

THE PILLARS



Celebrating Diversity & Distinction





The staff here is really warm and eager to help students succeed; HBU truly feels like a second home to me.

— Noa Grochowski



We are diverse in many different ways. We live in what some people call the most diverse city in America, and HBU benefits from that rich and thrilling kind of diversity. It's economic, ethnic, and religious. It's even social and national and language diversity. So here we are in a great city, and the University benefits from that. We also have an intentional historic practice of having faculty and staff who are unapologetically committed to the Christian faith, and yet with respect to students, our doors are open wide to people of all kinds of faith, or frankly, no faith at all. They know they're coming to a Christian university. So it's a wonderful kind of atmosphere here on campus, a dynamic tension of maintaining who we are as a Christian institution, not ashamed to say, "Jesus Christ is Lord," and also unafraid to ask questions and thus benefit from a variety of human experiences.

The earliest controversies in the Christian church have to do with the

makeup, the diversity, of the church. It was understandable that *Jews* would believe in their Messiah, the Jewish Messiah, Jesus. The surprising thing was that many didn't. In fact, the majority didn't, but there was this large minority – Paul calls them a remnant – of Jews in his day who did believe in Jesus as the Messiah, and Paul counted himself as a member of that remnant (Romans 11). Another surprising thing was, though, that the Spirit began to move through the preaching of the gospel, and *Gentiles and Samaritans* believed even though many Jews didn't. This turn of events generated some of the earliest controversies in the church. One, can the Gentiles and the Samaritans believe, without the Jews first believing? And two, if Gentiles do believe, shouldn't they keep the laws of Moses, which had to do with food, circumcision, Jewish calendar, and other things like that? But Paul surprisingly argued that those kinds of things – the food laws, circumcision, the calendar, or Sabbath keeping – were matters of *indifference*, that they are not

"loadbearing." But what was loadbearing, what did matter to him, was the gospel message that the long-awaited Messiah had come in keeping with the Scriptures. He had been crucified for the sins of the world and He was verifiably raised from the dead, and *all* Jews and Gentiles who would embrace him become part of the people of God. And though it seems so obvious to Christians now, that unifying conviction was very controversial early on.

So the church starts with controversies over diversity, but very quickly, within the New Testament period, the leaders of the church come to a stunning conclusion: God has done a new thing and this new creation is both Jew and Gentile, slave and free, rich and poor, educated and uneducated, men and women alike. These stratifications don't hold when it comes to the church. That's why James says to his readers, "Shame on you. When you see a rich man come into your congregation, into your worship, and you say 'here, you get to sit over here in this high and lofty place.' And to the poor man, you say 'oh, go sit in the corner' or 'here, you can sit at my feet.'" James is clearly outraged (James 2:1-9). That's not the nature of the church. Faith in Christ is the only substantial dividing line between those within the family and those outside the family. So there were in New Testament times the usual stress lines of human tension based on the typical social barriers of life. These had to be, and were, overcome by the gospel and the unity of the church (Ephesians 4:1-6).

CONTINUED ON PAGE 70 ...

  @DrRobertBSloan

Dr. Robert Sloan became president of HBU in 2006. Under his leadership, the University has grown in enrollment and now offers 70 undergraduate, 41 master's, and three doctoral programs. Notably, he led the adoption and pursuit of the Ten Pillars Vision, began the Honors College, reinstated NCAA Division I sports, and paved the way for new academic offerings including the doctorate programs and the Engineering programs. During Dr. Sloan's tenure, the University opened the Morris Cultural Arts Center, University Academic Center, the Hodo Residence College, Husky Stadium, and The Pillars at HBU development. His leadership and contributions, as well as those of First Lady Sue Sloan, are extensive and greatly treasured.

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Inaugural Meeting of the International Alliance for Christian Education . . .	6
Celebrating Diversity	7
New Cultural Norms & the Christian Faith	15
The War on Religious Liberty	18
Equality Act Ramifications	34
US Attorney General Addresses Religious Freedom	36
Cultural Buzzwords and Phrases	39
Book Reviews	40
A Mission that Unites	43
Online Division Surpasses 1,000 Students	45
Endowed Scholarship Donors	46
HBU Alumnus Establishes Endowed Scholarships	48
Grants and Scholarships Boost Student Success	50
Piper Professors	52
Events	56
Sports	63
Alum-a-grams	66
Podcasts	70

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I chose HBU because of the opportunity to study and play soccer, and because it's a Christian university, which fits with my values and beliefs.

— Andres Rojas



DR. DAVID S. DOCKERY



Inaugural meeting of the International Alliance for Christian Education



DR. ROBERT B. SLOAN

—by Mark Kahler, International Alliance for Christian Education (IACE) Director of Communication

Leaders representing a wide array of Christian education interests gathered at Rosen Plaza Hotel in Orlando February 12-14 for the inaugural meeting of the International Alliance for Christian Education.

The IACE, officially incorporated as a 501(c)3 charitable organization in January, has 53 institutions of higher learning and seven other organizations among its 60 charter members. Ninety-seven representatives of those entities registered for the Orlando event, nearly half of whom are presidents, former presidents or executive directors.

The Orlando meeting featured the IACE's first face-to-face Board of Directors meeting, six presentations and the adoption of several initiatives the new alliance will pursue.

President David S. Dockery told the group IACE will promote collaboration and cooperation without duplicating the work of other existing organizations.

"We believe that this Alliance will be able to serve all sectors of Christian education, doing so in harmony," Dockery said. "We want to emphasize unity, cooperation, and collaboration, promoting and modeling these themes at every opportunity."

The IACE Board of Directors approved two collaborations with the Colson Center for Christian Worldview in Washington, D.C. One will create a Worldview Academic Center for faculty development. IACE-member institutions will have opportunity to send faculty to training sessions related to faith and learning initiatives. Dockery said lecture series options from this initiative could be done on individual campuses.

The second Colson collaboration invites a campus president or designee of each charter member institution to Wilberforce Weekend 2020 in May. The invitation includes three days of professional development at the event.

Beginning soon, the IACE website will host job listings for member institutions.

Dockery said the board also initiated the study of an IACE tuition exchange program, with a report due back in July 2020.

The IACE's work will cross several boundaries within Christian education, connecting primary and secondary schools, gap year programs, Bible colleges, Christian liberal arts colleges and comprehensive universities, as well as seminaries and educationally focused parachurch organizations. Campus enrollments within the IACE membership range from 250 to more than 10,000 students.

Dockery presided over a luncheon and dedication session in which he discussed his vision for the organization, with representatives reciting the Nicene Creed and singing the Doxology.

Presentations in each session addressed key elements of the IACE's mission: cultural witness; confessional commitment; collaboration, professional development and innovation; and cultural, intercultural and international engagement.

During the cultural witness session, Greg Baylor, senior counsel with the Alliance Defending Freedom, addressed current and future legal challenges to Christian educators rooted in discussions about human sexuality. He urged institutions to define their policies carefully.

"Start with what you stand for," Baylor said. "Your religious beliefs are at issue, so you must express those clearly."

Robert B. Sloan, president of Houston Baptist University, addressed confessional commitments, tracing the development of Christian models of thought such as the Nicene Creed.

"We can't withdraw from the current cultural struggles," Sloan said. "The Nicene Creed came out of political hot potatoes within the church and culture at that time. We must pay attention to controversial issues."

Rob Wassell, executive director of Seeds Global Innovation Lab, talked about the importance of professional development and innovation. He noted that strategic thought about the future never has been so crucial.

"In the past, we've spent 95 percent of our time in the present and only five percent thinking about the future," Wassell said. "That won't work anymore."

Bruce Ashford, provost at Southeastern Baptist Theological Seminary, addressed cultural, intercultural and international engagement in the final session.

Ashford called on the IACE to pursue opportunities to advance a gospel message worldwide that are unique to colleges and universities.

"We should have a humble optimism," Ashford said. "Jesus lived in the middle of a pagan empire and was able to speak the truth to power. He did so with a humble confidence."

Ashford quoted recent estimates that indicate 700 million Christians will reside in Africa by 2025, with 650 million Christians in South America in the same time frame. He suggested many Christians in the global South and East have strong commitments to the authority of Scripture, and the IACE can build on that emerging international foundation.

"The global east and south believe the Bible," Ashford said.

Dockery quoted similar figures during his luncheon address.

"In 1900, 80 percent of the Christians in the world lived in Europe and America," Dockery said. "But in 2020, more than 60 percent of the Christians in the world are found in Asia, Africa, and Latin America."

The group already draws members from beyond the United States, and representatives from Canada, the United Kingdom and South Korea attended the Orlando event.

Several speakers said daunting challenges of the 21st century call for alliances, meaning people who might disagree on some matters must come together to support their primary beliefs.

Those primary beliefs include a commitment to biblical orthodoxy and orthopraxy, cultural witness, scholarship, professional excellence and resourcing of Christian education at all levels.

"We will not ask anyone to step back from their personal or institutional convictions," Dockery said, "but we will ask you to be willing to join with us around commitments to first things, to gospel commonalities. We will seek to foster strong relationships between schools, churches, and denominations," Dockery continued. "We want to see Christian education serve the church and we want to see institutions and organizations with denominational ties strengthen those ties."

For more information, visit IACE.education



Diversity

has become a modern buzzword, but its origins are more traditional and Christian than perhaps many realize.

HBU ranks **fifth** in
diversity among Regional
Universities West
according to the U.S. News
& World Report

HBU has the
distinction of being a
**Hispanic-Serving
Institution (HSI)**

The University offers
70 undergraduate,
41 master's, and
3 doctoral programs

Students who are
first-generation
college students:
24.86%

HBU STUDENT RATIO



■ 31.54% Male ■ 68.46% Female

CHRISTIAN ORIGINS

"Diversity" has become a modern buzzword, but its origins are more traditional and more Christian than perhaps many realize. The Bible begins with the story of a creator God making numerous kinds of vegetation, sea creatures, birds and land animals, and calling the variety good. Then, God makes mankind – also different in male and female – to start a human race of people who would be similar to each other and yet distinct. The Apostle Paul reviews the creation account in Acts 17:26: "From one man he made all the nations, that they should inhabit the whole earth; and he marked out their appointed times in history and the boundaries of their lands."

Yet, within the diversity that God blessed, He sent His son as a unifier. He alludes to the future messiah in His promise to Abraham in Genesis 22:18: "Through your offspring, all nations on earth will be blessed." The prophet Isaiah records God's promises regarding Jesus in Isaiah 53:11, "After he has suffered, he will see the light of life and be satisfied; by his knowledge my righteous servant will justify many, and he will bear their iniquities," and in Isaiah 61:11, "The Sovereign Lord will make righteousness and praise spring up before all nations."

King David paints a stirring, prophetic picture of Jesus on the cross in Psalm 22, then declares in verses 27 and 28, "All the ends of the earth will remember and turn to the Lord, and all the families of the nations will bow down before him, for dominion belongs to the Lord and he rules over the nations."

Upon learning that she was to bear the messiah, Mary declares in Luke 1:48: "From now on, all generations will call me blessed."

In explaining the Gospel of Jesus Christ, Paul echoes and elucidates the promise in Genesis 22:18. He tells new believers, "So in Christ Jesus, you are all children of God through faith, for all of you who were baptized into Christ have clothed

yourselves with Christ. There is neither Jew nor Gentile, neither slave nor free, nor is there male and female, for you are all one in Christ Jesus. If you belong to Christ, then you are Abraham's seed, and heirs according to the promise" (Galatians 3:26-29).

The wonderful balance of diversity and unification reaches its pinnacle in John the Revelator's vision of heaven, found in Revelation 7:9-10: "After this I looked, and there before me was a great multitude that no one could count, from every nation, tribe, people and language, standing before the throne and before the Lamb. They were wearing white robes and were holding palm branches in their hands. And they cried out in a loud voice: 'Salvation belongs to our God, who sits on the throne, and to the Lamb.'"

The invitation of the Gospel is that God delights in His creation and desires each person to come and to know Him.

HBU'S FOUNDING MISSION

It was with the strong stance of Christianity that founders established Houston Baptist College in 1960. The founding was the culmination of years of work – securing supporters, finding property, ensuring funding, recruiting faculty, and the like. While the school had its roots and support in a largely Baptist heritage, the College was meant for all students who valued a Christian faith-based and liberal arts education. In his book, "An Act of Providence: A History of Houston Baptist University, 1960-2010," Dr. Don Looser records the vision for the new College in Houston, as voiced by Dr. Forrest Feezor, executive secretary of the Texas Baptists (BGCT), in 1960: "The College not only will fill the needs of Baptists, but of the entire Houston community." (Notably, the first freshman class would include students from around the state, country, and even the world.)

In February of 1961, the Board of Trustees unanimously approved the College Preamble, an unapologetically Christian statement with the kind of openness to students that would continue into the future. It read, "Founded under the providence of God and with the conviction that there is a need for a college in this community that will train the mind, develop the moral character, and enrich the spiritual lives of all people who may come within the ambit of its influence, Houston Baptist College shall stand as a witness for Jesus Christ..."

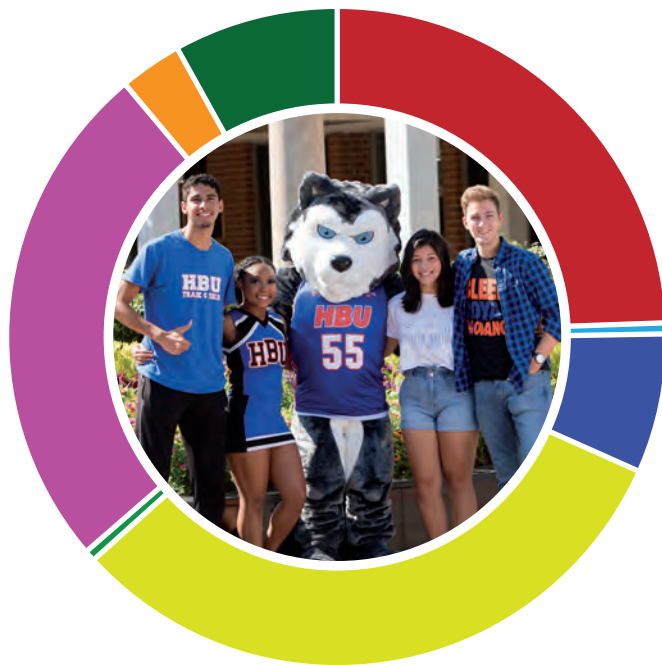
Trustee Howard Lee, Sr. described the Preamble as "pro-Christian, not anti-anything"



I like the diversity at HBU – you feel very included in the community. They do a great job of reaching different populations.

— Suki Oku

HBU STUDENT DEMOGRAPHICS



- African-American/Black: 24.5%
- American Indian or Alaskan Native: .3%
- Asian: 7%
- Hispanic: 31.8%
- Native Hawaiian or Pacific Islander: .2%
- Caucasian/White: 25.3%
- Multi-ethnic: 2.9%
- Other: 8%

(Looser, 2010). At the first faculty meeting held in 1963, the group addressed the matter of racial diversity. Founding College president, Dr. William H. Hinton, said, "When a qualified person applies, he will be presented to the Board for approval. The feeling is that he will be admitted. Our hope is that it will be a smooth process and just routine."

Looser notes, "By the opening of the College in September, it was freely communicated on campus that the College did not discriminate on the basis of race in student admission or employment." Especially before the Civil Rights Act of 1964, "The HBC position was a significant stand in 1963 and well ahead of its time," Looser says. Later, former professor A.O. Collins recalled, "I remember the first black student who enrolled – how pleased I was that there was no problem as he was immediately accepted as a member of the Coreons fraternity and occupied a position on the BSU Council."

About 60 years since its founding, Houston Baptist University has become one of the most racially diverse higher education institutions around. The University ranks fifth in diversity among Regional Universities West according to the U.S. News & World Report. HBU also has the distinction of being a Hispanic-Serving Institution (HSI). It reflects the makeup of Houston, and even of the world.

DIVERSITY OF THOUGHT

Students at HBU represent a broad set of takes on religious views, ranging from Anglican to undecided, Hindu to Catholic, Methodist to Muslim. Students are required to take six hours of Christianity

courses and three hours if they transfer in with 45 or more credit hours. Considering Christianity has provided the underpinning of much of Western civilization, learning about the faith is valuable for anyone.

Within the School of Christian Thought, the fundamentals of the Christian faith are emphasized. Dr. Todd Bates, dean of the school, said the school's diversity of Christian thought begins with its faculty members, who hail from multiple denominations and Christian traditions.

"We are focused on the essentials," he said. "We are deeply committed to our Baptist heritage but are broadly evangelical. We share a fundamental commitment to Christ and His Word, and a mere Christian approach to Christian tradition. A vibrant approach to a variety of positions gives our students a full picture of Kingdom life."

A range of Christian approaches by fellow students during his own seminary training served him well, Bates said. "I can honestly say I hold my views with conviction because I've been confronted with those who didn't share my convictions," he said. "When I state my beliefs, I might not be working with someone who will buy my beliefs at face value. You have to know why you believe what you believe. It's not just getting a sounding board or an echo chamber. It's a good deal of fun to engage with those with other views. It fosters humility. As the statement often attributed to Saint Augustine, but now believed to be stated by the German theologian, Rupertus Meldenius, expresses regarding Christian doctrinal differences, 'In essentials, unity; in non-essentials, liberty; in all things, charity.'"

Provost of the University, Dr. Michael Rosato, talked about the contrast of oneness and diversity, boundaries and liberty, within the Gospel, itself. "Christ, Himself, said the way is narrow. However, he also certainly provides what the Apostle Paul talks about – freedom in Christ," Rosato said. The One who said He is the only way to God also said He came to offer an abundant life.

"The whole topic of diversity is interesting – how God created human beings in His image, but with so many different races and cultures, all of whom have the same opportunity for salvation in Christ," Rosato said. "At HBU, an institution based on a Christian, and specifically Baptist heritage, all are welcome to attend school here, and yet we are very clear about our Gospel-centered mission as we operate the University intentionally from a Christian perspective."

Within Houston, HBU is uniquely positioned to equip students for their God-given callings, Rosato said. "Most protestant colleges are located outside of major, metropolitan areas," he said. "Here, we can serve our city and have influence far beyond Houston. Our faculty, staff and administration collectively contribute to help hone students' abilities and help them identify where God is calling them to serve. The highest calling for each person is to do what God has gifted them to do."

DIVERSITY OF EXPERIENCE

HBU students find their way to the school from locations around the area, the state, the nation, and the world. Some of them are freshmen, some are transfer students, some are master's or doctoral students. There are athletes, working students, returning students, first-generation students, military veterans, on-campus and online students. Each learner has a sundry set of goals and has chosen a unique major.

"Houston is the most diverse city in the United States," said



The first and foremost reason for me choosing HBU was that it is not just an educational university, but along with that, it is also a religious university.

— Naahi Abbas

director of International and Veteran Student Services, Shannon Bedo. "In line with being the most diverse city, HBU reflects the beauty of that diversity by welcoming students from more than 50 different countries. Our students feel at home because the campus looks like the world."

Military service people and veterans find a home at HBU, where there is a strong support network and their experiences are valued. "They can mentor younger college students. We focus on building relationships with each other, no matter what your background is," Bedo said. "You don't have to come from a Christian background or a certain culture; you will find someone who is similar to you."

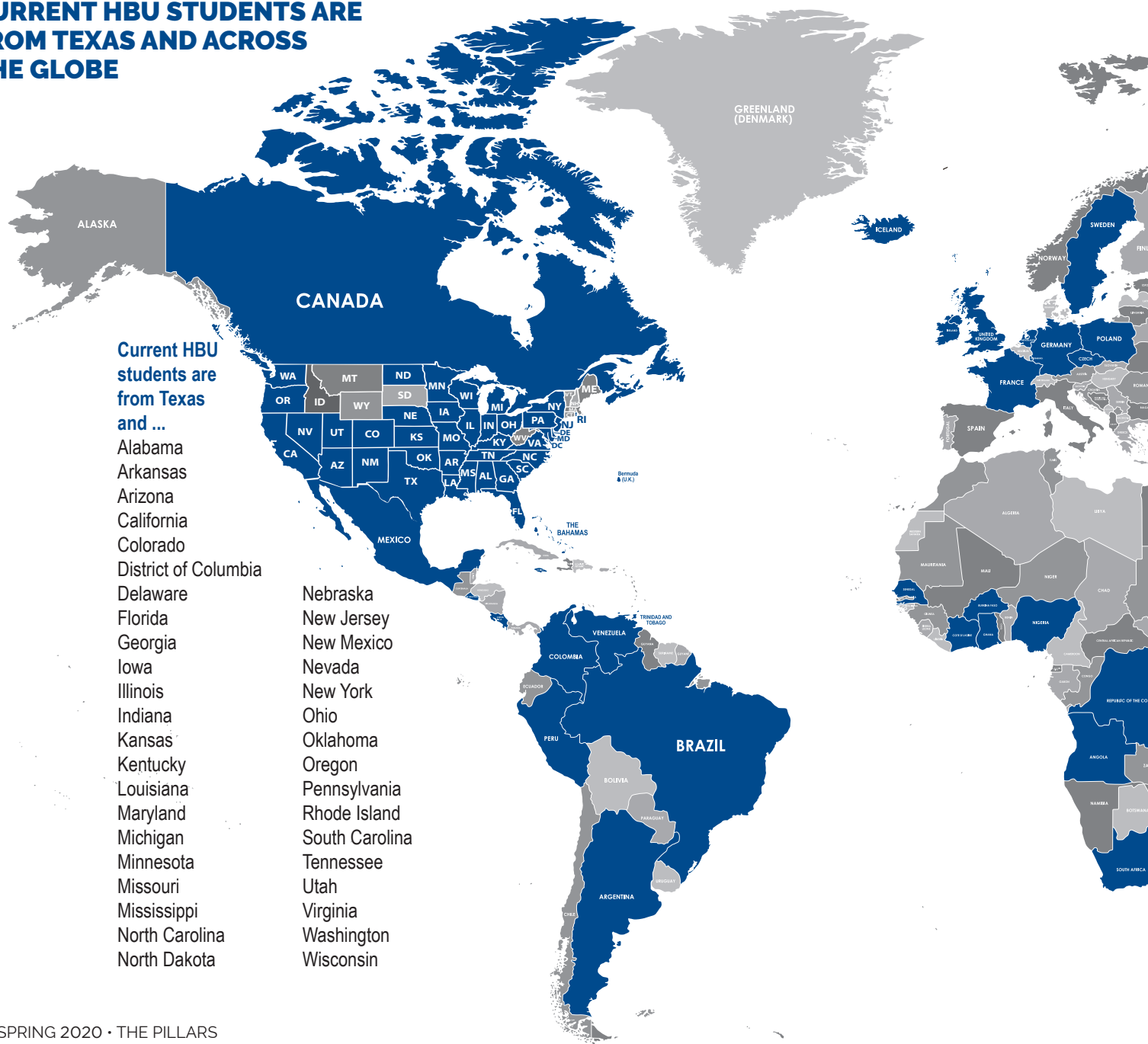
David Hao, former dean of the Department of Student Success and Advising, said, "As a student, when you're encountering people from different backgrounds, different ideas, and some of them are your closest friends, it prepares you for the diverse workforce. Everyone can find a niche here, a place to belong, a person they can go to. Some of it is with us in the department, and some of

it is the relationships we help facilitate. As much as students are learning from us, we're learning from them. Sometimes we have these inaccurate assumptions of this new generation. But what we hear from them is that they're extremely grateful, focused and want to maximize their opportunity here. They're thinking very seriously, not just about the job they want, but how it gives back to greater society. The rich perspective of diversity is the kind of stuff that gets you up in the morning and makes us more fully appreciate what we get to do here in our roles at HBU."

Likewise, HBU faculty members come to HBU from around the United States and from international locations as well. They bring their varied Christian traditions and manifold life knowledge to the table to provide unparalleled learning opportunities for students.

"Not only are our faculty academically qualified at the highest levels, but we have professionals who are experientially qualified as well – they have done the kind of work that they're teaching students to do – classroom teachers, ministers, businesspeople,

CURRENT HBU STUDENTS ARE FROM TEXAS AND ACROSS THE GLOBE



authors, nurses, engineers, attorneys, law enforcement and more," Rosato said. "Their research and publications reflect that richness as well."

