you to vote against HB 728. If you should have any questions regarding American Atheists' opposition to HB 728, please contact me at 908.276.7300 x309 or by email at agill@atheists.org.

Very truly yours,



Alison Gill, Esq.
Vice President, Legal and Policy
American Atheists

cc: All Members of the Missouri Senate Judiciary and Civil and Criminal Jurisprudence Committee

Attachments:

1. Memorandum in Support of Plaintiff's Motion to Proceed by Anonymous Name and Motion for Protective Order, *Freedom From Religion Foundation v. Concord Community Schools*, No. 3:2015-cv-00463 (N.D. Ind. 2017).
2. Memorandum of Points & Authorities in Support of Plaintiffs' Motion for Leave to Proceed Using Pseudonyms, *Does v. Enfield Public Schools*, 716 F. Supp. 2d 172 (D. Conn. 2010).

⁸ Christina, G. (2011, May 25). High School Student Stands Up Against Prayer at Public School and Is Ostracized, Demeaned, and Threatened. AlterNet. Retrieved February 25, 2019, from https://gretachristina.typepad.com/greta_christinas_weblog/2011/05/high-school-student-stands-up.html.