

PRAYER IMPORTANT PART OF
OUR SOCIETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mrs. BACHMANN) is recognized for 5 minutes.

Mrs. BACHMANN. Mr. Speaker, prayer has been an important part of our country since the founding of our great Nation, and attempts to take prayer away from the American people are attempts to take away the essential freedoms that have been guaranteed to every American since the beginning of our United States Constitution.

I thank Mr. FORBES for bringing this to the attention of this body, and I share his shock, I share his dismay that criminal charges were brought on behalf of Mrs. Winkler, Mr. Lay and Mr. Freeman for the simple act of engaging in prayer.

As the court explained in Santa Fe, not all religious speech that occurs in public schools or at school-sponsored events is speech attributable to government. There were no students present at either event.

Additionally, the court held the proposition that schools do not endorse everything they fail to censor is not complicated. The Supreme Court held that "there is a crucial difference between government speech endorsing religion, which the establishment clause forbids, and private speech endorsing religion, which the free speech and free exercise clauses protect."

In no way were these individuals trying to associate the school with prayer. They were offering the prayer, one at a privately funded event, the other at an event with private donors. The court held that "private religious speech, far from being a First Amendment orphan, is as fully protected under the free speech clause as secular private expression."

Teachers and administrators, when they act in their official capacity, may not encourage or discourage or participate in prayer with students. However, teachers may take part in religious activities before or after school or during lunch since the context makes clear they are not acting in an official capacity. Although schools may not direct or endorse religious activities, students do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.

Mr. Speaker, the problem is that this displays a trend and a tendency that we are seeing where groups like the ACLU strike at one school district after another, one public display of religious expression after another, until they have reached their ultimate goal, which is to purge the marketplace of ideas of any semblance of religious expression. At that point, Mr. Speaker, we will have turned the First Amendment on its head, and the Founders in turn will be rolling in their graves.

PACE HIGH SCHOOL PRAYER

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Florida (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Florida. Mr. Speaker, there is trouble brewing in the small community of Pace, Florida, a community of less than 8,000 people just south of my hometown, and full of hard-working Americans where I believe a Federal judge has gone well outside the bounds of the Constitution to declare that prayer offered among adults is illegal. That's right. The judicial branch is once again trying to act like the legislative branch, and in doing so is hindering the First Amendment rights of Americans.

Mr. Speaker, I am not a lawyer and this is not a courtroom, but as a Member of Congress, I swore to support and defend the Constitution of the United States. And so help me God, that is what I intend to do.

The facts of the case in *Does v. School Board of Santa Rosa County* are clear. The Federal district court, without a hearing, issued an injunction preventing any school employee from promoting or facilitating prayer at any school-sponsored event. That action alone tramples upon the First Amendment rights of a specific group of people, denying them the equal protection that is provided under the very Constitution that we believe in.

The same Federal district court has now gone on to prohibit all employees from engaging in prayer or religious activities. The same court now thinks that Pace High School Principal Frank Lay and Athletic Director Robert Freeman violated this injunction at a private event with zero student participation. That the court would somehow consider this action to be criminal behavior is simply unconscionable.

However, Frank Lay and Robert Freeman now face criminal contempt charges for praying before a meal that was to be shared. All of this despite the fact that the Supreme Court itself has found that the free speech clause protects private religious speech. The Supreme Court has further gone to find that not all religious speech that occurs in public schools or at a school-sponsored event is attributable to the government.

As lawmakers, we cannot sit idly by and let this happen. As Members of Congress, we must act to uphold the Constitution. And as Americans, we must fight to ensure that our rights to freedom of religion and freedom of speech are not taken away.

America is a Nation of principles. We can sit here all night and argue about whether we are a Nation of Judeo-Christian principles or of secular principles. But the fact is that our Constitution protects all Americans and a court has no place deciding that some Americans do not warrant those protections. The Founding Fathers would be appalled, and I certainly am as well.

□ 1830

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Georgia (Mr. PRICE) is recognized for 5 minutes.

(Mr. PRICE of Georgia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. TIM MURPHY) is recognized for 5 minutes.

(Mr. TIM MURPHY of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

FREEDOM OF PRAYER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. THOMPSON) is recognized for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to address an issue that Americans from the time of our Founders found fundamental in the forming of our country. That issue is the freedom of prayer as it relates to that right as defined under our Constitution in Amendment 1, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

Tomorrow, in the State of Florida, two men, including the Pace High School principal and athletic director, face criminal contempt charges for prayer offered at a fieldhouse luncheon for private contributors in which no students were present.

The right to practice religion is among the most fundamental of the freedoms guaranteed by the Bill of Rights. While this right is guaranteed through our Constitution under the legislative authority and responsibility of the legislative branch, it was the judicial branch and judges, I would argue, without constitutional authority, legislating from the bench, that imposed an unconstitutional infringement on the rights of teachers, administrators, and students to free exercise of their religion.

This outrageous action was driven by a lawsuit filed by the ACLU against the Santa Rosa County School District, claiming that some teachers and administrators were endorsing religion in their schools. The school district entered into an agreement without any legal argument that prohibited prayer at all school-sponsored events and even prohibited all employees from engaging in prayer. Prohibited individuals from praying.

Principal Franklin Lay and Athletic Director Robert Freeman offered a prayer. The prayer was offered innocently, without intent to violate the order, and they didn't do it to take a stand against the order. They did not realize the order applied to them in such a way—a prayer before a meal at an event with private contributors in which no students were present.

The U.S. District Court initiated criminal contempt proceedings and the