While some might view faith-based institutions like HBU as insular, in fact, the opposite is true. The University provides a more complete academic picture, with the best of secular scholarship and faith tradition to provide the broadest knowledge and wisdom, and to form the whole student.

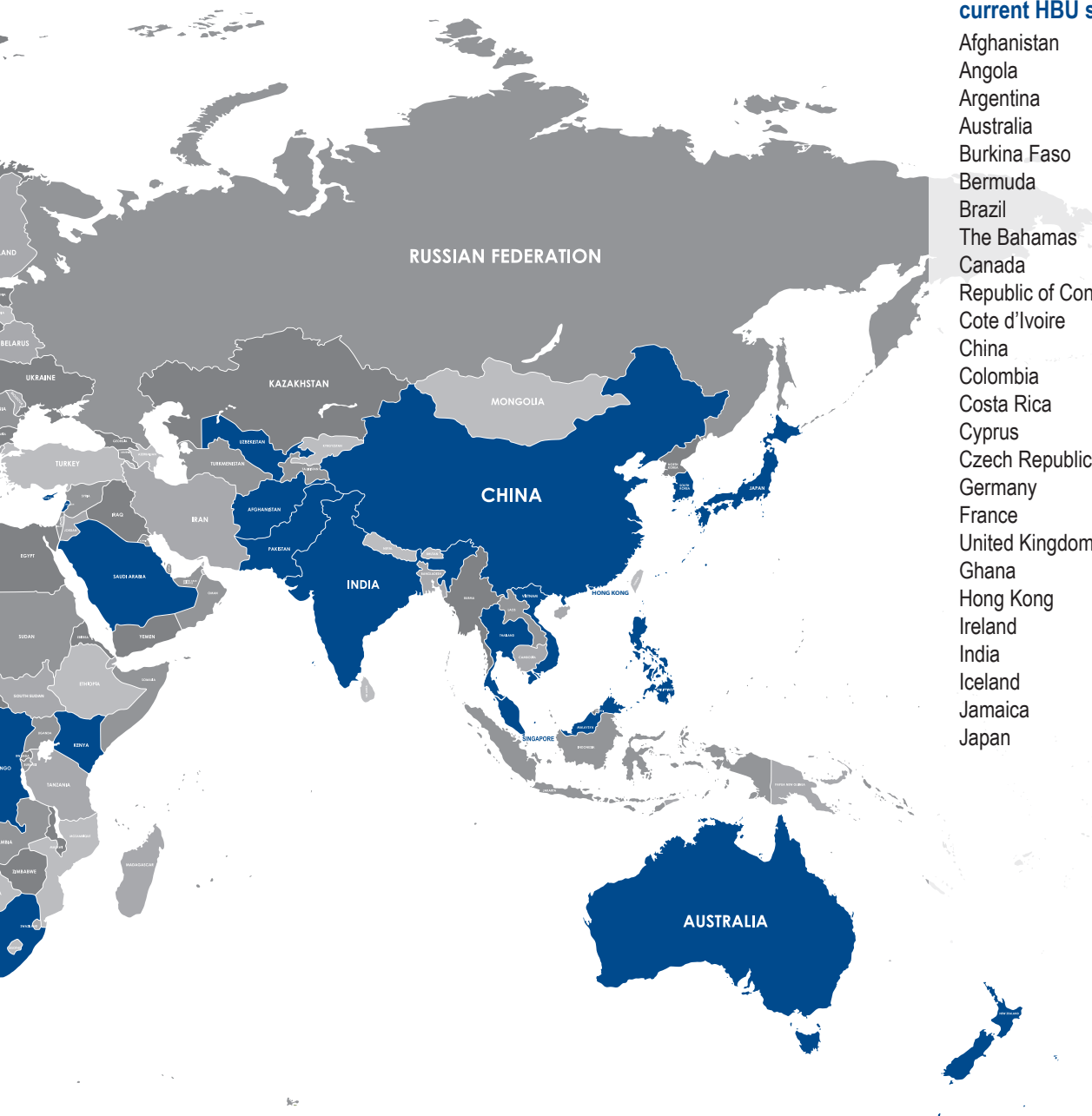
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Bible verses are from the New International Version.

Looser, Dr. Don. (2010). "An Act of Providence: A History of Houston Baptist University, 1960-2010." Halcyon Press.

Within Houston, HBU is uniquely positioned to equip students for their God-given callings.

— Dr. Michael Rosato, Provost



Outside of the United States, current HBU students join us from:

- | | |
|-------------------|---------------------|
| Afghanistan | Kenya |
| Angola | Republic of Korea |
| Argentina | Lebanon |
| Australia | Luxembourg |
| Burkina Faso | Mexico |
| Bermuda | Malaysia |
| Brazil | Nigeria |
| The Bahamas | Netherlands |
| Canada | New Zealand |
| Republic of Congo | Peru |
| Cote d'Ivoire | Philippines |
| China | Pakistan |
| Colombia | Poland |
| Costa Rica | Saudi Arabia |
| Cyprus | Sweden |
| Czech Republic | Singapore |
| Germany | Senegal |
| France | El Salvador |
| United Kingdom | Thailand |
| Ghana | Tunisia |
| Hong Kong | Turkey |
| Ireland | Trinidad and Tobago |
| India | Uzbekistan |
| Iceland | Venezuela |
| Jamaica | Vietnam |
| Japan | South Africa |



Professors are very patient, and I can always practice my critical-thinking skills in the classes.

— Zhi Dou



New Cultural Norms & the Christian Faith

Tolerance is a positive concept at first glance – the ability to get along with others and to allow for individual freedom. In modern times, however, tolerance in the United States has come to mean something much different. It now often means forcing others to agree with differing opinions and abide by new cultural norms at the risk of backlash, legal action, doxing or worse. It means honoring one person's individual freedoms more than another's.

Who Is Being Protected?

Ryan T. Anderson, the William E. Simon Senior Research Fellow in American Principles and Public Policy at The Heritage Foundation, notes the innocent terminology used by those who seek to establish new norms. "Fairness for All" legislation, for example, would make sexual orientation and gender identity (SOGI) protected classes in federal law.

It's worth examining, however, who is really being protected and benefiting. Is it the female in the locker room, the little girl in the women's restroom, the young boy in a male outdoors club, the female athlete competing against a male, the believing business owner, or the religious institution? The answer is a resounding "no."

"SOGI laws, including Fairness for All, are not about freedom – they are about coercion," Anderson explains. "SOGI and Fairness for All are about forcing all Americans to embrace – and live out – certain beliefs about human sexuality."

The question becomes: are certain groups not currently being protected? The US Constitution, the Equal Pay Act of 1963, the Civil Rights Act of 1964, the Age Discrimination in Employment Act (ADEA) of 1967, the Pregnancy Discrimination Act (PDA) of 1978, the Americans with Disabilities Act (ADA) of 1990, and the Genetic Information Nondiscrimination Act (GINA) of 2008, have already established broad protections for the treatment of societal groups.

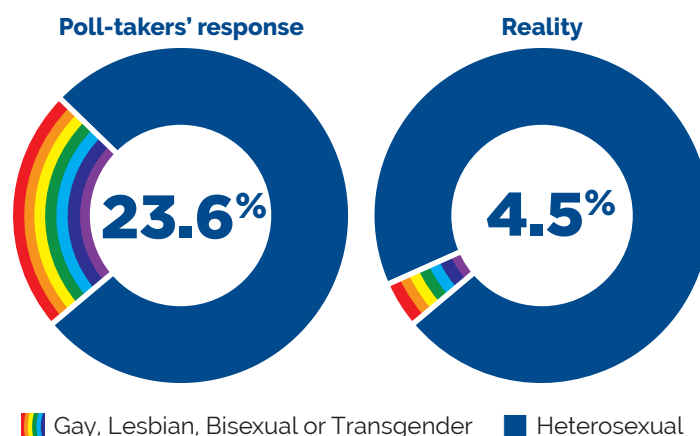
SOGI laws, however, are different. Rather than supporting a group of people, they create intrusive legislation that infringes upon every other citizen. "In the United States of America, people who identify as LGBT are free to live as they want," Anderson says. "SOGI laws are not about protecting the freedom of people to live as LGBT, but about coercing everyone else to support, facilitate,

and endorse such actions."¹

In Houston, another utopian-sounding legislation, the HERO bill, was put forward in 2015. The Houston Equal Rights Ordinance proposed, among other things, allowing transgender residents to use the restroom of their choice, consistent with their gender expression, regardless of their biological sex. Voters rejected the proposal. Groups that opposed the legislation were sometimes referred to as hate groups, and dissenting voters were sometimes dismissed as backward and ignorant.

Gallup asked poll-takers in 2017 and 2019

"Just your best guess, what percent of Americans today would you say are gay or lesbian?"



What is Driving the Legislation?

With SOGI legislation and issues becoming commonplace in recent years, it would seem that the issue of gender identification is massive. The answer is yes – and no. Perhaps it's because of media infiltration and the cultural narrative presented to ordinary Americans. In its 2019 article, "Americans Still Greatly Overestimate

U.S. Gay Population," Gallup released the results of surveys in 2011, 2015 and 2019. The question posed to survey-takers was, "Just your best guess, what percent of Americans today would you say are gay or lesbian?"

In May 2019, respondents' average guess was that 23.6 percent of the US population did not identify with their birth gender. Among the respondents, women, young people, and left-leaning people all had the highest estimation of this group.

Startling for some, Gallup found, "Americans' estimate of the proportion of gay people in the US is more than five times Gallup's more encompassing 2017 estimate that 4.5 percent of Americans are LGBT, based on respondents' self-identification as being gay, bisexual or transgender."

Taking into account a range of behaviors and feelings, the self-reporting shows an enormous difference between public perception and reality. The study reports: "All available estimates of the actual gay and lesbian population in the US are far lower than what the public estimates. Overestimations of the nation's gay population may, in part, be due to the group's outsized visibility. An annual report by GLAAD, an LGBT advocacy group, found that representation of LGBT people as television regulars on broadcast, primetime scripted programming reached an all-time high of 8.8 percent in the 2018-2019 television season, which is nearly twice Gallup's estimate of the actual population."²

Advocates for SOGI legislation liken their cause to civil rights, and paint a picture of suppression. They use language like "segregation" to describe traditional gender separation in facilities. The Equality Act would provide sweeping legislation that would elevate sexual orientation and gender identity to a protected class. Among its sections are "desegregation of public education" (think locker rooms and restrooms with girls and boys), desegregation of public facilities, and just as dubious and misguided – federal funding and employment.³

The Human Rights Campaign asserts regarding the proposed Equality Act, "Everyone should have a fair chance to earn a living and provide a home for their families without fear of harassment or discrimination."⁴ But the bigger question is, would the Equality Act increase the ability of Americans to have "a fair to chance to earn a living and provide a home for their families without fear of harassment or discrimination"?

What Are the Effects of SOGI Legislation?

The House of Representatives passed the Equality Act in May 2019, crossing a significant hurdle in getting the bill closer to becoming law. It would have to pass in the Senate and be signed by the president in order to become law. While progressives cheered at its passing in the House, many conservatives sounded the alarm.

The Heritage Foundation articulates, "Congress should honor the Constitutional freedoms of all Americans to think, work, and live according to their beliefs on marriage and biological sex. SOGI legislation wrongly conflates disagreement on these issues with discrimination. All people should be treated with dignity and respect. Anti-discrimination laws are supposed to be shields from invidious discrimination, not swords to punish nonconformity. Our laws should honor the freedom to hold different beliefs in order to protect true diversity and promote tolerance."⁵

The consequences of such legislation is commonly evidenced. A recent ruling in the United Kingdom shows a disregard for

information that has been accepted for millennia. National Health Service employee, Dr. David Mackereth, had worked as a physician for three decades. When he declined to refer to a bearded, male patient as "Mrs." and "she," he was fired.

He subsequently lost his case before an Employment Tribunal in England in October 2019. The court also cited the Bible verse the doctor quoted: "So God created man in His own image; in the image of God He created him; male and female He created them" (Genesis 1:27). The tribunal's written decision included, "Belief in Genesis 1:27, lack of belief in transgenderism and conscientious objection to transgenderism in our judgment are incompatible with human dignity and conflict with the fundamental rights of others, specifically here, transgender individuals."

For Mackereth's part, he countered, "No doctor, or researcher, or philosopher, can demonstrate or prove that a person can change sex. Without intellectual and moral integrity, medicine cannot function, and my 30 years as a doctor are now considered irrelevant compared to the risk that someone else might be offended."⁶

Compelled speech and forced actions have infiltrated the United States as well. Individual states have become legislative battlegrounds. The famous "Colorado baker" case made headlines when baker Jack Phillips refused to complete a cake for a homosexual couple, and later for a gender transition.⁷ The cases have often been misconstrued as Phillips' refusal to serve a customer. That was not the case, however. In both instances, what the clients were asking for was a commissioned, custom-made creation from the baker.

The question becomes, whose rights matter? Do the desires of one person outweigh the convictions of another? Are one person's liberties deemed irrelevant in light of another's? The cake case had everything to do with activists seeking to intimidate another citizen into conforming to their views and meeting their demands.

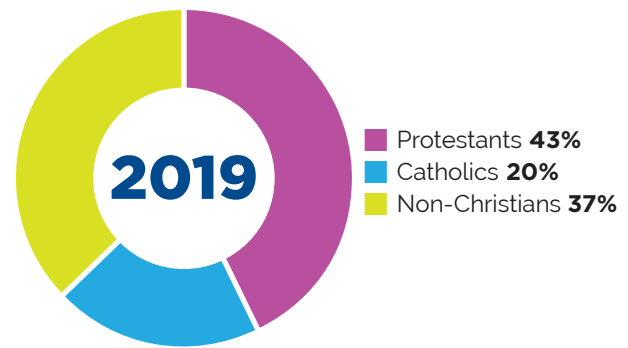
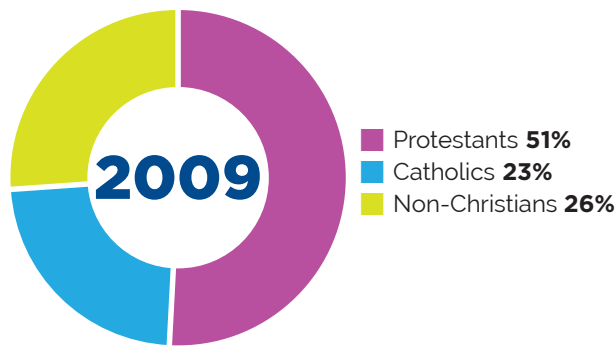
Why Does it Matter in Culture and Faith Communities?

As in the Colorado baker case, activists often label individuals, groups or companies who hold a traditional view of marriage or of sexuality as anti-LGBT or anti-rights. It seems society has collectively forgotten that disagreement, or even failure to condone, does not mean hatred; convictions do not equal bigotry, and being for one thing does not mean a person must attempt to smear the other side. If anyone dares to say they believe in traditional values, the mob has at times not only tried to bring that entity down, but to influence others to do the same.

Recently, The Salvation Army was labeled anti-LGBT for its biblical stance. As a result, prominent voices came against it. What is so hateful about the organization? Its mission statement is, "The Salvation Army, an international movement, is an evangelical part of the universal Christian Church. Its message is based on the Bible. Its ministry is motivated by the love of God. Its mission is to preach the gospel of Jesus Christ and to meet human needs in His name without discrimination."

A message based on the Bible was enough for opponents to oppose the philanthropic organization. In a simple, yet profound defense to recent affronts, The Salvation Army USA released a statement on social media saying, "We serve more than 23 million individuals a year, including those in the LGBTQ+ community. In fact, we believe we are the largest provider of poverty relief to the LGBTQ+ population. When misinformation is perpetuated

Pew Research Center finds that the number of US adults who are Christian has decreased in the past decade.



without fact, our ability to serve those in need, regardless of sexual orientation, gender identity, religion, or any other factor, is at risk. We urge the public to seek the truth before rushing to ill-informed judgment and greatly appreciate those partners and donors who ensure that anyone who needs our help feels safe and comfortable to come through our doors."

This needed clarification – believing in something doesn't change one's treatment and respect for everyone – is helpful. But some groups can simply not abide knowing that others do not endorse or participate in their choices. The great irony is that the groups which most demand to be accepted refuse to offer the same acceptance to others. Those who call for fair treatment are, at times, the ones treating others uncharitably.

Censorship and What's At Stake?

Among those who hold traditional views or conservative values, censorship has become a run-of-the-mill practice. They find they are not able to advertise events or promote ideas due to outright restrictions or "shadow banning," the practice of covertly limiting media reach. PragerU, a conservative, nonprofit organization, found their information blocked by Google and YouTube. As recently as November 2019, conservative thinker Candace Owens announced Facebook would not allow her to promote her next event. Twitter has suspended accounts for anything deemed unacceptable politically.

When disagreeing with another's viewpoint is classified as hate speech, almost anything and anyone is fair game for removal and banning. Not playing by the new rules can be costly.

Being "woke," or in-the-know about cultural issues, seems to mean being perpetually ready to be offended, and ready to censor others. Censorship can range from halting another's digital reach, to shutting down events, to rioting and attacking.

When conservative commentator and former Breitbart news editor, Ben Shapiro, came to speak at the University of California Berkeley in 2017, police officers had to place the school in lockdown to contain the animus. A little more than a year before, the school was the site of anarchy when protestors hurled Molotov cocktails and caused thousands of dollars of damage in response to a conservative provocateur's planned visit.

Unsatisfied to simply not attend a lecture presenting a traditional worldview, students sought to cancel or disrupt the event, and harass those who decided to attend. As they had before, protestors claimed to rage against fascism. The irony was lost on them that

they, by limiting free speech and attacking their opponents, were the ones engaging in the very thing they condemned. Even USA Today published of the University of California, Berkeley, "The famously liberal university has become known more recently for its violent demonstrations between those with opposing viewpoints."⁸ Such vitriolic responses have sadly become common.

In his speech at the university, Shapiro denounced the kind of superior attitude that he was accused of. Silencing others with threats and violence is behavior that is contrary to our American way, he said. "Get to know people; get to know their views. Discuss, debate. That is what America is all about," Shapiro told the crowd.

Without a belief in the tenets of Christianity or even in the Constitution, the urge to determine right and wrong doesn't disappear, it simply moves to be decided by the shifting tide of culture and the court of public opinion. With a lower percentage of the US population claiming Christianity than in previous generations, new concepts of virtue and iterations of social justice have appeared. For those who seek to wash away liberty and silence opposition, the outcome could be a very sinister society.

The core of Christianity means that humans aren't the originators of truth; it leads to the conclusion that identifying one's own way can be a destructive path. More than ever, voices of reason, kindness and faith are needed. Talking with others, and just as important, listening, are vital. What is at stake is liberty and everything it means to be an American.

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The WAR on Religious Liberty

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I. Introduction

Religious persecution is intensifying around the globe, and Christians are the world's most persecuted religious group. Although religious liberty is protected in the United States by three clauses in the U.S. Constitution and Bill of Rights,¹ the U.S. Supreme Court removed "strict scrutiny" protection from religious liberty in *Employment Division v. Smith* (1990).² This decision has enabled and encouraged unprecedented attacks on religious liberty by political progressives in the United States.

This article describes these attacks and addresses four questions. **First, why are Progressives attacking religious liberty in the United States?** This article explains how the Progressive movement rejects our founding principles. The Progressive philosophy of naturalism rejects God's existence, and the Progressive jurisprudence of legal naturalism rejects religious liberty.

Second, how are Progressives attacking religious liberty in the United States? The U.S. Supreme Court has reviewed seven tactics used by Progressives to attack religious liberty. This article explains those tactics and these important U.S. Supreme Court opinions.

Third, why should we protect religious liberty? This article presents three arguments. First, religious liberty is the cornerstone of our Constitution and our founding. Our Constitution has enabled unprecedented progress and prosperity in the United States and around the world. Second, religious liberty and political liberty are inseparable. They rise and fall together in the laws of nations. Third, religious liberty is necessary for maintaining our free republic. Free republics require politically virtuous people, and political virtue requires religious liberty.

Fourth, how can we protect religious liberty? Six legal strategies have proven their ability to protect religious liberty. This article explains each strategy and why each has been successful.

This article also carries a solemn warning. Religious liberty and political liberty are inseparable. Neither can flourish in the other's absence. Men are not angels, and any government that denies religious liberty to its people will inevitably deny political liberty as well. Preserving religious liberty is essential to preserving our representative republic.

II. Religious liberty in the U.S.

Religious persecution is intensifying around the globe. The nonpartisan Pew Research Center reports that the number of

nations with "high" or "very high" restrictions on religion increased 43% during the decade of 2007 to 2016, from 58 countries to 83.³ The number of countries persecuting Christians increased 35%, from 107 countries to 144. The number of countries persecuting Muslims increased 56%, from 91 countries to 142, and the number of countries persecuting Jews increased 64%, from 53 countries to 87.⁴

Christians are the world's most persecuted religious group. The International Society for Human Rights, a secular NGO based in Frankfurt, estimated in 2009 that Christians were the victims of 80 percent of *all* acts of religious discrimination in the world.⁵ The Pew Research Center reports that Christians were the most persecuted religious group in the world every year from 2007 to 2016.⁶ Open Doors USA, a ministry that supports persecuted Christians around the world, reports that the number of Christians persecuted by the top 50 countries on its World Watch List increased 14% from 2018 to 2019, from 215 million to 245 million.⁷

Open Doors reports that 1 in 9 Christians experiences high levels of persecution worldwide.⁸ Christians around the world are brutally persecuted, facing imprisonment, torture, and even death. Eleven Christians are killed each day in the top 50 countries on Open Doors' World Watch List.⁹ Nevertheless, the persecution of Christians around the world is almost completely ignored by the media and human rights organizations.¹⁰

In the United States, three provisions in the U.S. Constitution and Bill of Rights protect religious liberty. The First Amendment's Free Exercise Clause forbids Congress from making any law prohibiting the free exercise of religion.¹¹ **The First Amendment's Establishment Clause forbids Congress from establishing an official religion in the United States, or favoring one religion over another.**¹² The No Religious Test Clause of Article VI, Clause 3 forbids the use of religious tests as a qualification for public office.¹³ These provisions reflect the high value the Founders placed on religious liberty. As James Madison wrote, "The Religion then of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate. This right is in its nature an unalienable right."¹⁴

Freedom of religious belief is absolute under the First Amendment.¹⁵ As the U.S. Supreme Court wrote in *Sherbert v. Verner* (1963), "the door of the free exercise clause stands tightly closed against any governmental regulation of religious beliefs."¹⁶ "Government may neither compel affirmation of a repugnant belief,¹⁷ nor penalize or discriminate against



individuals or groups because they hold religious views abhorrent to the authorities.”¹⁸ Furthermore, “government may not employ the taxing power to inhibit the dissemination of particular religious views.”¹⁹

Although freedom of religious belief is absolute, the free exercise of religion is subject to regulation for the protection of society.²⁰ The Free Exercise Clause does not protect terrorism, for example, even if the terrorism is founded on religious belief. Nevertheless, government regulation of free exercise may not *unduly* infringe the protected freedom.²¹

Before 1990, the U.S. Supreme Court held that the free exercise of religion was a “fundamental right”²² and granted it the highest level of constitutional protection, known as “strict scrutiny” protection.²³ **Under strict scrutiny, the government may not hinder or burden the exercise of a fundamental right unless the government action is necessary and narrowly tailored to accomplish a compelling governmental purpose.**²⁴ Therefore, although the free exercise of religion is not absolute, it received formidable protection under strict scrutiny.

Three religious liberty cases illustrate strict scrutiny protection. In *Cantwell v. Connecticut* (1940),²⁵ the state of Connecticut could not require Jehovah’s Witnesses to obtain a government certificate in order to distribute literature and solicit contributions. In *Wisconsin v. Yoder* (1972),²⁶ the state of Wisconsin could not compel Amish children to attend high school in violation of Amish religious beliefs. In *Sherbert v. Verner* (1963),²⁷ the state of South Carolina could not deny unemployment benefits to a Seventh Day Adventist because she refused to work on Saturday, the Sabbath in her religion.

In 1990, however, the U.S. Supreme Court reversed direction and removed strict scrutiny protection from religious liberty

in *Employment Division v. Smith* (1990).²⁸ Like *Sherbert v. Verner* (1963), *Smith* involved the denial of unemployment benefits. Alfred Smith and Galen Black were members of the Native American Church. They ingested peyote, a hallucinogenic drug, for sacramental purposes at a church ceremony. Their employer, a private drug rehabilitation organization, fired them for ingesting the peyote.

Oregon law denied unemployment benefits to employees discharged for work-related misconduct. When Oregon denied unemployment benefits to Smith and Black, the two men argued that Oregon’s denial of benefits violated their free exercise rights under the First Amendment. They argued that the Oregon statute was unconstitutional under the Supreme Court’s opinion in *Sherbert v. Verner* (1963), which applied strict scrutiny protection to the free exercise of religion and reversed South Carolina’s denial of unemployment benefits to a Seventh Day Adventist.

Justice Antonin Scalia, writing for the majority in *Employment Division v. Smith* (1990), abandoned the rule established in *Cantwell v. Connecticut* (1940),²⁹ *Wisconsin v. Yoder* (1972),³⁰ and *Sherbert v. Verner* (1963)³¹ and removed constitutional strict scrutiny protection from religious liberty.³² Scalia ruled that states enforcing laws that substantially burden the free exercise of religion no longer need to meet the strict scrutiny test and prove that the state laws are *necessary* and *narrowly tailored* to achieve a *compelling governmental interest*. States only need to show that the law is *not specifically directed to the religious practice*. The Free Exercise Clause does not protect religious freedom from laws that *incidentally* forbid an act the religious belief requires.

Why did Scalia remove strict scrutiny protection from the free

exercise of religion? Scalia wrote that applying strict scrutiny to religious liberty would "court anarchy:"

Moreover, if "compelling interest" really means what it says (and watering it down here would subvert its rigor in the other fields where it is applied), many laws will not meet the test. *Any society adopting such a system would be courting anarchy*, but that danger increases in direct proportion to the society's diversity of religious beliefs, and its determination to coerce or suppress none of them."³³

Congress overwhelmingly disagreed with Scalia's assessment that strict scrutiny protection for religious liberty "courts anarchy." Congress established a *statutory* strict scrutiny protection to religious liberty in the Religious Freedom Restoration Act of 1993 (RFRA).³⁴ RFRA passed by a unanimous vote in the House of Representatives and a vote of 97-3 in the Senate.³⁵ The Religious Freedom Restoration Act provides that "Government shall not substantially burden a person's free exercise of religion," unless it "is in furtherance of a compelling governmental interest" and is the "least restrictive means of furthering that compelling governmental interest."³⁶

Unfortunately, RFRA only provides *statutory* protection to religious liberty, not *constitutional* protection. **Progressives in Congress are currently attempting to remove RFRA's statutory strict scrutiny protection of religious liberty with the so-called "Equality Act."**³⁷ This bill, which passed the House of Representatives on May 17, 2019, prohibits discrimination based on sex, sexual orientation, and gender identity. The bill prohibits an individual from being denied access to a shared facility, including a restroom, a locker room, and a dressing room, that is in accordance with the individual's "gender identity." This bill is designed to deny the religious liberty of those who would deny such access on religious grounds. Section 1107 of the proposed "Equality Act" specifically prohibits religious liberty defenses under RFRA.

Although *Employment Division v. Smith* (1990) removed constitutional strict scrutiny protection from religious liberty, a liberty expressly guaranteed in the First Amendment, the U.S. Supreme Court has extended constitutional strict scrutiny protection to rights not included in the Bill of Rights, including a fundamental right to abortion³⁸ and gay marriage.³⁹ The Progressive movement, encouraged by the decision in *Employment Division v. Smith*, 494 U.S. 872 (1990), has intensified its attacks on religious liberty. The motives and methods employed in these attacks are described below.

III. Why are Progressives attacking religious liberty?

The United States has enjoyed religious liberty for so long that many take religious tolerance for granted and expect it from

others. **Religious tolerance is embedded in the U.S. Constitution and Bill of Rights** in the Free Exercise Clause, the Establishment Clause, and the No Test Act Clause. It is also embedded in federal law in the Religious Freedom Restoration Act of 1993. Nevertheless, the "Progressive" movement⁴⁰ that dominates our universities, our media, and many in the Democratic Party⁴¹ rejects religious tolerance. As explained below, religious liberty cases are now the front line in a conflict between incompatible conceptions of God, man, and government.

Progressives have enjoyed significant success in eroding the U.S. Constitution and Bill of Rights to establish the modern administrative state. Religious liberty, however, exempts individuals from the laws that Progressives pass in order to transform American government and culture. Religious liberty therefore presents the most tenacious obstacle to the Progressive agenda, and Progressives are waging a war to remove it.

Progressives reject America's founding principles. The Founders and Progressives are irreconcilably opposed on seven views regarding God, man, and government.⁴² Understanding these differences is essential to understanding the war on religious liberty.

First, regarding natural rights and freedom, the Founders believed that all men are created equal and possess inalienable rights. Freedom is a gift of God. Progressives reject these claims. Human beings are not born free, and freedom is the gift of the state.

Second, regarding the formation of society, the Founders held that men form society by consensual social contract. The only legitimate source of political power is the consent of the governed. Progressives, however, reject consent and the social contract as the basis of society. The origin of society is not important, so long as government has all the power needed to remake man in a way that fulfills human potential.

Third, regarding the purpose of government, the Founders believed the purpose of government was to protect God's gift of freedom. Progressives, however, redefine freedom as the fulfillment of human capacities. The purpose of government is to fulfill human capacities by solving every economic, social, and political problem.

Fourth, regarding who should rule, the Founders thought that the laws should be made by a body of elected officials with roots in local communities. Progressives, however, want power placed in the hands of a strong central government, operating through administrative agencies, and run by trained experts.

Fifth, regarding limits on government, the Founders saw government as bound up with all the strengths and weaknesses of human nature. Men are not angels, and men are not governed by angels. Government power must therefore be restricted to prevent tyranny.⁴³ Government should focus on securing the persons and properties of its people.

Progressives, however, view the state as almost divine. Government must have the power to accomplish two tasks. First, government must protect the poor and other victims of capitalism through the redistribution of wealth, antitrust laws, and government control over the details of commerce and

Religious liberty therefore presents the most tenacious obstacle to the Progressive agenda, and Progressives are waging a war to remove it.



production. Second, government must become involved in the "spiritual" development of its citizens. This is not done through promotion of religion, but rather by protecting the environment, by promoting personal creativity through education, and by providing spiritual uplift through subsidy and promotion of the arts and culture.

Sixth, regarding God and religion, the Founders saw religious liberty as an inalienable right. Every man is free to follow the dictates of his own conscience. Progressives, however, redefine God as human freedom achieved through the right political organization, or else they simply reject God as a myth.

Seventh, regarding religious tolerance, the Founders considered religious liberty to be an inalienable right. Every man should be free to follow the religious dictates of his own conscience. The Founders therefore ensured religious tolerance through the Free Exercise Clause, the Establishment Clause of the First Amendment, and the No Religious Test Clause.

Progressives, however, hold that neither religious belief nor the free exercise of religion deserve tolerance. Progressives find their philosophical justification for religious intolerance in "naturalism," a philosophy that claims that there is no reality beyond the physical world. Naturalism developed in the first half of the twentieth century with American philosophers such as John Dewey (1859-1952), Roy Wood Sellers (1880-1973), Ernest Nagel (1901-1985), and Sidney Hook (1902-1989). These philosophers sought to ally philosophy more closely with the natural sciences.⁴⁴

Naturalism equates reality with the natural order. Nothing exists except those things that are accessible through our five senses, and nothing is knowable except through the methodology of the natural sciences. Naturalism justifies these claims by the success of science in explaining the world. For naturalists, the self-evident

superiority of science makes religious belief unnecessary, undesirable, and unworthy of constitutional protection.

Naturalism applies the methodology of the natural sciences to *all* types of human knowledge and belief, including *religious belief*. In the words of philosopher Sidney Hook, the scientific method "is the only reliable way of reaching truths about the world of nature, society, and man." Naturalism tests the truth of religious beliefs by examining and evaluating the evidence for religious belief "by the same general canons which have led to the great triumphs of knowledge in the past." The naturalist "must follow the preponderance of scientific evidence," and can accept no other evidence for religious belief.⁴⁵

Naturalism claims that if God and moral values exist at all, they must exist solely within the natural world. Science alone is competent to analyze and describe religious beliefs.⁴⁶ Since the methodology of the natural sciences cannot prove that God exists, naturalists claim they have disproved God's existence. According to Sidney Hook, naturalists must deny the existence of God "for the same generic reasons that they deny the existence of fairies, elves, and leprechauns."⁴⁷

Naturalism motivates many philosophical projects, and "naturalization" programs abound in the theory of knowledge, in ethics, and most importantly, in the philosophy of law. One leading legal naturalist is Brian Leiter, a philosopher and law professor at the University of Chicago. Leiter's goal in his book *Naturalizing Jurisprudence* (2007) is to explain "where we can locate law and morality within a naturalistic picture of the world."⁴⁸

Leiter turned his attention to religious belief in a book entitled *Why Tolerate Religion?* (2013).⁴⁹ Leiter's views on religion illustrate the views of many in the Progressive movement. Leiter states in the preface that he was motivated to write the book after



teaching at the University of Texas from 2001 to 2008, where he witnessed "the pernicious influence of reactionary Christians on both politics and education in the state."⁵⁰

Leiter argues that there is no moral justification for giving constitutional protection to religious liberty. Leiter makes his argument in two steps. First, Leiter defines religion as "beliefs unhinged from reasons and evidence,"⁵¹ and "categorical demands that are insulated from evidence."⁵² Religion is characterized by insulation "from ordinary standards of reasons and evidence in common sense and the sciences." Religion, therefore, is a "*culpable* form of unwarranted belief" unworthy of toleration or special protection.⁵³

Second, Leiter examines well-known justifications for toleration provided by the philosophers John Rawls (1921-2002), John Stuart Mill (1806-1873), and Frederick Schauer (born 1946). Leiter concludes that nothing in their justifications warrants tolerating religion. "There is no apparent moral reason why states should carve out special protections that encourage individuals to structure their lives around categorical demands that are insulated from the standards of evidence and reasoning we everywhere else expect to constitute constraints on judgment and action."⁵⁴

Leiter thus states three reasons for denying constitutional protection to religious liberty. First, religion consists of "beliefs unhinged from reasons and evidence."⁵⁵ Religion is a "*culpable* form of unwarranted belief" characterized by insulation "from ordinary standards of reasons and evidence in common sense and the sciences."⁵⁶ Second, moral beliefs based in religion make "categorical [mandatory] demands that are insulated from evidence."⁵⁷ Third, religious people, particularly "reactionary Christians," exert a "pernicious influence on both politics and education."⁵⁸

IV. How are Progressives attacking religious liberty?

Leiter's views justify the war on religious liberty for Progressives. **Progressives have adopted a variety of strategies to destroy religious liberty**, particularly the religious liberty of Christians. Seven of these strategies have been reviewed by the U.S. Supreme Court, and each is explained below. **These strategies include: (1) driving Christian influences out of education, (2) driving Christian influences out of the public square, (3) government discrimination against religious speech and activities, (4) destroying Christian businesses, religious institutions, and educational institutions through arbitrary regulations and excessive fines, (5) destroying freedom of speech for Christians, (6) using federal discrimination laws to usurp the authority of Christian churches and schools to select their own leaders, and (7) destroying the livelihoods of Christians who refuse to abandon their faith.**

The first Progressive strategy for attacking religious liberty focused on driving Christian influences out of education. Schools and universities are particularly influential in our culture because they provide access to the greatest number of impressionable minds. William F. Buckley, Jr.'s first book, *God and Man at Yale* (1951), described the hostility of Yale University professors to religious faith. Buckley criticized his Yale professors for their efforts to destroy their students' religious beliefs.⁵⁹

Early attacks on religious liberty in public schools enjoyed significant success. School prayer was attacked in *Engel v. Vitale* (1962).⁶⁰ *Engel* outlawed compulsory school prayer in public schools. *Engel* involved compulsory recitation of the following prayer: "Almighty God, we acknowledge our

dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers, and our country." ⁶¹ Justice Hugo Black, in a 6-1 decision, held that the compulsory prayer violated the Establishment Clause of the First Amendment, made applicable to the states through the Fourteenth Amendment. The prayer was a religious activity composed by government officials as part of a governmental program to further religious beliefs.

The *Engel* opinion did not turn on the compulsory nature of the prayer. Justice Black wrote that school prayer violated the Establishment Clause, *even if student observance was voluntary*. Black justified his holding by observing that governmentally established religion is historically associated with religious persecution.⁶²

School District of Abington Township v. Schempp (1963) and its consolidated case, *Murray v. Curlett* (1963),⁶³ outlawed recitation of the Lord's Prayer in Pennsylvania and Baltimore public schools. Bible verses were read, without comment, followed by recitation of the Lord's Prayer. Students were excused upon parental request. Justice Thomas C. Clark, in an 8-1 decision, held this practice violated the Establishment Clause. Justice Clark's opinion cited expert testimony that New Testament verses were "psychologically harmful" to Jewish children and "caused a divisive force within the social media of the school."

Schempp established the following test. If either the *purpose* or the *primary effect* of the government action advances religion, then the action is unconstitutional. The *purpose* of any government action must be secular. The *primary effect* of any government action must neither advance nor inhibit religion.

Wallace v. Jaffree (1985)⁶⁴ outlawed moments of silence in public schools. *Wallace* involved an Alabama law authorizing one minute of silence "for meditation or voluntary prayer." Justice John Paul Stevens, in a 6-3 decision, found the statute violative of the Establishment Clause. The purpose of the statute was to endorse religion. The statute was not motivated by any clearly secular purpose.

Notwithstanding these school prayer cases, however, the U.S. Supreme Court made it clear in *Tinker v. Des Moines Independent Community School District* (1969)⁶⁵ that students and teachers do not "shed their constitutional rights at the schoolhouse gate." A student's free speech rights apply "when in the cafeteria, or on the playing field, or on the campus during authorized hours..."⁶⁶ The student's right to free speech includes the student's right to engage in voluntary prayer. As the U.S. Supreme Court stated in *Santa Fe Independent School District v. Doe* (2000),⁶⁷ "Nothing in the Constitution as interpreted by this Court prohibits any public school student from voluntarily praying at any time before, during, or after the schoolday." School officials have no authority to approve, edit, or censor student speech because it contains a religious component.⁶⁸

Stone v. Graham (1980)⁶⁹ outlawed posting the Ten Commandments in public schools. *Stone* involved a Kentucky law requiring the posting of the Ten Commandments in classrooms. The posted copies were purchased with private contributions, and the Kentucky statute recited a secular purpose: "The secular

application of the Ten Commandments is clearly seen in its adoption as the fundamental legal code of Western Civilization and the Common Law of the United States."

The Supreme Court, in a *per curiam* opinion with three dissents, held the statute violated the Establishment Clause. Since the Ten Commandments did not confine themselves to secular matters, the law had no secular legislative purpose. Posting the Ten Commandments served no constitutional educational function. "If the posted copies of the Ten Commandments are to have any effect at all, it will be to induce the schoolchildren to read, meditate upon, perhaps to venerate and obey, the Commandments."⁷⁰

Lemon v. Kurtzman (1971)⁷¹ outlawed state aid to parochial schools. Pennsylvania reimbursed parochial schools for teacher salaries and materials incurred in teaching secular subjects. Rhode Island supplemented the salaries of such teachers. The Pennsylvania statute prohibited payment for any course containing "any subject matter expressing religious teaching, or the morals or forms of worship of any sect." Nevertheless, Chief Justice Warren Burger, in a 7-1 decision, held that such aid violated the Establishment Clause.

Justice Burger wrote that the Establishment Clause was designed to avoid the "three evils" of "sponsorship, financial support, and active involvement of the sovereign in religious activity." **These goals required three tests. First, the statute must have a secular legislative purpose. Second, its principal or primary effect must be one that neither advances nor inhibits religion. Third, the statute must not foster "an excessive government entanglement with religion."**

Lemon held that the Rhode Island and Pennsylvania statutes failed the third prong of fostering "an excessive government entanglement with religion." Although the state could easily ascertain the content of secular textbooks, teachers could easily and impermissibly foster religion. Furthermore, state aid to parochial schools could lead such political divisiveness as would "pose a threat to the normal political process."

A second Progressive strategy for attacking religious liberty is driving Christian influences out of the public square. This strategy, described in Richard John Neuhaus' *The Naked Public Square*,⁷² seeks to exclude all religious speech from the public arena and foster public hostility to religious belief. This strategy includes prohibiting public prayer and forcibly removing religious symbols on public property.

Town of Greece, New York v. Galloway (2014)⁷³ involved public prayer. The town of Greece opened its monthly board meetings with a prayer by local clergy selected from congregations listed in the local directory. The prayer program was open to all creeds, but since the majority of local congregations were Christian, a majority of the prayer givers was Christian. Plaintiffs claimed the prayer program violated the Establishment Clause by preferring Christians to other prayer givers. Plaintiffs sought an order limiting the town to "inclusive and ecumenical" prayers referring only to a "generic God."

Justice Anthony Kennedy upheld the town's prayers in a 5-4

*Almighty God, we
acknowledge our dependence
upon Thee, and we beg Thy
blessings upon us, our parents,
our teachers, and our country.*

School prayer involved in *Engel v. Vitale* (1962)



decision, writing that the Establishment Clause must be interpreted "by reference to historical practices and understandings." The governing issue is whether the prayers fit within the tradition followed by Congress and state legislatures. This tradition was approved in *Marsh v. Chambers* (1983),⁷⁴ which upheld Nebraska's employment of a legislative chaplain. The Court found that the Town of Greece's prayers fit within this tradition. The prayers to a "generic God" demanded by the plaintiffs, however, did not.

Van Orden v. Perry (2005)⁷⁵ involved a suit to remove a monument containing the Ten Commandments from the Texas capitol grounds. Van Orden, a suspended attorney, sued to force the monument's removal under the Establishment Clause. Chief Justice William Rehnquist, in a 5-4 decision, ruled the monument did not violate the Establishment Clause.

Rehnquist began by holding that *Lemon v. Kurtzman* (1971),⁷⁶ which prohibits "excessive government entanglement with religion," is inapplicable to a passive monument. Instead, the analysis should be driven by the monument's nature and the nation's history. The Ten Commandments are clearly religious, but they also have an undeniable historical meaning. Rehnquist noted numerous depictions of Moses and the Ten Commandments on federal buildings and monuments in Washington, D.C. The Texas monument did not violate the Establishment Clause simply because it contained religious content or promoted a message consistent with religious doctrine.

On the other hand, the U.S. Supreme Court ordered two counties in Kentucky to remove copies of the Ten Commandments from their courthouses in *McCreary County v. American Civil Liberties Union of Kentucky* (2005).⁷⁷ *McCreary County* reached the opposite result from *Van Orden v. Perry* (2005), even though the U.S. Supreme Court issued both decisions on the same day.

McCreary County involved a display of the Ten Commandments

surrounded by eight equally sized items, including the Bill of Rights and a picture of Lady Justice. The eight items were displayed under the heading, "Foundations of American Law and Government." Contrary to its holding in *Van Orden v. Perry* (2005), the U.S. Supreme Court found that displaying the Ten Commandments violated the Establishment Clause. The Court reasoned that earlier displays of the Ten Commandments in the courthouses had a religious purpose, even though the current display, on its face, appeared not to have a religious purpose.⁷⁸

Another Progressive attack on religious symbols was litigated in *American Legion v. American Humanist Association* (2019).⁷⁹ *American Legion* involved the Bladensburg Cross, a 32 foot high cross erected by the residents of Prince George's County, Maryland, in 1918. The cross bears a plaque naming 49 soldiers from Prince George's County who died during World War I. The Bladensburg Cross has served as a site for numerous patriotic events honoring veterans, and monuments honoring the veterans of other conflicts have been added to a nearby park. The Maryland-National Capital Park and Planning Commission acquired the Bladensburg Cross and land in 1961 and uses public funds for its maintenance.

In 2014, the American Humanist Association filed suit alleging that the presence of the Bladensburg Cross on public land, and the Commission's maintenance of the memorial with public funds, violated the Establishment Clause. The American Legion intervened to defend the Cross. The Supreme Court held that the Bladensburg Cross did *not* violate the Establishment Clause. "Even if the monument's original purpose was infused with religion, the passage of time may obscure that sentiment." The monument may be retained for the sake of its historical significance or its place in a common cultural heritage. "The passage of time gives rise to a strong presumption of constitutionality."

Furthermore, "as World War I monuments endured through years and became a familiar part of the physical and cultural landscape, requiring their removal or alteration at this date would be seen by many not as a neutral act." Instead, it would be seen as the manifestation of "a hostility toward religion that has no place in our Establishment Clause traditions."⁸⁰

A third Progressive strategy for attacking religious liberty is government discrimination against religious speech and activities. The Freedom of Speech Clause of the First Amendment⁸¹ prohibits government from engaging in "viewpoint discrimination" against religious activities. Government must afford religious activities the same opportunities it affords secular activities. Two cases establish this principle.

The first case, *Lamb's Chapel v. Center Moriches Union Free School District* (1993),⁸² involved a New York school board. State law permitted after-hours use of school property. The board permitted use of school property for social, civic, and recreational purposes, but prohibited its use for religious purposes. A Christian church made two requests to use school facilities for a film series by Dr. James Dobson on child rearing. The board denied both requests as "church-related." *Lamb's Chapel* considered whether the school board could discriminate against religious speech.

Justice Byron White, in a 9-0 decision, answered that government could *not* discriminate against religious speech. The facilities were not denied because of the subject, child rearing, but because of the religious viewpoint. Such "viewpoint discrimination" cannot withstand strict scrutiny under the First Amendment.

The second case, *Good News Club v. Milford Central School* (2001),⁸³ involved the same New York law. Milford Central School enacted a policy permitting the use of its building by district residents for instruction in education, learning, and the arts. It also permitted use for social, civic, recreational, and entertainment purposes.

The Good News Club, a Christian children's club, was denied use of the building because school policy prohibited religious worship. Club activities included songs, Bible lessons, scripture memorization, and prayer. Justice Clarence Thomas, in a 6-3 decision, found the school's denial violated the First Amendment's Freedom of Speech Clause. Furthermore, the Establishment Clause did not require the school to exclude the club.

Justice Thomas wrote that Milford Central School operated a limited public forum. The state may restrict speech in such a forum, but its power to restrict speech is subject to two limits. First, the restriction must be reasonable in light of the forum's purpose. Second, under *Lamb's Chapel*, the restriction must not involve "viewpoint discrimination." Speech cannot be excluded because of its religious nature.

The school's act demonstrated an impermissible state "hostility" to religion. This case was not akin to cases where students felt compelled to act within the classroom setting, such as *Engel v. Vitale* (1962).⁸⁴ The club's instructors were not teachers, the meetings were after-hours, and parental permission was required for attendance. Justice Thomas lastly condemned "heckler's veto" jurisprudence in religious expression cases. "We decline to employ Establishment Clause jurisprudence using a

modified heckler's veto, in which a group's religious activity can be proscribed on the basis of what the youngest members of the audience might misperceive."

A fourth Progressive strategy for attacking religious liberty is forcing Christian businesses, religious institutions, and educational institutions to abandon their faith-based practices through arbitrary government regulations and excessive fines. The Obama administration targeted opponents

of abortion using regulations issued under Obamacare. These regulations required Christian businesses, religious institutions, and educational institutions to provide life-terminating abortifacient drugs and abortion-causing IUDs to their employees.

The "Affordable Care Act," popularly known as Obamacare, became law in March, 2010.⁸⁵ On June 28, 2013,

the Department of Health and Human Services ("HHS") issued an Obamacare mandate that required employers actively to participate in the government's scheme to distribute abortion-causing drugs and abortion-causing IUDs.⁸⁶ This HHS mandate was a bureaucratic regulation, issued by the Administrator of the HHS, without any review by Congress or any other elected official. The HHS issued this mandate despite repeated objections by religious organizations.

Hobby Lobby, the Little Sisters of the Poor, and Houston Baptist University refused, on religious grounds, to comply with the HHS mandate. Life-terminating abortifacient drugs and abortion-causing IUDs violated their religious beliefs. Hobby Lobby, a Christian business, faced ruinous fines of *\$475 million per year* for refusing to comply with the HHS mandate on religious grounds.⁸⁷ The Little Sisters of the Poor, a Catholic order of nuns that runs homes for the elderly poor across the country, faced ruinous fines of *\$70 million per year* for refusing to comply with the HHS mandate. Houston Baptist University, a Christian educational institution, faced ruinous fines of *\$13 million per year* for refusing to comply with the HHS mandate. Hobby Lobby, the Little Sisters of the Poor, and Houston Baptist University were forced to litigate all the way to the U.S. Supreme Court to protect their religious liberty. Hobby Lobby prevailed in *Burwell v. Hobby Lobby Stores, Inc.* (2014).⁸⁸ Little Sisters of the Poor and Houston Baptist University prevailed in *Zubik v. Burwell* (2016).⁸⁹ All three defendants relied on the Religious Freedom Restoration Act of 1993 (RFRA).⁹⁰ To destroy RFRA's protection of religious liberty, Progressives in Congress are now seeking passage of the so-called "Equality Act."⁹¹

On October 6, 2017, Health & Human Services issued a new rule⁹² with an exemption that protects religious ministries, in compliance with the Supreme Court's ruling in *Zubik v. Burwell* (2016)⁹³ and a Presidential Executive Order.⁹⁴ In its new rule, the federal government admits that it broke the law by trying to force the Little Sisters of the Poor and others to provide services in their health plans that violated their religious beliefs. On November 7, 2018, the government finalized that rule,⁹⁵ continuing to protect the Little Sisters of the Poor and other religious ministries.

Shortly after the new rule was issued, however, several states sued the federal government to take away the religious exemption. These states admit they have many programs to provide contraceptives to women who want them. Nevertheless,

*Houston Baptist University
refused, on religious
grounds, to comply with
the HHS mandate.*

they are arguing that non-profits, including the Little Sisters of the Poor, must still be forced to comply with the original HHS mandate or pay tens of millions of dollars in government fines. Seventeen states are now bringing lawsuits against the Little Sisters.⁹⁶

A fifth Progressive strategy for attacking religious liberty is denying freedom of speech to Christians.

In *McCullen v. Coakley* (2014),⁹⁷ Massachusetts made it a *crime* to knowingly stand on a "public way or sidewalk" within 35 feet of an entrance or driveway to an abortion clinic.⁹⁸ Abortion opponents who engage in "sidewalk counseling" sought an injunction, claiming that the Massachusetts law displaced them from their previous positions and hampered their counseling experts. The opponents sued Massachusetts officials, claiming the law violated their right to free speech under the First Amendment.

The U.S. Supreme Court agreed with the sidewalk abortion counselors. The Massachusetts statute restricted access to public ways and sidewalks that are traditionally public forums.

The government's ability to regulate speech in such locations is very limited. The government may impose reasonable restrictions on the time, place, or manner of protected speech, but only if the government meets three requirements. First, the restrictions must be justified without reference to the content of the regulated speech. Second, the restrictions must be narrowly tailored to serve a significant governmental interest. Third, the government regulations must leave open alternative channels for communication of the information.

The U.S. Supreme Court held that the Massachusetts statute was not sufficiently narrowly tailored. The statute deprived the sidewalk counselors of their two primary methods of communicating with patients, close personal conversations and distribution of literature. Although Massachusetts has a legitimate interest in maintaining public safety and preserving access to abortion clinics, the Massachusetts statute imposed a substantially greater burden on free speech than was necessary to further these legitimate government interests. Since Massachusetts failed to show that it seriously undertook to use less burdensome means, the Massachusetts statute violated the abortion counselors' First Amendment freedom of speech.

A sixth Progressive strategy for attacking religious liberty is using federal discrimination laws to usurp the authority of Christian churches and religious schools to select their own leaders. *Hosanna-Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission* (2012)⁹⁹ holds that Americans are free to choose their ministers and religious teachers without regard to federal discrimination laws.

Hosanna-Tabor Evangelical Lutheran Church and School classified its teachers into two categories, "lay" teachers and "called" teachers. "Called" teachers are called to their vocation by God, commissioned as ministers, and performed duties combining teaching and ministering. "Lay" teachers, on the other hand, are not even required to be Lutheran.

Hosanna-Tabor involved a "called" teacher who took a leave of absence for narcolepsy. She requested reinstatement before the

school considered her ready. The teacher threatened to sue when her request for reinstatement was denied. This threat violated the religious beliefs taught by the church and school, which prohibit Christians from taking other Christians to court to resolve their disputes.¹⁰⁰ The church congregation voted to rescind her call and Hosanna-Tabor terminated her employment.

The teacher sued for reinstatement under the Americans with Disabilities Act (ADA).¹⁰¹ The ADA prohibits discrimination by employers based on disability. It also prohibits retaliation against individuals for opposing acts prohibited by the ADA. Hosanna-Tabor claimed a First Amendment "ministerial exception" to government regulation of its ministers.

Hosanna-Tabor raised two issues. First, do federal discrimination laws govern the selection of leaders by religious organizations? Second, can the federal government compel the school to reinstate the teacher as a "called" teacher? Chief Justice Roberts, writing for a unanimous

court, answered "no" to both questions.

The U.S. Supreme Court explained that the First Amendment provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Familiar with life under the established Church of England, the founding generation sought to foreclose the possibility of a national church. By forbidding the "establishment of religion" and guaranteeing the "free exercise thereof," the Religion Clauses insured that the federal government, unlike the English crown, would have no role in filling ecclesiastical offices.

The U.S. Supreme Court concluded that the Free Exercise and Establishment Clauses bar employment discrimination suits by ministers and religious teachers against their churches. Churches are free to shape their faith and mission under the Free Exercise Clause by selecting their own ministers and religious teachers. The Establishment Clause prohibits *any* government involvement in their selection.

Progressives in Congress are now attempting to bolster their attacks on religious liberty through federal discrimination laws with the so-called "Equality Act."¹⁰² This bill, which passed the House of Representatives on May 17, 2019, prohibits discrimination based on sex, sexual orientation, and gender identity. The bill prohibits an individual from being denied access to a shared facility, including a restroom, a locker room, and a dressing room, that is in accordance with the individual's gender identity. This bill claims to promote equality but its true purpose is the denial of religious liberty. Section 1107 of the bill specifically prohibits the Religious Freedom Restoration Act of 1993 from providing a claim, defense, or basis for challenging any discrimination based on sex, sexual orientation, or gender identity.¹⁰³

A seventh Progressive strategy for attacking religious liberty is to force Christians to abandon their faith or lose their livelihood. Jack Phillips is the owner of Masterpiece Cakeshop in Lakewood, Colorado.¹⁰⁴ When two men walked into his cakeshop and requested a custom cake to celebrate their same-sex wedding, Phillips politely declined. Phillips told the

The federal government admits that it broke the law by trying to force the Little Sisters of the Poor and others to provide services in their health plans that violated their religious beliefs.



men he would be happy to sell them anything else in his shop. He could not, however, use his artistic talents to celebrate a message that was inconsistent with his Christian faith.

The couple filed a charge against Phillips under the Colorado Anti-Discrimination Act, which prohibits discrimination based on sexual orientation in a "place of business engaged in any sales to the public."¹⁰⁵ The Colorado Civil Rights Commission prosecuted Phillips even though the Commission allowed other Colorado cake artists to decline requests for custom cakes that expressed messages to which the artists objected. Members of the Commission made hostile statements against Phillips' religious beliefs. One member called Phillips' religious liberty defense "a despicable piece of rhetoric." He even compared Phillips to the Nazi perpetrators of the Holocaust.

An administrative law judge found for the same-sex couple. The Colorado Civil Rights Commission's hostility toward Phillips' religious faith was so extreme that the U.S. Supreme Court formally rebuked the Commission. In a 7-2 decision, the Supreme Court reversed the case in Phillips' favor and condemned Colorado's "clear and impermissible hostility toward [Phillips'] sincere religious beliefs." The Supreme Court wrote that "The Commission's treatment of Phillips' case violated the State's duty under the First Amendment not to base laws or regulations on hostility to a religion or religious viewpoint."¹⁰⁶

Private citizens have now joined the Colorado Civil Rights Commission's persecution of Phillips. In June 2017, on the very day that the Supreme Court announced its decision to hear Phillips' case, an attorney called Phillips' shop asking for a custom cake. The attorney wanted a cake that would be blue on the outside and pink on the inside to celebrate his transition from male to female. Phillips politely declined to create the cake because it expressed a message that conflicted with his faith.

Phillips believes that God creates us male and female. Gender is a biological reality determined by God, not something we choose or change. When Phillips declined this request, the attorney filed a new complaint with the Colorado Civil Rights Commission.

Less than one month after the U.S. Supreme Court condemned the state's anti-religious hostility toward Phillips in the first case, the state agency made its first finding against Phillips in this new case. Phillips then filed a lawsuit against the relevant state officials. In March 2019, Colorado dismissed its case against Phillips.

With the end of that lawsuit, Phillips thought he could finally go back to focusing on his work. Now, however, the same attorney who filed the second complaint has filed a *third* lawsuit against Phillips in state court. This latest lawsuit seeks monetary damages and attorney's fees from Phillips. If successful, it could bring financial ruin to Phillips and his family.

Another case illustrating the Progressive tactic of forcing Christians to abandon their faith or lose their livelihood is that of Barronelle Stutzman. Stutzman is a 74-year-old florist, grandmother, and the owner of Arlene's Flowers in Richland, Washington.¹⁰⁷ Stutzman has served and employed people who identify as LGBT for her entire career, including her longtime customer and friend Rob Ingersoll for almost 10 years. When Mr. Ingersoll asked her to design custom floral arrangements for his same-sex wedding, Stutzman politely explained that she could not participate in the same-sex wedding because of her faith. Stutzman gave Ingersoll the name of other florists who might be willing to serve him. Mr. Ingersoll said he understood, hugged Stutzman, and left the shop.

After hearing about Stutzman's decision in the news, the Washington State Attorney General decided to take matters into his own hands and sued her. The ACLU followed closely



The Free Exercise Clause of the First Amendment provides that Congress shall make no law prohibiting the free exercise of religion. Freedom of religious belief is absolute under the Free Exercise Clause.

behind. Both lawsuits attacked Stutzman personally as well as her business. The trial court ruled against Barronelle and ordered her to pay penalties and attorneys' fees. On appeal, the Washington Supreme Court concluded that the state government can force Stutzman and other creative professionals to create artistic expression and participate in events with which they disagree.

Stutzman petitioned the U.S. Supreme Court to hear her case. The U.S. Supreme Court vacated the Washington Supreme Court's decision and instructed the Washington Supreme Court to reconsider Stutzman's case in light of the U.S. Supreme Court's decision in *Masterpiece Cakeshop v. Colorado Civil Rights Commission* (2018).¹⁰⁸ The Washington Supreme Court ruled against Stutzman a second time in 2019, and Stutzman has again asked the U.S. Supreme Court to take her case.

Progressives in Congress are attempting to increase the persecution of Christians like Jack Phillips and Barronelle Stutzman with the so-called "Equality Act."¹⁰⁹ This bill, which passed the House of Representatives on May 17, 2019, prohibits discrimination based on sex, sexual orientation, and gender identity. This bill is designed to deny the religious liberty of Christians, like Jack Phillips and Barronelle Stutzman, who live out their faith. The Equality Act specifically prohibits the Religious Freedom Restoration Act of 1993 from providing a religious liberty defense to claims such as those made against Jack Phillips and Barronelle Stutzman.¹¹⁰

V. Why should we protect religious liberty?

In view of the Progressive movement's escalating attacks on religious liberty, it is time to refresh our understanding as to why religious liberty should be protected. I offer three reasons. **First, religious liberty is the cornerstone of our Constitution.** Our Constitution has enabled unprecedented progress and prosperity in the United States and around the world. **Second, religious liberty and political liberty are inseparable.** Political liberty and religious liberty developed together in the same struggle against tyranny, and neither can flourish in the other's absence. Men are not angels, and any government that denies religious liberty to its people will inevitably deny political liberty as well. **Third, religious liberty is necessary for maintaining a free republic.** Preserving our form of government requires a politically virtuous people, and political virtue requires religious liberty.

The first argument for protecting religious liberty recognizes that religious liberty is the cornerstone of the U.S. Constitution. Three provisions in the Constitution and Bill of Rights protect religious liberty. The First Amendment's Free Exercise Clause forbids Congress from making any law prohibiting the free exercise of religion.¹¹¹ The First Amendment's Establishment

Clause forbids Congress from establishing an official religion in the United States, or favoring one religion over another.¹¹² The No Religious Test Clause of Article VI, Clause 3 forbids the use of religious tests as a qualification for public office.¹¹³

Three landmark writings influenced the drafting of these clauses with eloquent justifications for religious liberty. John Locke published his *Letter concerning Toleration* (1689) immediately after England's Glorious Revolution. James Madison wrote his "Memorial and Remonstrance against Religious Assessments" (1785) in opposition to a proposed Virginia law providing state support to religious ministers. Thomas Jefferson's Virginia Statute for Religious Freedom (1786) disestablished the Church of England in Virginia and guaranteed freedom of religion to people of all faiths. The justifications for religious liberty advanced by Locke, Madison, and Jefferson are set out below.

The Free Exercise Clause of the First Amendment provides that Congress shall make no law prohibiting the free exercise of religion. Freedom of religious belief is absolute under the Free Exercise Clause,¹¹⁴ and the Free Exercise Clause protects religious action as well as religious belief.¹¹⁵ Locke, Madison, and Jefferson gave the following arguments for the free exercise of religion.

Locke argued that neither the New Testament nor Christ's example supports coercion as a means to salvation. Coercion, furthermore, is incapable of producing belief. It is not possible for an individual, by his will alone, to believe what the state tells him to believe. Our beliefs are a function of what we think is true, not what we are forced to do.

Madison argued that in religion, as in all other matters, the will of the majority must not trespass on the rights of the minority. The right to form one's own religious belief is an inalienable right. Religion must therefore be left to the conviction and conscience of each individual. Religious belief can only be directed by reason and conviction, not by force and violence. Men form their opinions on the evidence contemplated by their own minds, not on the dictates of other men's minds.

Jefferson argued that God creates our minds free. Any attempt to influence our minds by temporal punishments, burdens, or civil incapacities only produces hypocrisy and meanness. Coercion in religious matters also contradicts God's plan for religious faith. God has the power to use coercion to propagate his plan for religious faith, but chooses not to do so. Furthermore, all truth is great, and truth will prevail if left to herself. Truth is the proper and sufficient antagonist to error. Truth has nothing to fear from the contest of ideas so long as men are not deprived of their right to free argument and debate. Errors are not dangerous when men are free to contradict them.

The Establishment Clause of the First Amendment disestablishes religion by prohibiting Congress from making any law regarding the establishment of religion in the United States.

Bill of Rights

United States

Congress OF THE

FIRST AMENDMENT

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The Establishment Clause prohibits the federal government from establishing an official religion, and it also prevents the federal government from favoring one religion over another. Locke, Madison, and Jefferson gave the following arguments for disestablishing religion.

Locke argued that the state is not competent to discern religious truth. States support contradictory and false religions throughout history. Furthermore, neither God nor men have consented to the state's undertaking the care of men's souls.

Madison gave **four reasons** for disestablishing religion. **First**, Madison agreed with Locke that civil magistrates are not competent judges of religious truth, as proven by history. Consequently, freedom of religion must be given equally to all, and no single sect should be entrusted with the care of public worship.

Second, Madison argued that the establishment of religion is counter-productive. Establishing a state religion does not maintain the purity and efficacy of religion. Instead, the establishment of religion produces pride and indolence in the clergy; ignorance and servility in the laity; and superstition, bigotry, and persecution in both the clergy and the laity.

Third, establishing religion produces religious intolerance. Tolerance of religious differences produces social harmony every time it is tried. The establishment of religion, however, destroys the moderation and harmony that religious liberty produces between different beliefs. The Inquisition differs from the intolerance of established religion only in its degree, not in its kind.¹¹⁶

Fourth, Madison warned that giving government the power to establish a state religion empowers government to limit religious liberty. This, in turn, gives government the power to limit *all* political liberties and rights, including freedom of

the press, trial by jury, the right to vote, and even the right to legislate for ourselves.

Jefferson agreed with Locke and Madison that the state is not competent to discern religious truth. Magistrates are fallible and uninspired men, and magistrates have established false religions around the world and throughout history. Lastly, forcing men to finance the spreading of opinions with which they disagree is sinful and tyrannical.

The No Religious Test Clause of Article VI, Clause 3 prohibits the use of religious tests as a qualification for holding political office.¹¹⁷ Thomas Jefferson argued that requiring a religious test for holding public office unjustly deprives men of privileges and advantages to which all men are entitled by natural right. Every man should have an equal right to seek public office.

The greatest justification for the No Religious Test Clause, however, comes from the history of civil unrest and revolution caused by three English statutes that established religious tests for holding office.¹¹⁸ These statutes limited public office to those men whose religious beliefs conformed to the Church of England.

The Corporation Act of 1661 excluded all religious nonconformists from public office. All municipal officials had to take communion in the Church of England.¹¹⁹ The First Test Act of 1673 excluded Roman Catholics from any civil or military office. It required all civil and military officeholders to swear that they rejected the Roman Catholic doctrine of transubstantiation.¹²⁰ The Second Test Act of 1678 required all peers and members of the House of Commons to make a declaration against transubstantiation, invocation of saints, and the sacrament of the Mass.¹²¹ This act excluded all Roman Catholics from both houses of Parliament.

The future James II, then Duke of York, was a secret Roman



Catholic serving as Lord High Admiral when the First Test Act of 1673 was passed. James refused to comply with the act and resigned his position as Lord High Admiral. When he succeeded his brother Charles II in 1685, James II abused his powers as King in an abortive attempt to reimpose Roman Catholicism on England. His extreme abuses of power and illegal violations of English rights brought about the Glorious Revolution in 1688 and cost him the throne of England.

John Locke returned from exile in Holland and published *A Letter concerning Toleration* in 1689. Parliament accepted Locke's arguments for religious liberty and enacted the Toleration Act of 1689.¹²² The Toleration Act permitted Protestants who did not conform to the teachings of the Church of England, such as Baptists and Congregationalists, to maintain their own places of worship, their own teachers, and their own preachers. Social and political disabilities remained, however, for nonconformists. England still denied the right to hold public office to Roman Catholics and nonconforming Protestants. The ratification of the First Amendment in 1791 produced the first national guarantee of religious liberty in world history.

This second argument for protecting religious liberty recognizes that religious liberty and political liberty are inseparable. Political liberty and religious liberty developed together, and neither can flourish in the other's absence. The experience of our common history with England demonstrates that men are not angels, and any government that denies religious liberty to its people will inevitably deny political liberty as well.¹²³

Henry VIII took England out of the Catholic fold with the Act of Supremacy in 1534. English statutes established the Protestant religion in England, and banned Roman Catholics from teaching, serving in the military, or holding public office. When James II, a Roman Catholic, became king in 1685, he dedicated his reign

to establishing an absolute monarchy and forcibly returning England to the Catholic fold. James II openly abused his powers as king during this political and religious struggle. Ultimately, the English people rose up against his tyranny in the Glorious Revolution, ending his reign.

James II employed five illegal and unconstitutional strategies during his political and religious struggle. First, he corrupted the courts to establish a "dispensing" power, allowing him to ignore laws he disliked. James used this power to suspend England's religious laws and place Catholics in control of the army, the Privy Council, the courts, the universities, and the Church of England. Second, James usurped Parliament's power by rigging Parliamentary elections to "pack" Parliament, prosecuting opponents in Parliament, and finally dissolving Parliament altogether. Third, James used the threat of force to control his Protestant subjects by raising an illegal standing army, placing the army under Catholic command, and illegally disarming Protestants. Fourth, James weaponized the courts by illegally denying Protestants due process. Fifth, James established an illegal Ecclesiastical Commission to persecute ministers and university officials who resisted Catholicization.

James illegally suspended England's religious laws on April 4, 1688. Seven Anglican bishops presented a lawful petition to James claiming he had no authority to suspend the laws. James responded by prosecuting them for sedition and libel. A jury acquitted the seven bishops on June 30, 1688, and the Glorious Revolution followed soon after.

James II fled England for France on December 10, 1688. William and Mary consented to the English Bill of Rights on February 13, 1689,¹²⁴ prior to taking the throne. Forty-one provisions of the U.S. Constitution and Bill of Rights adopt principles from the English Bill of Rights.¹²⁵

John Locke had fled England in 1683 to avoid judicial murder by Charles II and his younger brother, the future James II.¹²⁶ Locke returned to London on February 22, 1689, nine days after the English Bill of Rights became law.¹²⁷ Locke quickly published his *First and Second Treatises on Government* (1689) and *A Letter concerning Toleration* (1689). Locke devotes his entire *First Treatise* to arguing against the divine right of kings. Locke's *Second Treatise* established five principles of government that defined the American founding a century later. John Locke's *A Letter concerning Toleration* (1689) argues for religious liberty free from government coercion. John Locke developed all these principles in response to the religious and political tyranny of Charles II (reigned 1680-1685) and his brother James II (reigned 1685-1688), described above. Religious liberty and political liberty thus developed during the same struggle against tyranny. They are inseparable, and neither can flourish in the other's absence.

Thomas Jefferson adopted Locke's five principles of government in the Declaration of Independence.¹²⁸ Together, these principles define the American founding. First, all men are created morally and legally equal.¹²⁹ Second, God endows men with inalienable rights.¹³⁰ Third, men establish civil governments through their own actions. God does not establish kings by divine right.¹³¹ Fourth, the powers of government depend on the consent of the governed.¹³² Fifth, men may alter or abolish the government if it becomes destructive.¹³³ Locke's views on religious toleration influenced the Free Exercise Clause and Establishment Clause of the First Amendment and the No Religious Test Clause of Article VI, Clause 3.

The third argument for protecting religious liberty is the necessity of religious liberty for maintaining a free republic. The Founders never expected the ruin of our republic to come from external enemies. If ruin came to the American republic, it would come from internal vices, just as internal vices caused the ruin of the Roman Republic.¹³⁴

The great challenge facing any free republic is whether its people can maintain the moral discipline and virtue necessary for the survival of free institutions. Men cannot collectively govern a nation if they cannot first govern themselves as individuals. As Edmund Burke wrote, men can only be free if they are able "to place moral chains upon their own appetites. Intemperate minds cannot be free. Their passions forge their own fetters."¹³⁵ Preserving our form of government requires a politically virtuous people, and political virtue requires religious liberty.

Charles de Montesquieu discussed the necessity of political virtue for representative republics in *The Spirit of the Laws* (1748), a work that profoundly influenced our Founders. Montesquieu observed that despotisms are common throughout history, but representative republics are rare. Despotisms thrive on fear and coercion. Representative republics, however, require political virtue in their citizens.¹³⁶ Political virtue is the spring that sets republican government in motion.¹³⁷

Montesquieu defined political virtue as the love of the laws

and country.¹³⁸ Political virtue limits political ambition to the sole desire to serve one's country and one's fellow citizens.¹³⁹ This requires a constant preference of public to private interest. Political virtue is "a self renunciation, which is ever arduous and painful."¹⁴⁰ Maintaining a republic requires the instilling of political virtue. Instilling political virtue in young people is extremely difficult, and it requires the full force of education.¹⁴¹

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First Amendment in
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national guarantee of religious
liberty in world history.*

Political virtue is lost when men are corrupted.¹⁴² When political virtue is lost, love of the laws is lost. The loss of sovereign laws and liberty soon follow. Love of country is lost to avarice and political ambition, and the public treasury becomes the patrimony of ruthless individuals.¹⁴³ As Patrick Henry explained, "Bad men cannot make good citizens. No free government, or the blessings of liberty, can be preserved to any people but by a firm adherence to

justice, moderation, temperance, frugality, and virtue."¹⁴⁴

Constitutions and laws cannot protect us from ourselves. No Constitution, no matter how great, can fill the void created by the loss of political virtue. As George Washington wrote, "No wall of words, no amount of parchment can be formed to stand against boundless ambition aided by corrupted morals."¹⁴⁵

No legal system, no matter how great, can fill the void created by the loss of political virtue. As the great French writer Alexis de Tocqueville observed, "The best laws cannot make a Constitution work in spite of morals; but morals can turn the worst laws to advantage. That is a commonplace truth, but one to which my studies are always bringing me back. It is the central point in my conception. I see it at the end of all my reflections."¹⁴⁶

Where should we turn for the moral principles required for self-government? How can we find freedom from the shackles of our passions and appetites? **Progressives rely on government. Naturalists rely on science. Philosophers rely on human reason.**

Experience shows that none of these can supply the moral principles required for political virtue. Government cannot supply the needed principles. Reliance on the coercive power of government inevitably leads to the destruction of liberty and the imposition of tyranny. Science, by definition, is incapable of providing the moral principles required for political virtue. As Albert Einstein observed, "Science can only ascertain *what is*, but not *what should be*, and outside of its domain value judgments of all kinds remain necessary."¹⁴⁷ Philosophers who rely on human reason alone have wholly failed to provide the required principles.¹⁴⁸

Throughout history, success in transcending human frailty has only been obtained by recognizing the existence of a transcendent moral order. This moral order supplies the necessary principles and motivations to overcome our self-interest, our willfulness, and our capacity for rationalization.¹⁴⁹ Plato argued in his theory of forms that this transcendent moral order exists outside the material world. The Stoics argued that this transcendent moral order exists in a rational and benevolent Nature. Christians believe that this transcendent moral order exists in the providence of an omnipotent, omniscient, and loving God.

Every man has the inalienable right to find his own path, to accept or reject religious beliefs for himself. **No politician, law professor, or Supreme Court justice has the right to tell any individual what he must or must not believe.** As the Establishment Clause provides, government has no right to establish a state religion or to favor any religion over another. As the Free Exercise Clause provides, government has no right to limit the free exercise of religion unless its actions are *narrowly tailored* and *necessary* to achieve a *compelling* governmental purpose. Lastly, as the No Test Act Clause provides, no religious test can be required as a condition of holding public office.

VI. How can we protect religious liberty?

Preservation of religious liberty is necessary to preserve our free republic. **We must recognize the current war on religious liberty and take action to preserve it. We must act in four spheres.**

First, in our personal lives, we must be committed to the Judeo-Christian values that made this country great. We must put these principles into practice in our own private lives so that our conduct can be a witness for these values. Only by transforming ourselves can we transform the world beyond ourselves.¹⁵⁰ We must remember the two greatest commandments. First, we must love God with all our hearts, all our souls, and all our minds. Second, we must love our neighbors as we love ourselves.¹⁵¹ We must also remember Christ's command to do unto others as we would have them do unto us.¹⁵² This requires that we extend to others the same liberties we claim for ourselves.

Second, we must place greater emphasis on the moral education and the development of political virtue in our young people. As Attorney General Barr recently observed, education is *not* vocational training. It is leading our children to the recognition that there is truth. It is guiding our children to develop the faculties to discern and love the truth. It is helping our children to develop the discipline to live by the truth.¹⁵³

Third, we must resist efforts by Progressives to drive religious viewpoints from the public square. As Thomas Jefferson said, all truth is great, and truth has nothing to fear from the contest of ideas. Errors are not dangerous when men are free to contradict them, and truth will prevail so long as it is publicly proclaimed. We must, however, be willing and able advocates of the truth in the public square.

Fourth, we must become courageous and able participants in the struggle being waged against religious liberty in the legal arena. The Becket Fund for Religious Liberty, the Alliance Defending Freedom, and the First Liberty Institute provide excellent legal representation, at no charge, to people of all faiths. We must also be mindful that when we find ourselves in the midst of wolves, we need to be as innocent as doves but as shrewd as serpents.¹⁵⁴

Six legal strategies have proven their ability to protect religious liberty. First, the First Amendment requires federal

and state governments to accommodate the religious practices of individuals. Governments must also recognize the right of individuals to avoid practices that they consider contrary to their faith.¹⁵⁵

Second, government may not unduly burden the free exercise of religion by individuals, businesses, or religious organizations, including educational institutions. As explained above, the U.S. Supreme Court removed *constitutional* strict scrutiny protection from religious liberty in *Employment Division v. Smith*, 494 U.S. 872 (1990). Congress, however, established a *statutory* strict scrutiny protection for religious liberty the following year by passing the Religious Freedom Restoration Act of 1993 (RFRA).¹⁵⁶ RFRA provides that "Government shall not substantially burden a person's free exercise of religion," unless it "is in furtherance of a compelling governmental interest" and is the "least restrictive means of furthering that compelling governmental interest."¹⁵⁷

Third, government cannot engage in "viewpoint discrimination" against Christian activities. The First Amendment requires that federal, state, and local governments must afford the same treatment to religious activities as they afford to secular activities.

If a school board permits social, civic, and recreational uses of its school facilities outside of school hours, it must also permit religious groups equal use of those facilities. Once a government establishes an open forum, it must make that forum available to all.¹⁵⁸

Fourth, government cannot limit the First Amendment free speech rights of Christians. Teachers and students do not shed their right to free speech at the schoolhouse gate.¹⁵⁹ This includes the right to voluntary prayer, "in the cafeteria, or on the playing field, or

on the campus." School officials have no authority to approve, edit or censor student speech because it contains a religious component.¹⁶⁰ Government cannot prohibit religious speech in public forums, including streets and sidewalks.¹⁶¹

Fifth, Americans are free to honor traditions which have both historical and religious value. Americans are free to engage in public prayer in public proceedings, including city councils¹⁶² and state legislatures.¹⁶³ Americans may display the Ten Commandments¹⁶⁴ and war memorials with religious symbols on public lands, and maintain them at public expense.¹⁶⁵

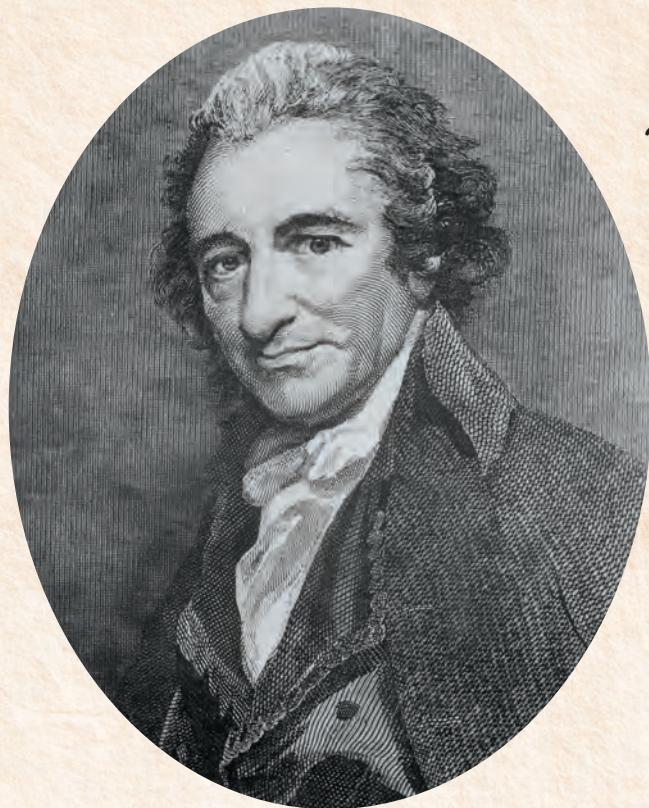
Sixth, the First Amendment guarantees the right of religious organizations and schools to choose their own ministers and teachers without government interference. Federal laws and regulations, such as the Americans with Disabilities Act, cannot govern the selection of religious leaders by religious organizations.¹⁶⁶

VII. Conclusion

The war on religious liberty is a contest between two incompatible views of God, man, and government. The Founders' view, established in the U.S. Constitution and Bill of Rights, holds that God created man, giving him freedom and inalienable rights. Government's role and powers are limited to protect man's freedom. Men are free to live according to the religious dictates of their conscience.

"No wall of words, no amount of parchment can be formed to stand against boundless ambition aided by corrupted morals."

-George Washington



"These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands by it now, deserves the love and thanks of man and woman."

-Thomas Paine

The Progressive view, on the other hand, replaces God with human government. Freedom is the realization of human potential, and freedom is the gift of the state. Government's role and powers are expanded as needed to remake man in a way that fulfills his human potential. Since God does not exist, however, no one is free to live according to religious dictates.

Why are Progressives waging a war on religious liberty? Progressives reject America's founding principles.¹⁶⁷ Although Progressives have enjoyed significant success in eroding the U.S. Constitution and Bill of Rights, religious liberty remains the primary obstacle to the Progressive transformation of our government and culture. Progressives are therefore waging a war on religious liberty, particularly the religious liberty of Christians. The Progressive philosophy of naturalism deifies scientific methodology and rejects the existence of God.¹⁶⁸ Progressive jurisprudence justifies religious intolerance and denies legal protection to religious liberty.¹⁶⁹

How are Progressives waging a war on religious liberty? The Progressive war on religious liberty employs the following strategies: (1) driving Christian influences out of education, (2) driving Christian influences out of the public square, (3) government discrimination against religious speech and activities, (4) destroying Christian businesses, religious institutions, and educational institutions through arbitrary regulations and excessive fines, (5) destroying freedom of speech for Christians, (6) using federal discrimination laws to usurp the authority of Christian churches and schools to select their own leaders, and (7) destroying the livelihoods of Christians who refuse to abandon their faith.¹⁷⁰

Why should we protect religious liberty? Religious liberty must be protected for three reasons. (1) Religious liberty is the cornerstone of our Constitution. Our Constitution has enabled unprecedented progress and prosperity in America and around the world.¹⁷¹ (2) Religious liberty and political liberty are

inseparable. Political liberty and religious liberty developed together in the same struggle against tyranny, and neither can flourish in the other's absence. Men are not angels, and any government that denies religious liberty to its people will inevitably deny political liberty as well.¹⁷² (3) Religious liberty is necessary for maintaining a free republic. Preserving our form of government requires a politically virtuous people, and political virtue requires religious liberty.¹⁷³

How can we protect religious liberty? Six legal strategies have proven their ability to protect religious liberty.¹⁷⁴ (1) The First Amendment requires federal and state governments to accommodate the religious practices of individuals. Government must recognize the right of individuals to avoid practices that they consider contrary to their faith. (2) Government may not unduly burden the free exercise of religion by individuals, businesses, or religious organizations, including educational institutions. (3) Government cannot engage in "viewpoint discrimination" against Christian activities. (4) Government cannot limit the First Amendment free speech rights of Christians, including the right to pray. (5) Americans are free to honor traditions which have both historical and religious value, including public prayer and memorials in public places. (6) The First Amendment guarantees the right of religious organizations and schools to choose their own ministers and teachers without government interference.

Thomas Paine wrote in 1776 that "these are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands by it now, deserves the love and thanks of man and woman."¹⁷⁵ The future of our republic depends on protecting religious liberty. Each of us must do our part, in our families, in our schools, in the public square, and, if necessary, in the legal arena as well. The Morris Family Center for Law and Liberty at Houston Baptist University is dedicated to preserving religious liberty, our Constitution, and our Bill of Rights. We hope you will join us.

While the Equality Act is one bill introduced at the national level, it is representative of other legislation like it that has been presented at the state and local levels. Understanding it and its ramifications is key.

Equality Act Ramifications

Courtesy of The Heritage Foundation



On March 13, 2019, Nancy Pelosi, speaker of the US House of Representatives, introduced the Equality Act, a bill that would add "sexual orientation" and "gender identity" as protected classes under federal civil rights law.

On May 17, 2019, the House passed the bill. (It would need to be passed by the Senate and the president in order to become law.)

Where the original Civil Rights Act of 1964 furthered equality by ensuring that African-Americans and other groups had equal access to public accommodations and material goods, the Equality Act would further inequality by penalizing everyday Americans for their beliefs about marriage and biological sex. Similar sexual orientation and gender identity laws at the state and local level have already been used in this way.

Here are five groups who would be harmed if the Equality Act becomes law:

EMPLOYERS AND WORKERS

The Equality Act would force employers

and workers to conform to new sexual norms or else lose their businesses and jobs.

This is already happening on the state and local levels.

The most high-profile example involves Colorado baker Jack Phillips, whose case went all the way to the Supreme Court after the Colorado Civil Rights Commission accused him of discrimination on the basis of sexual orientation when he declined to create a custom cake for a same-sex wedding.

He is not the only victim. Other cases involving disagreement over the meaning of marriage feature florists, bakers, photographers, wedding venue owners, videographers, web designers, calligraphers, and public servants.

Now citizens are being punished for their views on biological sex.

Shortly after the Supreme Court ruling, Jack Phillips found himself in court again after an activist attorney who identifies as transgender requested that Masterpiece Cakeshop create a "gender transition celebration" cake.

After the Colorado Civil Rights Commission found probable cause that Phillips had discriminated on the basis of gender identity, he sued the Commission for targeting him for his Christian beliefs. Ultimately, the Commission dropped the case, and Phillips agreed to drop his own lawsuit against the agency.

Even when victims win legal battles like Jack Phillips, conflicts like these have a chilling effect. They discourage people from opening new businesses or entering into certain fields entirely.

A federal sexual orientation and gender identity law would preclude compromise of any kind on disagreements about marriage and sexuality.

Take Peter Vlaming. **This high school French teacher was dismissed under the school's anti-discrimination policy after he refused to comply with administrators' orders to use a female student's preferred masculine pronouns.** Vlaming had tried to accommodate the student by avoiding pronouns altogether and addressing the student by their preferred masculine name,

but this was deemed insufficient by the school board.

The Equality Act would increase conflicts like these and put people out of work for their beliefs.

MEDICAL PROFESSIONALS

The Equality Act would force hospitals and insurers to provide and pay for these therapies against any moral or medical objections. It would politicize medicine by forcing professionals to act against their best medical judgment and provide transition-affirming therapies.

The fight is already here. Catholic hospitals in California and New Jersey have been sued for declining to perform hysterectomies on otherwise healthy women who want to become male. **A third Catholic hospital in Washington settled out of court when the ACLU sued them for declining to perform a double mastectomy on a gender dysphoric 16-year-old girl.**

These cases would multiply under the Equality Act. This bill would politicize medicine by forcing doctors, nurses, and other medical professionals to offer drastic procedures — not in view of new scientific discoveries, but by ideological fiat.

PARENTS AND CHILDREN

This politicization of medicine would ultimately harm families by normalizing hormonal and surgical interventions for gender dysphoric children as well as ideological “education” in schools and other public venues.

80 to 95 percent of children with gender dysphoria no longer feel distressed by their bodies after puberty. Yet activists continue to push their own radical protocol: social transition as young as 4, puberty blocking drugs as young as 9, cross-sex hormones as young as 14, and surgery by 18 (or, in some cases, even younger).

This protocol could become mandatory in the future. The latest issue of the American Journal of Bioethics includes an article arguing that the state should overrule the parents of gender dysphoric children who do not consent to giving them puberty-blocking drugs.

By silencing the scientific debate on transgender-affirming therapies through the politicization of medicine, the Equality Act would further normalize this radical protocol, and create an expectation that parents comply.

In fact, parents in Ohio lost custody of their 17-year-old daughter because they declined to put her on testosterone supplements.

It is no secret that radical gender ideology has found its way into our schools. This bill would stigmatize any and all opposition to such indoctrination.

The Equality Act would put parental rights to make decisions about their children's medical treatment and education at risk.

WOMEN

The Equality Act would ultimately lead to the erasure of women by dismantling sex-specific facilities, sports, and other female-only spaces.

Sexual orientation and gender identity laws that open up sex-specific facilities like bathrooms, locker rooms, etc. to members of the opposite sex enable sexual assault.

For example, **Pascha Thomas was forced to remove her child from school after a male classmate assaulted her 5-year-old daughter in the girls' restroom. The boy had access to the girls' restroom because the school's policy grants students access to private facilities on the basis of self-identified gender identity.** Administrators refused to change the policy despite Thomas' complaints. Federal authorities are now investigating the incident.

The concern with these policies is that predators will take advantage of the law to gain access to victims. **Policies like these make women less likely to report incidents and law enforcement less likely to get involved, for fear of being accused of discrimination.**

These policies also leave women at a disadvantage in sex-specific sports and other activities.

Two biological males who identify and compete as women easily took first and second place at the Connecticut State Track Championships.

Selina Soule, a female runner, lost the race — and the chance to be scouted by college coaches and selected for athletic scholarships. “We all know the outcome of the race before it even starts,” she said. “It's demoralizing.”

Females of all ages can expect to lose more and more opportunities like these to biological males who have a natural advantage in sports and physical activities. The Equality Act would defeat the entire purpose of Title IX, which was

meant to ensure that women would have the same opportunities as men, including in sports, and would leave women vulnerable to sexual assault.

NONPROFITS AND VOLUNTEERS

The Equality Act would also hurt charities, volunteers, and the populations they serve.

State and local sexual orientation and gender identity laws have shut down numerous faith-based adoption and foster care agencies across the country, in Pennsylvania, New York, Illinois, California, Massachusetts, and the District of Columbia.

These states wrongly treated the belief that children do best with both a mother and a father as discriminatory, and kids are the ones who are paying the price. With 438,000 children languishing in foster care nationwide, we need more agencies working to help kids find homes, not fewer.

Now charities that admit to the reality of biological sex are under attack too.

In Anchorage, Alaska, a biological male twice tried to gain access to the city's Downtown Hope Center, a shelter for homeless, abused, and trafficked women. In response to refusing him, the individual sued the center for alleged “gender identity discrimination.”

A federal sexual orientation and gender identity law could force any charity to open up private facilities — including sex-specific bathrooms, showers, and sleeping areas — to members of the opposite sex.

The Equality Act would cost our country countless charitable organizations, which means fewer institutions would be available to serve populations in need.

The Equality Act actually furthers inequality, especially for women and girls, by punishing anyone who does not affirm a single viewpoint of marriage and biological sex.

A federal sexual orientation and gender identity law would empower the government to interfere in how regular Americans think, speak, and act at home, at school, at work and at play. Any bill promoting such authoritarianism is a danger to our freedoms.

Heritage.org

Listen at the 13-minute mark in Dr. Tyler's podcast to hear more about the ramifications of the Equality Act: [HBU.edu/p56-Tyler](https://www.hbu.edu/p56-Tyler)



Photo by Sharone T. McCoy/US Marshals

William P. Barr, US attorney general, spoke at length about free speech and religious liberty at the University of Notre Dame on Oct. 11, 2019. Here are important excerpts from his speech.

US Attorney General Addresses Religious Freedom

Today, I would like to share some thoughts with you about religious liberty in America. It's an important priority in this Administration and for this Department of Justice.

From the Founding Era onward, there was strong consensus about the centrality of religious liberty in the United States. The imperative of protecting religious freedom was not just a nod in the direction of piety. It reflects the Framers' belief that religion was indispensable to sustaining our free system of government.

In his renowned 1785 pamphlet, "Memorial and Remonstrance Against Religious Assessments," James Madison described religious liberty as "a right towards men" but "a duty towards the Creator," and a "duty . . . precedent both in order of time and degree of obligation, to the claims of Civil Society."

They crafted a magnificent charter of freedom – the United States Constitution – which provides for limited government, while leaving "the People" broadly at liberty to pursue our lives both as individuals and through free associations.

In the 20th century, our form of free society faced a severe test.

The challenge we face is precisely what the Founding Fathers foresaw would be our supreme test as a free society.

They never thought the main danger to the republic came from external foes. The central question was whether, over the long haul, we could handle freedom. The question was whether the citizens in such a free society could maintain the moral discipline and virtue necessary for the survival of free institutions.

No society can exist without some means for restraining individual rapacity.

But, if you rely on the coercive power of government to impose restraints, this will inevitably lead to a government that is too controlling, and you will end up with no liberty, just tyranny.

On the other hand, unless you have some effective restraint, you end up with something equally dangerous – licentiousness – the unbridled pursuit of personal appetites at the expense of the common good. This is just another form of tyranny – where the individual is enslaved by his appetites, and the possibility of any healthy community life crumbles.

Instead, social order must flow up from the people themselves –

freely obeying the dictates of inwardly possessed and commonly shared moral values. And to control willful human beings, with an infinite capacity to rationalize, those moral values must rest on authority independent of men's will – they must flow from a transcendent Supreme Being.

In short, in the Framers' view, free government was only suitable and sustainable for a religious people – a people who recognized that there was a transcendent moral order antecedent to both the state and man-made law and who had the discipline to control themselves according to those enduring principles.

As John Adams put it, "We have no government armed with the power which is capable of contending with human passions unbridled by morality and religion. Our Constitution was made only for a moral and religious people. It is wholly inadequate for the government of any other."

How does religion promote the moral discipline and virtue needed to support free government?

First, it gives us the right rules to live by. The Founding generation were Christians. They believed that the Judeo-Christian moral system corresponds to the true nature of man. Those moral precepts start with the two great commandments – to Love God with your whole heart, soul, and mind; and to Love Thy Neighbor as Thyself.

But they also include the guidance of natural law – a real, transcendent moral order which flows from God's eternal law – the divine wisdom by which the whole of creation is ordered. The

eternal law is impressed upon, and reflected in, all created things.

From the nature of things we can, through reason, experience, discern standards of right and wrong that exist independent of human will.

Modern secularists dismiss this idea of morality as other-worldly superstition imposed by a kill-joy clergy. In fact, Judeo-Christian moral standards are the ultimate utilitarian rules for human conduct.

They reflect the rules that are best for man, not in the by and by, but in the here and now. They are like God's instruction manual for the best running of man and human society.

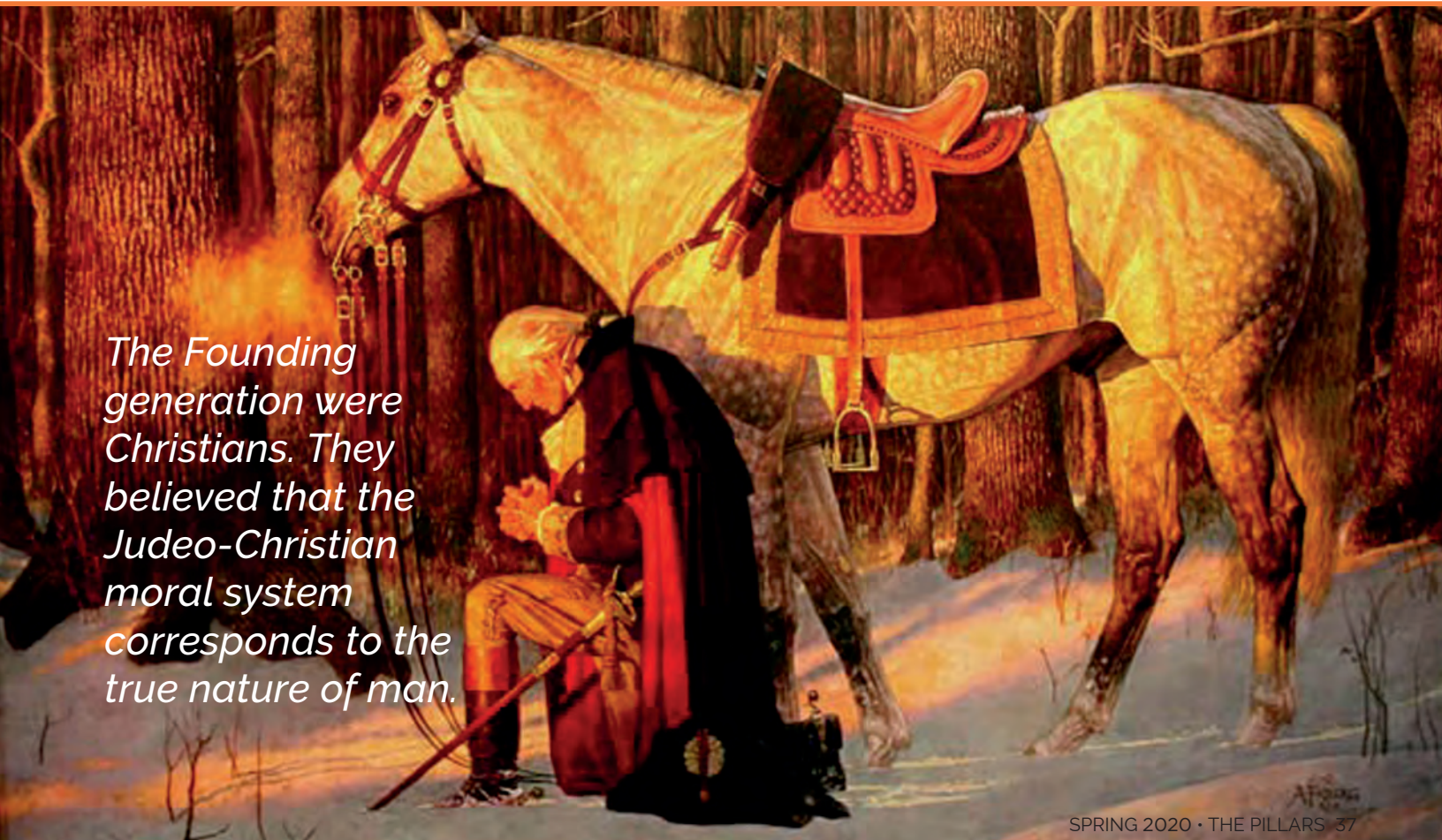
By the same token, violations of these moral laws have bad, real-world consequences for man and society. We may not pay the price immediately, but over time the harm is real.

Religion helps promote moral discipline within society. Because man is fallen, we don't automatically conform ourselves to moral rules even when we know they are good for us.

But religion helps teach, train, and habituate people to want what is good. It does not do this primarily by formal laws – that is, through coercion. It does this through moral education and by informing society's informal rules – its customs and traditions which reflect the wisdom and experience of the ages.

In other words, religion helps frame moral culture within society that instills and reinforces moral discipline.

I think we all recognize that over the past 50 years religion has been under increasing attack.

A painting depicting a knight in a red and black robe kneeling in prayer next to a white horse in a forest. The knight is holding a sword and a shield. The horse is standing still, facing left. The background is a dense forest with tall trees and a path leading into the distance. The lighting is warm, suggesting a sunset or sunrise.

The Founding generation were Christians. They believed that the Judeo-Christian moral system corresponds to the true nature of man.

On the one hand, we have seen the steady erosion of our traditional Judeo-Christian moral system and a comprehensive effort to drive it from the public square.

On the other hand, we see the growing ascendancy of secularism and the doctrine of moral relativism.

By any honest assessment, the consequences of this moral upheaval have been grim.

Virtually every measure of social pathology continues to gain ground.

Along with the wreckage of the family, we are seeing record levels of depression and mental illness, dispirited young people, soaring suicide rates, increasing numbers of angry and alienated young males, an increase in senseless violence, and a deadly drug epidemic.

As you all know, over 70,000 people die a year from drug overdoses. That is more casualties in a year than we experienced during the entire Vietnam War.

I will not dwell on all the bitter results of the new secular age. Suffice it to say that the campaign to destroy the traditional moral order has brought with it immense suffering, wreckage, and misery. And yet, the forces of secularism, ignoring these tragic results, press on with even greater militancy.

Among these militant secularists are many so-called "progressives." But where is the progress?

We are told we are living in a post-Christian era. But what has replaced the Judeo-Christian moral system? What is it that can fill the spiritual void in the hearts of the individual person? And what is a system of values that can sustain human social life?

The fact is that no secular creed has emerged capable of performing the role of religion.

We hear much today about our humane values. But, in the final analysis, what undergirds these values? What commands our adherence to them?

What we call "values" today are really nothing more than mere sentimentality, still drawing on the vapor trails of Christianity.

The consequences of moral chaos become too pressing. The opinion of decent people rebels. They coalesce and rally against obvious excess. Periods of moral entrenchment follow periods of excess.

This is the idea of the pendulum. We have all thought that after a while the "pendulum will swing back."

But today we face something different that may mean that we cannot count on the pendulum swinging back.

First is the force, fervor, and comprehensiveness of the assault on religion we are experiencing today. This is not decay; it is organized destruction. Secularists, and their allies among the "progressives," have marshaled all the force of mass communications, popular culture, the entertainment industry, and academia in an unremitting assault on religion and traditional values.

These instruments are used not only to affirmatively promote secular orthodoxy, but also drown out and silence opposing voices, and to attack viciously and hold up to ridicule any dissenters.

One of the ironies, as some have observed, is that the secular project has itself become a religion, pursued with religious fervor. It is taking on all the trappings of a religion, including inquisitions and excommunication.

Those who defy the creed risk a figurative burning at the stake – social, educational, and professional ostracism and exclusion waged through lawsuits and savage social media campaigns.

In the past, when societies are threatened by moral chaos, the overall social costs of licentiousness and irresponsible personal conduct becomes so high that society ultimately recoils and reevaluates the path that it is on.

But today – in the face of all the increasing pathologies – instead of addressing the underlying cause, we have the State in the role of alleviator of bad consequences. We call on the State to mitigate the social costs of personal misconduct and irresponsibility.

We start with an untrammelled freedom and we end up as dependents of a coercive state on which we depend.

Christianity teaches a micro-morality. We transform the world by focusing on our own personal morality and transformation.

The new secular religion teaches macro-morality. One's morality is not gauged by their private conduct, but rather on their commitment to political causes and collective action to address social problems.

Law is being used as weapon in a couple of ways.

First, either through legislation but more frequently through judicial interpretation, secularists have been continually seeking to eliminate laws that reflect traditional moral norms.

At first, this involved rolling back laws that prohibited certain kinds of conduct. Thus, the watershed decision legalizing abortion. And since then, the legalization of euthanasia. The list goes on.

More recently, we have seen the law used aggressively to force religious people and entities to subscribe to practices and policies that are antithetical to their faith.

The problem is not that religion is being forced on others. The problem is that irreligion and secular values are being forced on people of faith.

We must be vigilant to resist efforts by the forces of secularization to drive religious viewpoints from the public square and to impinge upon the free exercise of our faith.

I can assure you that, as long as I am Attorney General, the Department of Justice will be at the forefront of this effort, ready to fight for the most cherished of our liberties: the freedom to live according to our faith.

Watch or read the full speech at: [HBU.edu/p56-Barr](https://www.hbu.edu/p56-Barr)

CULTURAL BUZZWORDS AND PHRASES



FAKE NEWS

News reports that are false or largely exaggerated



IDENTITY POLITICS

The tendency for those belonging to a certain gender, race, religion, or social group to identify with like candidates or causes



CISGENDER

A person whose gender is in accordance with attributes at birth



LGBTQIA

An acronym for lesbian, gay, bisexual, transgender, queer, intersex and asexual



CANCEL CULTURE

The practice of cancelling events or removing people from social media and real-life platforms when words or actions are deemed as offensive



MICROAGGRESSIONS

A word or action that is perceived as a slight or covert act of hostility



SAFE SPACE

A place in which a person can retreat to avoid situations or information deemed upsetting



SHADOW BANNING

Limiting the reach or blocking an online user's content in a way that is not obvious to the user



SNOWFLAKE

A person who responds with offense or heightened emotion to information or situations he or she deems undesirable



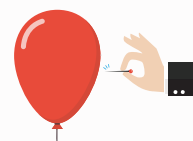
SOCIAL JUSTICE WARRIOR

An individual who seeks to right observed cultural wrongs and to point out perceived societal ills



TOXIC MASCULINITY

The focus upon masculinity as primarily chauvinistic, domineering or violent



TRIGGERING

Information or situations that illicit strong reactions by some



TROLL

A person who continually engages in correcting, condemning or debating others with different viewpoints – particularly online



VIRTUE SIGNALING

An action or phrase meant to convey one's goodness and social sensitivity



WOKE

Being aware of new cultural norms and vigilant against societal inconsistencies with the new norms

"The Madness of Crowds: Gender, Race and Identity"

—by Douglas Murray, 2019

Best-selling author, Douglas Murray, holds a mirror to modern society in his latest book, "The Madness of Crowds." As he takes a panoramic reflection across facets of culture, the glare is, at times, astonishing. Murray uses many present-day examples to show just how far the mainstream has moved. Ideas that, just a few decades ago, were considered outrageous, are now accepted without question. Terms and definitions that were all but unknown a few years ago have become common knowledge.

A trope utilized throughout the book is what Murray refers to as "St. George in Retirement Syndrome," a metaphor coined by Australian political philosopher Kenneth Minogue. St. George is depicted as a legendary hero who sets out to slay dragons. Alas, the hero succeeds in killing the large dragons, and then the small dragons, until finally, there are no dragons remaining. So-long motivated by his drive to rid the world of dragons, St. George enters retirement with the same identity he always had – as that of a dragon-killer. With no beasts left to slay, St. George finds himself forced to become a hero in a new way. He must invent dragons where none exist, and even swing his sword into thin air, always ensuring that he remains a dragon-slayer.

Murray draws a parallel between this story and many modern-day social justice causes. In numerous areas, where there once existed a battle to fight and a problem to solve, the present day dawns on large resolutions of the issues and a turning from the past. Dissatisfied to acknowledge the progress on so many fronts, activists have looked for smaller and smaller and nonexistent dragons, until hints of microaggression and battles over terminology are the fight of the day.

For the modern St. George in Retirement, the existence of dragons is a must. The scaly predators justify the cut of one's sword and make the defender both a victim and a hero – gaining the right balance of moral

superiority and justification for any cause or movement. **The modern St. George needs dragons so much, he or she will create them or pretend they are a problem even if they are not there.**

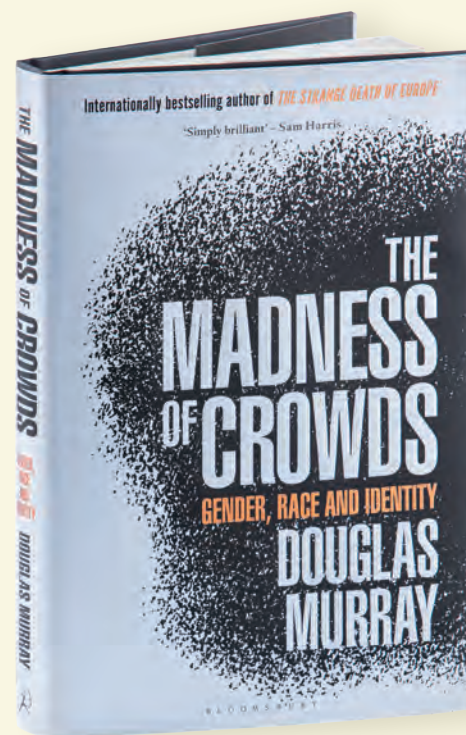
In regard to race relations in the Western world, Murray likens the status of culture to a train that has just pulled near its desired destination, slowing down as it comes to a halt at the station. But suddenly, the train picks up speed again and begins careening recklessly down an unforeseen track.

In his inspired speech during the March on Washington in 1963, the Rev. Martin Luther King, Jr. made the memorable statement: "I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character."

After the Civil Rights battle, ensuing legislation, and a time of healing, when we were collectively so close to such a state, culture took a different turn – one in which, contrary to the Rev. King's dream, one's ethnicity became more important than almost anything else. Stoking the fires of any racial tensions became a go-to motivator for those who would accomplish something by its aggravation.

Unsatisfied to teach children and college students to value minority cultures, many academics set forth a new narrative of the wrongness of being Caucasian. "Whiteness studies," is the study of white privilege, systemic racism and other negative areas, while studies of other races and cultures are lavish in their praise. Never mind that many Caucasian people and groups have contributed to make society a better place, and oppression and social inequality has existed within races and cultures across the globe throughout time. The game includes shaming one person for his uncontrollable traits, and praising another for his.

Individuality has also been eroded with the new identity politics. If a person does not vote or think within the stratified confines of his or her gender, race, class, or sexual orientation, that person is pigeonholed as a



traitor. It's hardly a defensible stance, but it has become normal.

Measuring privilege means taking in a subjective view of one's heritage, nationality, and an "intersectionality" of traits. Pinning "privileged" on some and "victim" on others is unproductive and often quite incorrect. It also creates an unsolvable condition. If someone is always privileged or always a victim, why try? What use is there in personal ambition or goals? Labeling is demoralizing and takes attention away from potentially productive and uniting conversations.

Women in the last 100 years have worked to attain equality in areas ranging from legal clout to voting rights. Having achieved equality in a broad sense, fourth-wave feminists have moved to a new approach. They've labeled masculinity largely toxic. Phrases like "men are trash" and "kill all men" have trended among groups on Twitter. Of course, the phrases weren't meant to be taken literally, the users said. Like with all identity politics, the speaker or writer who can paint herself or himself as the underdog is privileged with determining what certain rhetoric means. Others labeled "privileged" can be judged for any misstep mercilessly, but that is of no account.

Murray points out that women are excused for behaviors that men would not be. While women can tantalize, expose and

tease, men who made the same uninvited advances would be viewed correctly as inappropriate.

Ironically, after so much progress in placing women on a level playing field with men, the definition of a woman has been remade with the introduction of the transgender woman. Now, saying a thing such as only women have menstrual cycles or give birth is considered blasphemy. **It is considered offensive for a person to pretend to be another race, but is cause for celebration**

if they decide to be another gender. In fact, deciding one is another gender is likened to finally uncovering one's true self without pesky biology getting in the way. The rules are contradictory and confusing.

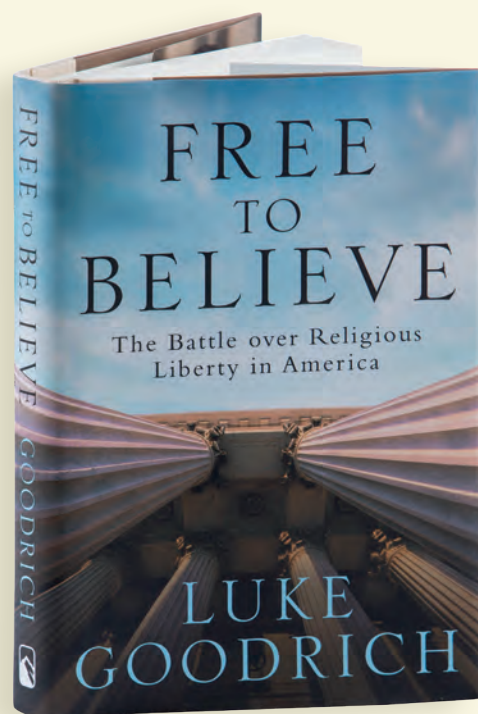
The mood of broader culture has become offended, angry and retaliatory. How have we gotten to this point? Murray offers a few suggestions why, including the proliferation of online communication, which lacks the humanity of physical presence and tone of voice. There is also much to be gained by

exacerbating divides and focusing only on certain points in history; some have little incentive to solve a said problem, but plenty of power and reward for perpetuating wounds.

Finally, Murray offers a suggestion: forgiveness. Forgive for the past and forgive more quickly than you become offended. Although Murray identifies as gay and his book is not based upon the Bible, his solution for society's ills is a Christian one.

"Free to Believe: The Battle over Religious Liberty in America"

— by Luke Goodrich, 2019



ensued, and persecution of out-of-power Christian denominations, including Baptists, followed. It is with that in mind that the Founders sought to prevent a repetition of government domination of religion, persecution, and citizen infighting that was so prevalent in England.

In their preclusion of a government religion, the Founding Fathers were anything but irreligious, as evidenced by their invocation of God and the Creator in the first two sentences of the Declaration of Independence, their incorporation of Judeo-Christian principles in law, and their frequent mention of faith in God and prayers in their records. They knew, however, that religious practice functioned best untethered by the strictures of state supervision and compulsion from authorities.

Goodrich impartially portrays the pitfalls of the early Christian groups in the new nation, and how they sometimes got it wrong. He illustrates different approaches to the faith, and how they are carried on today. Throughout the history of the nation, particularly within recent decades, key court cases have determined how religious liberty is interpreted in the United States. He delineates how not establishing a state religion has been translated in modern times into discriminating against faith-based groups, removing historic artifacts, and ignoring or eschewing wide swaths of history and civilization.

As views held by those in government have changed and religious faith has, in

many regards, diminished in our nation, the tensions of religious expression and liberty within culture have become pronounced. Believing in Christianity – believing in anything – means not believing or participating in other things. The pressure to conform to new social mores has created a series of harbinger court cases in which religious organizations and individuals have been sued by private parties and threatened by government agencies. Matters involving sexuality and abortion are especially hot-button.

Giving recent examples, lessons from the Bible, and takeaways from his own observations, Goodrich provides ways believers can choose to respond to challenges within our current climate. He offers counsel toward maintaining the kind of good works the Bible commands while not being overcome by evil.

Like other great thinkers, Goodrich concludes that religious liberty must be protected because it is bound with all other rights. Telling another person what they can and cannot believe, and what convictions they may hold, is the ultimate form of tyranny.

While the judicial decisions of our land have not supported religious liberty in every instance, the concept is ingrained in the fabric of the United States and remains largely intact, Goodrich says. Still, threats are on the horizon at the national, state and local levels, and voters should become informed about these important issues.

As an attorney who has represented devout defendants in some of the highest profile cases across the US, Luke Goodrich offers both a learned and a practiced take on some of the key religious liberty issues of our time in "Free to Believe." He shares details of key cases from a variety of faith traditions, including Islam and Judaism. What is good and fair for one group is good for all of them.

Filling in the details of what many of us never learned in school, Goodrich offers a history lesson on religion in the early colonies, and what informed the First Amendment to the Constitution, the Establishment Clause. Having come from England where a state-sponsored church was the norm, colonists followed suit by establishing their own state-run churches. Taxes to fund the churches

"Outgrowing God: A Beginner's Guide"

— by *Richard Dawkins*, 2019

A person would do well not to learn about capitalism from a communist, or to learn about Christianity from an atheist. In both examples, the opposing party has plenty of opinions and reasons for them, but their depiction is likely to be slanted. Such is the case with Richard Dawkins and his recent book, "Outgrowing God."

In it, Dawkins, known for his strong secular and nonfaith stance, depicts a history in which mankind created God. They did so in order to explain natural phenomena, attempt to influence nature, and to impart moral fortitude in human behavior. Starting with the gods of the ancients, Dawkins portrays just how many traditions of faith there have been.

While belief in deities developed as a result of unenlightened perspectives, behavioral standards and moral codes came as a natural outgrowth of evolutionary necessity, he says. It paid to work together toward common goals, get along and unite against enemies.

The transmitting of faith traditions came as the result of something akin to the game "Telephone," in which one person whispers in the ear of another and another, until finally, the original message has become something different entirely.

Dawkins sets out to debunk all religions claiming belief in a deity or deities, but he particularly focuses upon Christianity. He paints God as depicted in the Bible as very human and prone to bias. A petulant deity who reacts to humans and who differs from the Old Testament to the New Testament sounds bad, indeed.

Taking the trail of thought further, Dawkins suggests it is unconscionable to tell anyone, particularly children, that their eternal soul could be in either heaven or hell. His view marks what is the basis, in some places, for hostility toward the message of the Gospel.

Dawkins does not suggest that societal or legal anarchy is a solution; he simply puts forth that God is unnecessary for

creating and maintaining moral laws in a society. He suggests that religion is effectively fear-mongering, delusion and hollow tradition.

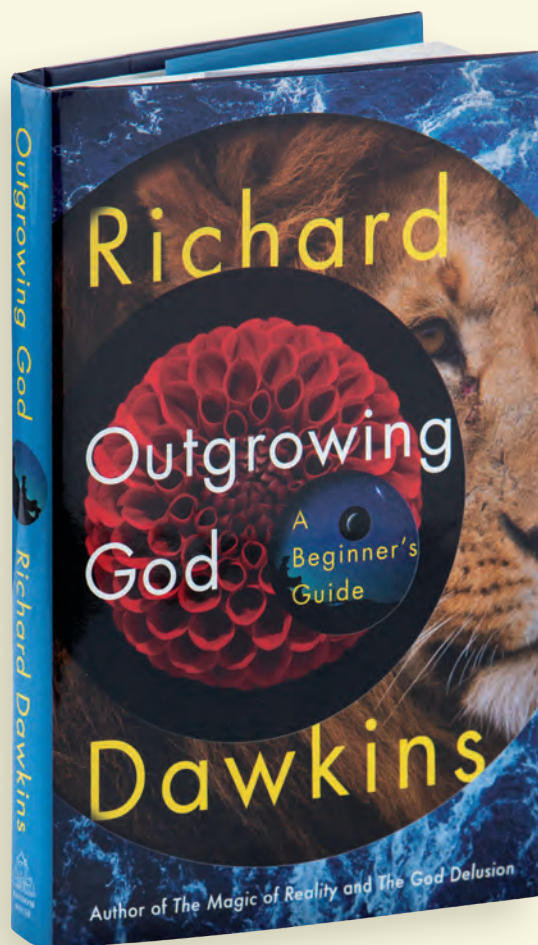
In his arguments from science, Dawkins explains that every human organ and attribute came as the result of evolution over vast periods of time, when pre-humans emerged from the water and developed, eventually, into the imperfect forms they are today. While Dawkins does not have an answer for the origin of life, he asserts that science will eventually uncover the solution to this great question, as it has answered others.

In his rebuttal against design, Dawkins offers the example of crystals. The symmetrical, prism shapes are as fine as any human-cut designs. But the reason for these extraordinary outcomes is the natural consequence of the nature of the atoms comprising the crystals. The atoms form the stunning shape we see, not because the crystal was designed, but because of the building blocks that form the crystal.

To that conclusion, the theist would ask, "But who or what gave the atoms those properties that make them form together in such a way?" It is the omissions and understatement that make just as distinct an impression on the reader. Those include glossing over the great thinkers, scientists, artists, teachers and writers throughout history who were devout believers, and the great good that has come to culture from Christian and faith principles.

Furthermore, Dawkins places all examples of human belief in gods and the supernatural on the same plane. He brushes over evidence

for the veracity of faith, and employs examples of superstition and hysteria. Dawkins doesn't take into account personal revelation or conviction, but groups all religiosity into the camps of compulsion and disinformation. For some readers, assembling concepts like belief in the divine, love, conviction – and even physical senses – into cosmic happenstance is simply unnatural.





A Mission that Unites

By Dr. Chris Hammons,
Director of the Morris Family
Center for Law & Liberty at HBU

HBULaw.org

The mission of the Morris Family Center for Law & Liberty at HBU is to promote an understanding and appreciation of our nation's history and founding principles. We want our students to learn that our country is based on a unique set of principles. These principles – natural law, popular sovereignty, liberty, limited government, the rule of law – aren't exclusive to America. Many are found in the English common law tradition and have roots as far back as ancient Greece and Rome. But it was the combination of these principles – in one place and at the same time – that is unique and makes our nation exceptional in the annals of human history.

The first of these principles is natural law. Natural law is the idea that we owe our lives and liberties to God. As such, no mortal may lay claim to own us, use us, infringe on our liberty, or harm us without our consent. No government can violate or take away our rights, because these rights – life, liberty, and our right to pursue our own destiny – exist prior to government, not as a result of it. Natural law was at the heart of our Declaration of Independence.

The second principle of the American Founding is popular sovereignty. Enshrined in the opening words of our Constitution is the concept of "we the people." Power in our political system does not belong to kings or nobles, but to all of us. While we might get frustrated with the policies, behavior, and bickering of those in Washington, ultimately, we control who goes there and holds those seats.

The third important principle of the American founding is

liberty. Indeed, if there is a principle associated with the American Founding, it is this one. It is our right to speak, think, worship, demonstrate, read, write, and live as we see fit. As our Founders would remind us, however, liberty isn't license. We can't just do whatever we want. But unlike the old world where kings or ruling families could control our lives – and sadly, many people on the planet still live in that world today – the only limitations on us are those that do not violate the natural law and to which we consent as a people.

*It is our right to
speak, think, worship,
demonstrate, read,
write, and live as
we see fit.*

Limited government – **the fourth principle** of the American Founding – is something that we too often take for granted. In order to protect our liberties, our government has only those powers that we the people give it. And we only give it those powers that do not violate that natural law or threaten our liberty. The later addition of a Bill of Rights was an effort to clarify what our government was forbidden to do.

Limited government is not the norm. In most parts of the world today – look at South and Central America, the Middle East, Africa, China, North Korea – people live more as subjects than as citizens. Their governments have unlimited power and can do to them basically whatever they want – fine them, imprison them, torture them, even kill them. Freedom of speech, the press, assembly, religion is nonexistent. Trials are rigged. Justice is elusive.

The fifth principle of the American founding is the rule of law. It's an idea that goes back as far as the Magna Carta in 1215. It was brought to the shore of North America by the Pilgrims in 1620. They

CONTINUED ON PAGE 70 ...



I did my research; I wanted to make sure whatever school I went to I would be getting the most bang for my buck.
— Samuel Ayoade



Rev. Gregg Matte Serving as Chair of HBU Board of Trustees

Houston Baptist University is pleased that the Rev. Gregg Matte, senior pastor of Houston's First Baptist Church since 2004, is serving as chair of the HBU Board of Trustees. Matte joined the Board in 2011, and has helped lead the University through growth in enrollment and programs.

Dr. Robert Sloan, HBU president, said, "HBU has been blessed throughout her history with outstanding Board leadership. We are now privileged to have Gregg Matte as our Board chair. Gregg is one of the most outstanding Christian leaders in the United States, having begun his ministry years ago as a Bible teacher to literally thousands of university students. Now, for many years, he has distinguished himself as the pastor of the great and historic Houston's First Baptist Church. It is a great privilege to be able to work with him."

Matte said, "I am honored and thrilled to be the chair of the HBU Board of Trustees. HBU is a beacon of light and wisdom to the world. The educational opportunities offered at HBU are able to shape students' minds and hearts, resulting in a positive impact. I'm excited to be part of such a difference-making endeavor that launches lives into their purpose!"

Matte grew up in southwest Houston and responded to the Gospel by becoming a Christian as a teenager. Before leading Houston's First, Matte founded Breakaway Ministries at Texas A&M University. He is a celebrated author, husband, and father of two.

The Board leadership also includes Judy Graham as vice chair and the Rev. Omar Garcia as Board secretary.

Visit [HBU.edu/p56-Matte](https://www.hbu.edu/p56-Matte)

HBU Online Division Surpasses 1,000 Students

Since its launch in 2017, the HBU Pampell Online Division has provided a convenient avenue to learners in earning their degrees. At the start of 2020, HBU Online surpassed 1,000 students. Learners are enrolled across 27 programs of study in 36 states. The largest academic programs include Nursing, Business, Counseling, and Education.

Dr. Steve Peterson, VP for HBU Online/Digital Learning, said, "I think the rapid growth of the Pampell Online division is a testament to the student-centered approach that our online programs bring. We come alongside our students and help them walk through each step of their educational journey."

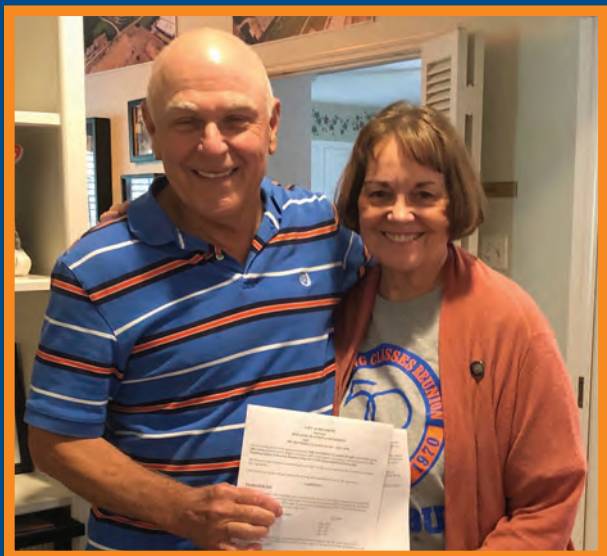
Visit [HBUOnline.com](https://www.hbuonline.com)



ENDOWED SCHOLARSHIP DONORS

The Founding Classes of Houston Baptist College 1967-1970 Alumni Scholarship was established through the vision of a core group of class members, striving to leave a meaningful legacy and believing that they were put here "for such a time as this" (Esther 4:14). Started during the summer of 2019, it has received tremendous support from the following scholarship kick-off supporters:

- Libby & Bob '68 Anderson
- Michael Anderson '67
- Helen Ludtke '68 & Don Anderson '68
- Susan & David Appleby '69
- Lt. Col. Tim Austin '68
- Carol Ann Halliday '68 & Charlie Bonds '67
- Beverly Kepler '68 & Thomas Bonner '69
- Linda Fix '69 & Hart Brupbacher
- Ada Robeson '72 & Billy Burke '69
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- Earl Taft '70
- Margaret Kuhn '67 & Jim Taylor
- Elizabeth Price Turner '67
- Suzanne Clark Webb '67
- Cheryl & Rick '68 Wells
- Nancy Ludtke '70 & Kenneth Williams
- Jo May '70 & Michael Wood '70



HBU's annual Endowed Scholarship Donor Convocation gives us an opportunity to thank our donors for their lasting impact on the success of HBU's deserving students.

This year's event will be at 11 a.m., Wednesday, April 1, in the Dunham Theater. It will feature guest speakers and former endowed scholarship recipients, Dr. Mark Edworthy '83 and Mrs. Susie Edworthy '82.

If you would like more information on the Endowed Scholarship program at HBU, please contact the Office of Advancement at 281-649-3222 or Advancement@HBU.edu.

To meet the goal of fully funding the scholarship, it will take a group effort of the more than 300 class members from these early classes. Join these scholarship kick-off supporters today by making a gift or pledge. Donations can be made online at HBU.edu/Give or by calling Advancement at 281-649-3222. Gifts can also be made in honor or in memory of early class members.



A lot of people at HBU helped me grow, not just academically, but also emotionally and spiritually with their knowledge, advice and wisdom.

— Shaif Salehin



HBU Alumnus Establishes Endowed Scholarships

High School, he was a member of the National Honor Society.

Living in the area near HBU, Pickett's first exposure to the school came unexpectedly. "I was riding on the school bus one day and my bus driver misjudged and happened to hit the car in front of us," Pickett said. "The young man got out and asked if we were alright. He happened to be a student at HBU; he was a really kind and caring individual."

After graduating high school with honors in 1975, Pickett chose HBU and double-majored in Elementary Education and History with endorsements in Language Learning Disabilities. "I had a great desire early on to become a teacher. I have a long family background of teaching," he said. "HBU was known, and still is known, as one of the best places to get a solid educational background for a teaching career."

Long before the Americans with Disabilities Act of 1990, many schools and businesses were not adequately set up for wheelchair accessibility. Upon Pickett's entrance as a student his freshman year, the men of the fraternities all got together. With lumber purchased by administration, the fellow students built ramps to each area Pickett needed access to. Spanish language lab was up a flight of stairs, so for that, a group of guys met him every day to carry him up and down the stairs.

"They built a series of ramps, and when I had another building added to my schedule, they always made sure I had something adapted," Pickett said.

Pickett was involved in student life, serving as vice president on the Student Council and serving several terms on the Student Senate. He cheered at basketball games and gymnastics competitions. He even won a contest that raised money for

missions. He remembers being inspired during Convocations, and between classes, getting a "Bertha Burger," named for the legendary campus cook, Bertha Wilson.

"It was a really, really good time, and I have many, many close friendships with faculty and students and so forth. I don't know that you could find that on other campuses," he said.

After graduating, Pickett worked as a hospital teacher for convalescing students in HISD, then earned his MS in Rehabilitation Counseling from the University of North Texas in 1988. He spent his career working to help college students in disability services and academic advising at UNT and the University of Oregon.

Now, 40 years after graduating from HBU, Pickett has established endowed scholarships at his alma mater in Education and Counseling for first-generation students and veterans. "I was the first in my family to attend a four-year school and my dad also served in the military; those are two areas close to my heart," he explained. "I think my health struggles made me a better person in the long run and made me appreciate what I had more. That's one of the reasons I'm doing this for future students – I realize the value of education and how it can open the doors for so many who didn't have opportunities early on, but who have shown potential and who really want to better themselves. I feel like HBU gave me the core foundation to be able to help other students share the value of education. All of this, of course, is a God-thing because I really feel like Jesus has been my copilot throughout all this. Hopefully throughout my life, I've been able to help other people understand that, despite any difficulties they've had, they can always overcome them."

From youth, Steve Pickett '80 was reaching for high goals and refusing to be overcome by cerebral palsy. His family, father Wesley, mother Carol Ann, and sister Susan, moved to Houston where Wesley worked for Exxon.

"At that time, HISD had certain schools for people with disabilities – I was bused throughout my academic career. I really feel fortunate in that I was exposed to different areas of Houston, and much like people of minority status or color in the 1960s, I experienced busing and went to areas that weren't always the most renowned. I had a broader exposure to the world and I think it served me well," Pickett remembers. "Luckily, through the support of my parents and wonderful teachers, I was able to stay on grade level – and all of this was during the time I was in the hospital having knee and hip surgeries. And it just so happened that, just as I was ready to go to high school, they built this new high school and it had elevator access and so I could go to any classroom, the library, and cafeteria."

As a teenager, Steve was one of the first in the nation to receive a Bronze Palm Eagle Scout designation in 1973. At Sharpstown

For information on giving, please contact Tommy Bambrick in HBU Advancement at 713-299-5638 or TBambrick@HBU.edu.



I chose HBU because I enjoy the small campus lifestyle and the close interaction with students and professors.

— Tristan Henderson

Grants and Scholarships Boost Student Success

"We've been blessed recently to receive significant gifts and grants that all impact student success and the overall learning experience at HBU. We anticipate very positive outcome from these gifts and grants in terms of increased student retention, graduation rates, and career-related skills as students, staff, and faculty work together in advising, tutoring, and other important tasks that contribute to academic and personal success."

— Dr. Robert Sloan, HBU President

HBU Awarded Competitive \$3 Million Grant to Support Student Success in STEM

The HBU College of Science and Engineering and the Department of Student Success and Advising are pleased to announce the award of a \$3 million, five-year grant from the US Department of Education under the Title V funding program for Developing Hispanic Serving Institutions (DHSI) program. The award helps meet the nation's call for a well-prepared and technologically advanced industry workforce in science, technology, engineering and math (STEM) fields by enhancing the University's academic and research-based programming in the sciences, engineering, and cyber/computer sciences areas. This Title V project is the second Title V grant the University has successfully obtained.

The new equipment and programming supported by this award will benefit all students at HBU with a specific focus on facilitating Hispanic students in completing their STEM degrees. As a four-year private institution, HBU has the distinction of being a Hispanic-Serving Institution (HSI). It serves more than 3,700 undergraduate and graduate students, and ranks fifth in diversity among Regional Universities West according to the US News & World Report. During the past five years, HBU has supported students in completing their degrees as a result of a prior Title V award, which focused on improving the overall fall-to-fall retention rate of undergraduate students. National and institutional data indicates a need to reinforce the academic preparedness of students interested in STEM and to support them holistically through to graduation and beyond.

Dr. Stan Napper, dean of the College of Science and Engineering, expressed appreciation for the funding from the Department of Education and for the great collaboration with the Department of Student Success and Advising. "Together, we can achieve the vision of the College: to be the best in the world for integrating principles of science, technology, engineering, and math (STEM) with modern computing and information technology (IT), along with Christian values and standards (Faith). Our graduates will work to make the world healthier, more productive and more secure," he said.

Dr. David Hao, former dean of Student Success, said, "Our first Title V grant was transformative for our campus, and this new grant builds upon that strong foundation. At HBU, we are always moving forward and finding innovative ways to support our students; my team and I are thrilled to partner with our colleagues across campus to continue that momentum through this new grant."

A substantial portion of Title V resources will be dedicated to modernizing HBU's infrastructure, supporting the engineering and science programs. Advances will include the areas of STEM



equipment, instrumentation, technology, and the expansion of undergraduate and graduate programming in STEM to meet the incredible industry demand in Houston and across the country. Simultaneously, HBU will build on its long-term goal of reinforcing the pipeline guiding undergraduate students into graduate and professional education by expanding the STEM-specific advising services on campus. Faculty development activities supported by the award will empower faculty learning in pedagogy and in achieving learning outcomes for all students, especially underrepresented students.

These innovative programs, along with a STEM success coaching program, launching a STEM Student Ambassador peer-tutor program, and implementing a STEM Summer Bridge, will target those students needing additional support in foundational STEM courses. The resulting increases in student persistence and timely graduation rates will narrow the gap experienced by Hispanic and other underrepresented students to college degree attainment in the high-demand STEM fields.

Moody Foundation Grant Awarded to HBU Student Success Center

The Moody Foundation has awarded the HBU Student Success Center with a grant in the amount of \$200,000 that will be used for the next two years to help ensure sustainable academic achievement for students. The gift will enable the Center to partner with students more effectively for their degree attainment. The grant will support a new faculty fellows program, expand online tutoring, launch a robust student training program, as well as strengthen existing partnerships and activities designed to bolster students' long-term success.

Dr. David Hao, former dean of Student Success & Advising, said, "We're extremely grateful for the partnership of the Moody Foundation. Together, with the help of key faculty partners across campus, we are helping create conditions for students to succeed. HBU is so blessed to have so many faculty partners who actively support our students within and beyond the classroom."

Dr. Darby Hawley, assistant professor of Psychology, who is part of the inaugural faculty fellows pilot program, said the new faculty initiative will further effective instruction and support students: "This a committee of faculty that will facilitate the development of comprehensive, student-centered instruction for new faculty members, while also establishing innovative ways to encourage and support existing faculty members."

Dunn Foundation Awards HBU Nursing and Allied Health Scholarships



The Dunn Foundation has awarded the HBU School of Nursing and Allied Health a \$300,000 grant to benefit Nursing scholarships. The Dunn Foundation has a long history with HBU and has awarded nearly \$2.5 million to the School of Nursing and Allied Health.

In the fall of 2019, the SONAH Dean's Development Council honored the Dunn Foundation at the annual Fall Luncheon held at River Oaks Country Club. The 2020 Fall Luncheon will be held on Tuesday, October 13.

Visit [HBU.edu/p56-Fall19Luncheon](https://www.hbu.edu/p56-Fall19Luncheon)

Renewal of Grace Hopper Scholarships for HBU STEM Students

HBU is pleased to announce the renewal of a new scholarship opportunity for students, recognizing a pioneer of computer science and military service, Rear Admiral Grace M. Hopper, PhD, by establishing the Grace Hopper Scholarships. The second year of the scholarship is funded through a generous gift from Mr. Holly Frost and Ms. Kathaleen Wall. Mr. Frost is an entrepreneur who created one of the earliest and most successful computer memory companies.

Dr. Robert Sloan, HBU president, said, "The Grace Hopper scholarships at HBU are truly transformative. This significant scholarship support will enable talented students who have financial need to complete these programs, and ultimately, to achieve their dreams. We are grateful for the amazing generosity of Holly and Kathaleen."

The renewal gift of \$650,000 will enable HBU to support up to 130 students in high-demand STEM-related academic programs during the 2020-2021 school year. Scholarship recipients will demonstrate Dr. Hopper's persistence, technical knowledge and selfless service as students in Computer Science, Cyber Engineering, Electrical Engineering, Chemistry, Mathematics or Physics at HBU. The scholarship supports qualified students during early years of their degree programs to enhance the probability of their graduation. The inaugural gift of \$500,000 in 2019 supported 100 students at HBU for the 2019-2020 academic year.

"Texas is expected to see dramatic growth in technology-based companies and career opportunities over the next five to 10 years. The only way to fill these opportunities, and to ensure Texas' position as a premier technology growth center within the US, is to encourage increased pursuit of science and engineering degrees. For Texas students to be competitive in the workforce, STEM programs at the college level are essential now more than ever. STEM-focused college programs establish an educational environment and scientific background for students to open doors to enhanced research and development opportunities in Texas. Women, traditionally underrepresented in these fields, are a natural focal point for this effort," Kathaleen Wall said. "These scholarships will be available to qualified female students of HBU who choose to pursue a technology-related degree. HBU truly exemplifies Texas excellence. It provides a well-rounded, high-quality education that attends to academic as well as spiritual learning, understanding and development. We truly hope that this effort can serve as the first step in positioning Texas for success in the future." During the first year, one-third of the scholarships were awarded to female students.

Dr. Stanley Napper, dean of the HBU College of Science and Engineering, said, "The United States, and the Houston metro area in particular, needs more STEM graduates, especially in high-demand areas of software development, cybersecurity, analytics and other topics whose foundation lies in computer science, engineering, science and mathematics. We are grateful for this gift and the impact it makes on many capable students, as well as the future impact it will have on our community."

The College of Science and Engineering at HBU was established in 2019 from the combination of the new College of Engineering and the long-standing College of Science and Mathematics. The College is growing rapidly in enrollment and in relevance to the Houston metro area.

Piper Professor Nominees Recognized

Higher education provides a unique opportunity to shape the knowledge and wisdom of students for the trajectory of their lives. Professors carry out the noble occupation of preparing learners for careers and personal lives filled with purpose and success. Each year, the HBU Colleges and Schools select their Piper Professor Nominee. These individuals represent the very best in teaching and professional development in each college. Nominees are recognized for their effectiveness in the classroom, their work with students in advising and mentoring, their dedication to teaching, admiration and respect from their colleagues, scholarship in their field and contributions to the University.



Congratulations to 2019-2020 HBU Piper Professor **Dr. Levon Hayrapetyan** Archie W. Dunham College of Business

Dr. Levon Hayrapetyan, professor of Business, is the 2019-2020 HBU Piper Professor and represents HBU at the state level. He has taught in higher education for 40 years, including 20 years at HBU and 20 years at his alma mater, Yerevan State University (YSU), Armenia. He was granted the Permanent Residency status by the US government under the category Alien of extraordinary abilities in science and education. He began teaching at HBU after moving from Armenia in 1999. Dr. Hayrapetyan created a unique blend of American and European teaching methods and styles that enables him to identify students' strengths and arrange their learning around those strengths. His excellence in teaching and innovation has earned him multiple local and regional awards. He was the winner of The Teaching Excellence International Award given by the ACBSP (Association of Collegiate Business Schools and Programs), a competition that included 253 business schools and programs from around the globe.

Dr. Hayrapetyan integrates teaching and research. His wide range of research interests include computational neuroscience, complexity of algorithms, scheduling theory, formal grammars and languages, decision science, data analytics, and pedagogy. He developed various interactive tools for visualization of abstract

statistical concepts and clustering algorithms. Those tools are intensively used in Business Statistics, Decision-Making and Business Analytics courses at HBU. He is the author of more than 50 research papers and book chapters. One of his papers won the Alpha Iota Delta Innovative Education Paper Award (Federation of Business Disciplines), and three papers won the Research Awards (International Academy of Business and Public Administration Disciplines). He has presented his research at more than 20 international and regional conferences, where he also served as a session chair and/or discussant.

At Yerevan State University in Armenia, Dr. Hayrapetyan was rated among the best professors in the College of Applied Mathematics at YSU. He was the head coach of the Armenian University Students National Olympic Computer Science Team for the USSR computer science Olympiad for two years (in Sverdlovsk, Russia and Minsk, Belarus). He was also a lecturer on the Armenian National TV show, "Informatics," and delivered weekly lectures on computer science which were broadcasted across Armenia. The Ministry of Education of Armenia selected Dr. Hayrapetyan to be a coauthor of the very first Armenian textbook on computer programming for university students. He was also selected to be a translator of all three computer science textbooks for high schools.

Dr. Hayrapetyan earned a BS and MS in Applied Mathematics from Yerevan State University, Armenia, and a PhD in Applied Mathematics from Kiev State University, Ukraine.

"What I came to realize throughout my undergraduate and graduate career was that three core elements determine how well a professor is able to make a difference for students: what they teach students, how they teach students, and how they treat students. For Dr. Hayrapetyan, he excels in each of these elements. His courses are extremely relevant to today's technology-centered world. I now work at a business analytics and database management company. Many of the core concepts I use were taught to me in Dr. Hayrapetyan's classes."

Gabi Bourn

**Director, Production Delivery at Wunderman Thompson Data
BBA '14**

"His standard for his students is high, yet Dr. Hayrapetyan displays equal, and probably greater effort than that which he requests from his students. He shows this discipline regardless of the effort his students choose to give. To me, this did nothing but inspire me and cultivate the same determination for my studies – and not only in his classes. His character made an impact that reached far past the confines of four walls for three hours a week."

Hannah McNaughton
HBU Senior

Congratulations to the HBU College Piper Nominees

Dr. Timothy Brookins, *School of Christian Thought*



Dr. Timothy Brookins, associate professor of Classics and Biblical Languages, has taught at HBU since 2011. He specializes in the Greco-Roman context of early Christianity, with a primary emphasis in the Pauline epistles. His other areas of interest include Luke-Acts, Greek and Latin philology, linguistics, discourse analysis, Greek philosophy, Stoicism, Greco-Roman rhetoric, ancient education, and reception of Paul; he has also taught history, biblical studies, and theology. Dr. Brookins has published two books, including a commentary on the Greek text of 1 Corinthians, and has published some 20 book chapters and peer-reviewed journal articles. He is currently writing a commentary on 1 and 2 Thessalonians. Dr. Brookins has also received several awards and honorable mentions for his teaching and research, including, recently, nominations for the Society of Biblical Literature Regional Scholar

Award (Southwest region), and the Society of Biblical Literature Achtemeier Award. He has served as director of Graduate programs for the School of Christian Thought, as interim chair of the Department of Theology, and as chair of the Department of Classics and Biblical Languages. Dr. Brookins has presented papers at numerous professional meetings, including the annual meetings of the Classical Association of the Midwest and South (CAMWS), the Society of Biblical Literature (SBL), the American Academy of Religion (AAR), and the National Association of Baptist Professors of Religion (NABPR). He earned his BS in Communications from James Madison University, a Master of Divinity in Biblical Languages at Southeastern Baptist Theological Seminary, a post-baccalaureate degree in Classics from the University of North Carolina-Chapel Hill, and his PhD in Religion, with a minor in Classics, from Baylor University.

Dr. Sarah Katelynn (Katie) Alaniz, *College of Education and Behavioral Sciences*



Dr. Sarah Katelynn (Katie) Alaniz, assistant professor of Education, teaches in both graduate and undergraduate degree programs within the College of Education and Behavioral Sciences, where she works with students seeking to make a positive impact in schools and society. Her teaching experiences include courses in curriculum and instruction, educational applications of technology, multimedia instructional strategies, and theories and applications of systems thinking. Dr. Alaniz also serves as director of Online Learning and Professional Development, supporting fellow faculty members in their endeavors to enhance online teaching and learning at HBU. She has designed and delivered more than 115 professional presentations in the United States and abroad, and she has authored or coauthored more than 15 publications, including two books in the areas of instructional design, collegial coaching for technology integration, and educational applications of digital tools and resources. Dr. Alaniz has also served on the

dissertation committees of a number of doctoral students, including members of the first cohort of doctoral graduates from HBU. Her calling as an educator has led her to a wide range of professional opportunities, including more than 15 years of service as a teacher in public and private school settings, and nearly a decade of experience as a digital learning specialist. Additionally, for the past 11 years, Dr. Alaniz and her husband, Steven, have served more than 1,000 neighbors within the Houston community through a nonprofit outreach program called Apartment Life. Dr. Alaniz holds a Doctor of Education in Curriculum and Instruction with a Specialization in Learning, Design, and Technology from the University of Houston; a Master of Education in Curriculum and Instruction with a Specialization in Instructional Technology from Houston Baptist University; a Bachelor of Business Administration in Marketing from Texas A&M University; and a Certificate in Early Childhood and Elementary Education from the Texas Education Agency.



Mr. Hans Molzberger, *School of Fine Arts*

Mr. Hans Molzberger, assistant professor of Art, is an internationally renowned and distinguished artist. Mr. Molzberger has taught at HBU for 11 years, enhancing visual art by bringing technological innovation into the classroom for both BFA and MFA students. His work at HBU may be witnessed through student success as graduates have been awarded scholarships at major universities around the US. He is director of the residency, Atelierhaus Hilmsen, in Germany, his studio compound where he guides art students from HBU and other universities. As a professional artist, Mr. Molzberger has exhibited his own work in museums and galleries internationally, including, Jenny Marx Museum, Salzwedel, Germany; Künstlerhaus, Hannover, Germany; Galerie Pankow, Berlin, Germany; Redbud Gallery, Houston, Texas; Gallery

68, Austin, Texas; University of Art, Berlin, Germany; and Les Tanneries, Amilly, France. He has been awarded residencies in France and has participated in international collaborative

exhibitions including Arequipa, Peru; hearts and souls American-German artists working in the USA, and Rebels and Reformers, Gallery Altes Rathaus, Wittenberg. He has worked in Israel, France, The Netherlands, Poland and Russia. Mr. Molzberger was awarded a solo exhibition at the Art Museum of Southeast Texas, Beaumont, as well as Houston's Holocaust Museum. He and HBU colleague, Michael Collins, were awarded a two-person exhibition at the Holocaust Museum in Detroit. The concentration camp museum at Sachsenhausen, Germany, exhibits his works, together with the artworks from workshops that he directed with international work-camp groups and students. He has lectured at major universities including Texas Tech University, University of Corpus Christi, and the University of Texas, San Antonio. Mr. Molzberger received his training in Höhr-Grenzhausen, Germany, and earned his MFA from HBU.



Dr. Encarnacion (Encarna) Bermejo, *School of Humanities*

Dr. Encarnacion (Encarna) Bermejo, associate professor of Spanish, has developed many upper-division classes for HBU, including Advanced Grammar, Medical Spanish, the Art of Translations, Introduction to US Hispanic Culture, and Teaching Spanish to Mixed-Classes. Her teaching focus is to help students acquire proficiency in Spanish and an understanding of the Spanish Culture. Her areas of interest include the study of Spanish for Heritage Learners, second-language acquisition, and cross-cultural studies. She has presented educational lectures on Spanish as a second and heritage language in the United States, South America and Europe. She is coauthor of a Spanish Placement Exam that is currently used in several universities in the United States, including HBU and the University of Houston. Dr. Bermejo has published numerous articles in academic journals and collaborated as a consultant in the edition of several Cengage textbooks in Spanish. Routledge recently published her coauthored book, "Spanish Heritage Learners' Emerging Literacy: Empirical Research and Classroom Practice." She is also working in the areas of

Spanish Heritage Learners' lexical development and reacquisition, Spanish for the professions, and in the design and implementation of teaching and learning strategies for Spanish advanced bilingual students. She has interwoven teaching and service by organizing and leading students in a study abroad program each summer at the University of Santiago de Compostela in Galicia, Spain. This lifetime experience cultivates, not merely language acquisition, but culture, history, practical experience and prepares effective global Christian leaders. Dr. Bermejo has also served on the dissertation committees of a number of doctoral students at HBU and the University of Houston. She has taught at the University of Houston, Sam Houston State University and Houston Community College. Dr. Bermejo received a BA in Business Administration from National Louis University, a MA in Spanish Linguistics from the University of Houston, and a PhD in Applied Spanish Linguistics from the University of Houston.



Dr. Meredith O'Hara, *College of Science and Engineering*

Dr. Meredith O'Hara, associate professor of Biology, joined the HBU Biology faculty in 2016; her primary teaching focus is undergraduate Biology. She specializes in embryology and the molecular and genetic mechanisms that occur during embryonic development. She also teaches Human Anatomy & Physiology courses with an emphasis on critical thinking and integration of physiological concepts about the human body. Dr. O'Hara's zebrafish research program has been instrumental in expanding HBU's biology department embryology studies. Her contributions to the College of Science and Engineering include her role as director of the Under the Microscope speaker series, as well as her new role as associate dean for Strategic Initiatives. Dr. O'Hara enjoys serving the University as the faculty assembly president, and was the organizer and host for the first ever TEDxHBU conference held on campus in October 2018, an event planned

to continue on a biennial basis. In these ways, Dr. O'Hara has continued to contribute to the mission of HBU as a caring, challenging, and respected Biology professor who goes above and beyond her prescribed duties to help advance the vision of the University with events such as Under the Microscope and TEDxHBU. Dr. O'Hara has authored and co-authored publications on muscle physiology and muscular dystrophy and is currently collaborating on a publication about cardiovascular development. Before her tenure at HBU, Dr. O'Hara was an assistant professor of Biology at Concordia University in Austin, Texas from 2010-2014 and at California Baptist University in Riverside, California from 2008-2010. She has also taught courses at Lone Star College in Houston. Dr. O'Hara earned her BS in Biology from Pepperdine University, and her PhD in Biological Chemistry from UCLA.



I like the warm and positive environment, the excellent professors, and the small classes, which are all conducive to the learning process.

— Motoko Yasue

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HBU CCB Hosts Women in Entrepreneurship: A Faith Perspective

The Center for Christianity in Business at HBU hosted the Women Entrepreneurship Forum on Jan. 31 in the Morris Cultural Arts Center. The event featured an exciting forum on Faith and Women Entrepreneurship, with panelists Tina Murray, founder and president of Mind Dance Marketing; Leah Faul, founder of 15000 Cubits, a digital marketing agency; Bonnie Helvie, owner and executive director of the Bonnie Group; and HBU's VP of Advancement, Sharon Saunders, serving as moderator.

Visit: [HBU.edu/p56-CCBLuncheon20](https://www.hbu.edu/p56-CCBLuncheon20)



Bonnie Helvie



Leah Faul



Tina Murray

Students Honored at Dean's List Reception



High academic achievers and their families enjoyed a special Dean's List Reception hosted by Student Success & Advising, the Office of the Provost, and the Office of the President, during the fall Family Weekend. Full-time undergraduate students with a 3.5 GPA or higher for one or both of the previous two semesters were recognized. Around 300 people came to the reception, which was surrounded by weekend events including worship and the football game. Faculty and staff members mingled with attendees, and loved ones celebrated alongside their honorees.

"The Dean's List event was a great experience for both my family and me. My parents felt honored to be able to join others in celebrating the achievements of all the students. Being present in the event served as a reminder to keep working hard because both God and my parents are making my educational journey at HBU possible."

Nathalia "Naty" Arias
Dean's List Recipient

The Guild Fall Coffee Honors New Members



Dr. Robert Sloan, Lisa Hartman



Michael Sam, Cheryl Kaminski

The Guild's Fall Coffee, chaired by Jennifer Ferguson, was held on October 17 at the home of Lisa and Al Hartman. Guild President Cheryl Kaminski welcomed guests, recognized new members, and introduced Michael Sam, recipient of the Sue Collier Sloan Endowed Scholarship. Michael, who is working toward a Master of Arts in Theological Studies, graciously thanked The Guild members for investing in his future.

Dr. Sloan gave an overview of activities and upcoming events on the HBU campus and then presented Lisa a framed pre-1650 King James Version page from the Dunham Bible Museum.

The Guild continues to provide needed scholarships to graduate education and theology students.

HBU.edu/Guild



Fall Coffee Committee back row: Janet Coleman, Sharon Saunders, Tommie Lejeune, Lia Nguyen, Sally Madio, Kathy Thompson, Rhonda Ekholm, Nancy Pressler, Tana Jefferson, Jane Ann Bickham. Front row: Jennifer Ferguson, Cheryl Kaminski

McNair Center Hosts Fall Illumination Event

The McNair Center for Entrepreneurship and Free Enterprise at HBU hosted the Fall Illumination Event on Nov. 22, 2019, featuring economist and author, Dr. Carl Schramm.

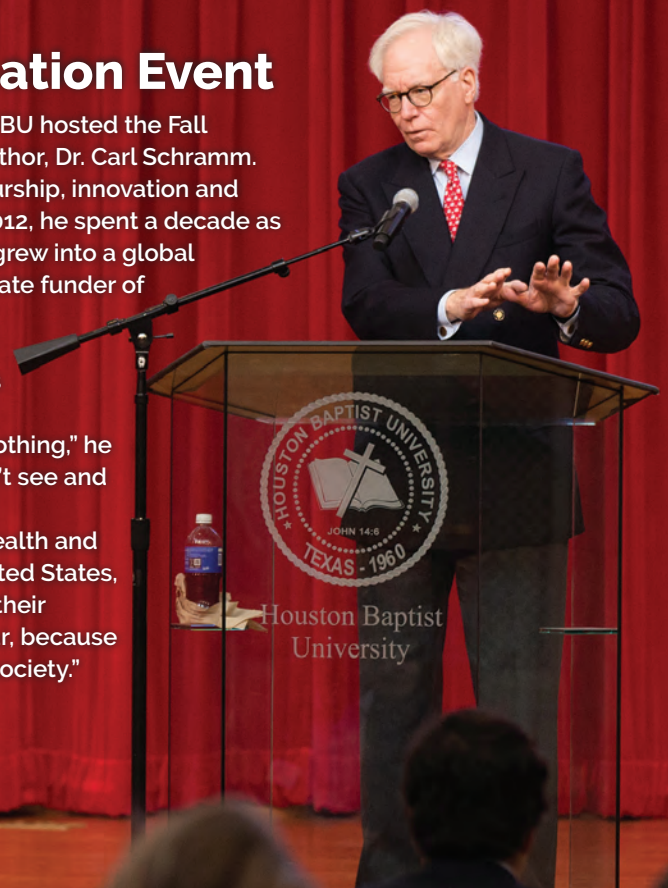
Schramm is an internationally recognized leader in entrepreneurship, innovation and economic growth. Prior to joining the Syracuse University faculty in 2012, he spent a decade as president of the Ewing Marion Kauffman Foundation. The foundation grew into a global institution under Dr. Schramm's leadership, becoming the largest private funder of economic research related to growth and innovation.

Before a group in Belin Chapel, Schramm discussed tenets in his most recent work, "Burn the Business Plan: What Great Entrepreneurs Really Do."

"Entrepreneurship is a divine spark. It's creating something out of nothing," he said. "It's the entrepreneur who sees a need that the rest of us couldn't see and fills it."

Schramm emphasized the vital role of free enterprise in creating wealth and lifting people out of poverty with opportunities. Particularly in the United States, opportunities abound. "We have the freedom; everybody should use their human creativity," he said. "Every entrepreneur is a social entrepreneur, because their work enhances human welfare for everyone and contributes to society."

HBU.edu/McNair



The Guild Annual Christmas Luncheon

On December 6, Guild President Cheryl Kaminski welcomed guests to the River Oaks Country Club to celebrate The Guild's annual Christmas Luncheon, co-chaired by Ann Beeson and Dena Williams. Author and luncheon keynote speaker Janet Denison delighted the audience with a poignant, yet humorous account of her experiences as an HBU student, where she met her husband, Jim. Together the Denisons have served a number of churches, developed ministry programs, and currently share the truth of God's word through the Denison Forum, a nonprofit Christian media organization founded by Dr. Denison.

Eric Mingle, recipient of the Robert B. Sloan Endowed Scholarship, expressed his appreciation to The Guild for providing students the opportunity to pursue a graduate degree. To date, The Guild Scholarship Program has assisted 165 HBU graduate students in completing their degrees.

**Visit HBU.edu/p56-ChristmasLuncheon
Learn more at HBU.edu/Guild**



Sue Sloan, Janet Denison, Dr. Robert Sloan



Sharon Saunders, Eric Mingle, Dr. Robert Sloan

Linda and Archie Dunham Family Named "2019 Family of the Year"



HBU recognized the Linda and Archie Dunham family for their contributions and friendship to the University. The Dunhams were HBU's "2019 Family of the Year." Linda and Archie, with their children, Laura Shook, Cary '93, and Stephen (*not pictured*) were honored during HBU Homecoming activities.

Linda and Archie Dunham have contributed broadly to HBU's success with their gifts and support. Their namesakes on campus are the Linda & Archie Dunham Theater, the Archie W. Dunham College of Business, the Dunham Bible Museum and Dunham Field in Husky Stadium. They are charter members of HBU's Covenant Society; Linda is a member of The Guild.

HBU president, Dr. Robert Sloan, said, "The Dunham family is enormously deserving of this recognition by HBU. They are not only one of the greatest families in HBU history, but one of the greatest families I know anywhere. Their faith, integrity, generosity and service to God's Kingdom are an inspiration to all of us. Sue and I count Archie and Linda among our dearest friends, and we take great joy in seeing this recognition for them and for their outstanding family."

"Being recognized as the HBU Family of the Year is a wonderful honor as we love the University and the values that it represents," Dr. Archie Dunham said. "Our association with HBU began with the graduation of our son, Cary. The relationship with HBU continued to grow strong with our support of the Dunham Theater and Bible Museum and numerous scholarships honoring Cary and my mother. We were honored to become close friends with Dr. Robert and Sue Sloan, the president and first lady. Robert is an outstanding leader who loves the Lord and Sue is a loving and caring first lady."

Cary Dunham remembers his years at HBU fondly. "I had a great time at HBU; I enjoyed being an HBU cheerleader and squad captain. I remember playing intramural sports with my fraternity brothers. The professors always had your best interest in mind."

Laura Shook said, "Our family has been involved with HBU since the 1990s, and we are grateful for the impact the University has had on our family. We are grateful for the fusion of faith and learning, and we are proud of the quality graduates HBU is fostering. We are proud to have our family name associated with HBU."

HBU Families of the Year exemplify Christian values and support HBU's mission. The selected family is recognized at various events, and a tile is placed in the University's Walk of Honor to commemorate them. Annually, a tree is planted on campus in each family's honor.

- 1 The Free Exercise Clause of the First Amendment forbids Congress from making any law prohibiting the free exercise of religion: "Congress shall make no law... prohibiting the free exercise [of religion]." The Establishment Clause of the First Amendment forbids Congress from establishing an official religion in the United States. "Congress shall make no law respecting an establishment of religion." The No Religious Test Clause of Article VI, Clause 3 prohibits the use of religious tests as a qualification for holding public office: "but no religious test shall ever be required as a qualification to any office or public trust under the United States."
- 2 *Employment Division v. Smith*, 494 U.S. 872 (1990).
- 3 Pew Research Center, June 21, 2018, "Global Uptick in Government Restrictions," 4. This report is available free of charge at <https://www.pewforum.org/2018/06/21/global-uptick-in-government-restrictions-on-religion-in-2016/>.
- 4 Pew Research Center, *supra* note 3, at 26.
- 5 Notre Dame University, April 20, 2017, "Report: In Response to Persecution," 7. This report is a joint 2017 study by the University of Notre Dame's Center for Ethics and Culture, the Religious Freedom Institute, and Georgetown's Religious Freedom Research Project. The report is available free of charge at <https://ucs.nd.edu/report/>. The complete findings have also been published as *Under Caesar's Sword: How Christians Respond to Persecution* (Cambridge: Cambridge UP, 2019).
- 6 Pew Research Center, *supra* note 3, at 26.
- 7 Open Doors USA, 2019, "World Watch List 2019," 5. This report is available free of charge from Open Doors USA at https://www.opendoorsusa.org/wp-content/uploads/2019/01/WWL2019_FullBooklet.pdf.
- 8 Open Doors USA, *supra* note 7, at 5.
- 9 See <https://www.opendoorsusa.org/christian-persecution/stories/11-christians-killed-every-day-for-their-decision-to-follow-jesus/>.
- 10 Notre Dame University, *supra* note 5, at 7: "Perhaps the most troubling aspect of this persecution is the lack of press coverage it receives. Although a few scholars and journalists have documented the phenomenon of Christian persecution, the mainstream media and human rights organizations give it little attention. Georgetown University's Religious Freedom Project analyzed 323 major reports published by Human Rights Watch, one of the world's most influential human rights organizations, over a three-and-a-half-year period (from 2008 to mid-2011) and found that religious persecution of any kind was the focus of only eight (about 2.5 percent) of the published reports. Fewer than half of that small number of reports focused on Christian persecution." [Emphasis added].
- 11 U.S. CONST. amend. 1, cl. 2: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;" [Emphasis added].
- 12 U.S. CONST. amend. 1, cl. 1: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;" [Emphasis added].
- 13 U.S. CONST. art. VI, cl. 3: "The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States." [Emphasis added]. The U.S. Supreme Court incorporated the No Religious Test Clause under the Fourteenth Amendment in *Torcaso v. Watkins*, 367 U.S. 488 (1961), extending the No Religious Test Clauses to state officials as well as federal officials.
- 14 James Madison, "Memorial and Remonstrance against Religious Assessments" (1785), paragraph 1.
- 15 *Cantwell v. Connecticut*, 310 U.S. 296, 303-304 (1940). *Cantwell* involved the right of Jehovah's Witnesses to distribute literature and solicit contributions without first obtaining a certificate from an official of the State of Connecticut. The U.S. Supreme Court stated: "Freedom of conscience and freedom to adhere to such religious organization or form of worship as the individual may choose cannot be restricted by law... The constitutional inhibition of legislation on the subject of religion has a double aspect. On the one hand, it forestalls compulsion by law of the acceptance of any creed or the practice of any form of worship. Freedom of conscience and freedom to adhere to such religious organization or form of worship as the individual may choose cannot be restricted by law. On the other hand, it safeguards the free exercise of the chosen form of religion. Thus, the Amendment embraces two concepts -- freedom to believe and freedom to act. The first is absolute, but, in the nature of things, the second cannot be. Conduct remains subject to regulation for the protection of society. The freedom to act must have appropriate definition to preserve the enforcement of that protection. In every case, the power to regulate must be so exercised as not, in attaining a permissible end, unduly to infringe the protected freedom." [Emphasis added].
- 16 *Sherbert v. Verner*, 374 U.S. 398, 402 (1963), citing *Cantwell v. Connecticut*, 310 U.S. 296, 303 (1940).
- 17 *Sherbert v. Verner*, *supra* note 16, citing *Torcaso v. Watkins*, 367 U.S. 488 (1961).
- 18 *Sherbert v. Verner*, *supra* note 16, citing *Fowler v. Rhode Island*, 345 U.S. 67 (1953).
- 19 *Sherbert v. Verner*, *supra* note 16, citing *Murdock v. Pennsylvania*, 319 U.S. 105 (1943), and *Follett v. McCormick*, 321 U.S. 573 (1944).
- 20 *Cantwell v. Connecticut*, *supra* note 15, at 303-304: "Thus, the Amendment embraces two concepts -- freedom to believe and freedom to act. The first is absolute, but, in the nature of things, the second cannot be. Conduct remains subject to regulation for the protection of society." [Emphasis added].
- 21 *Cantwell v. Connecticut*, *supra* note 15, at 303-304: "In every case, the power to regulate must be so exercised as not, in attaining a permissible end, unduly to infringe the protected freedom."
- 22 *Wisconsin v. Yoder*, 406 U.S. 205, 214 (1972): "Long before there was general acknowledgment of the need for universal formal education, the Religion Clauses had specifically and firmly fixed the right to free exercise of religious beliefs, and buttressing this fundamental right was an equally firm, even if less explicit, prohibition against the establishment of any religion by government." [Emphasis added].
- 23 *Sherbert v. Verner*, *supra* note 16, at 406-409 (1963).
- 24 *San Antonio Independent School District v. Rodriguez*, 411 U.S. 1, 33-34 (1973).
- 25 *Cantwell v. Connecticut*, *supra* note 15.
- 26 *Wisconsin v. Yoder*, *supra* note 22, at 209-212: The Supreme Court described the Amish objections to high school as follows: "Formal high school education beyond the eighth grade is contrary to Amish beliefs not only because it places Amish children in an environment hostile to Amish beliefs, with increasing emphasis on competition in class work and sports and with pressure to conform to the styles, manners, and ways of the peer group, but also because it takes them away from their community, physically and emotionally, during the crucial and formative adolescent period of life... In short, high school attendance with teachers who are not of the Amish faith -- and may even be hostile to it -- interposes a serious barrier to the integration of the Amish child into the Amish religious community. Dr. John Hostetler, one of the experts on Amish society, testified that the modern high school is not equipped, in curriculum or social environment, to impart the values promoted by Amish society."
- 27 *Sherbert v. Verner*, *supra* note 16. *Sherbert*, a Seventh-Day Adventist, refused to work on Saturday, which was the Sabbath in her religion. She was fired by her employer as a result. South Carolina's Employment Security Commission ruled that *Sherbert* could not receive unemployment benefits, ruling that *Sherbert*'s refusal to work on Saturday constituted a failure without good cause to accept available work. The Free Exercise Clause of the First Amendment prohibits the government from setting unemployment benefits eligibility requirements such that a person cannot properly observe key religious principles.
- 28 *Employment Division v. Smith*, *supra* note 2.
- 29 *Cantwell v. Connecticut*, *supra* note 15.
- 30 *Wisconsin v. Yoder*, *supra* note 22.
- 31 *Sherbert v. Verner*, *supra* note 16.
- 32 *Employment Division v. Smith*, *supra* note 2, Syllabus at 873: "Respondents' claim for a religious exemption from the Oregon law cannot be evaluated under the balancing test set forth in the line of cases following *Sherbert v. Verner*, 374 U.S. 398, 374 U.S. 402-403, whereby governmental actions that substantially burden a religious practice must be justified by a 'compelling governmental interest.' That test was developed in a context -- unemployment compensation eligibility rules -- that lent itself to individualized governmental assessment of the reasons for the relevant conduct. The test is inapplicable to an across-the-board criminal prohibition on a particular form of conduct. A holding to the contrary would create an extraordinary right to ignore generally applicable laws that are not supported by 'compelling governmental interest' on the basis of religious belief."
- 33 *Employment Division v. Smith*, *supra* note 2, at 888. [Emphasis added].
- 34 42 U.S.C. §§ 2000bb-2000bb-4 (2006).
- 35 See Davis Laycock, "Free Exercise and the Religious Freedom Restoration Act," 62 *FORDHAM L. REV.* 883, 396 (1994).
- 36 42 U.S.C. §§ 2000bb-1 (2006). The Supreme Court applied RFRA, *inter alia*, in *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682 (2014) to exempt Hobby Lobby from Department of Health and Human Services (HHS) regulations requiring employers to provide coverage for 20 FDA-approved contraceptive methods, including four that may have the effect of preventing a fertilized egg from developing.
- 37 H.R. 5, 116th Congress (2019), The formal summary of this bill, written by the Congressional Research Service of the Library of Congress, is available at <https://www.congress.gov/bills/116/congress/house-bill/5/1107> of the proposed Equality Act, H.R. 5, 116th Congress (2019), provides: "The Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb et seq.) shall not provide a claim concerning, or a defense to a claim under, a covered title, or provide a basis for challenging the application or enforcement of a covered title."
- 38 *Roe v. Wade*, 410 U.S. 113, 152 (1973): "The Constitution does not explicitly mention any right of privacy. In a line of decisions, however, going back perhaps as far as *Union Pacific R. Co. v. Botsford*, 141 U.S. 250, 251 (1891), the Court has recognized that a right of personal privacy, or a guarantee of certain areas or zones of privacy, does exist under the Constitution... These decisions make it clear that only personal rights that can be deemed 'fundamental' or 'implicit in the concept of ordered liberty,' *Palko v. Connecticut*, 302 U.S. 319, 325 (1937), are included in this guarantee of personal privacy." [Emphasis added]. In *Planned Parenthood v. Casey*, 505 U.S. 833 (1992), however, the Supreme Court replaced the strict scrutiny standard of review required by *Roe* with the undue burden standard, under which abortion restrictions would be unconstitutional when they were enacted for "the purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus."
- 39 *Obergefell v. Hodges*, 576 U.S. ____ (2015): "This analysis compels the conclusion that same-sex couples may exercise the right to marry. The four principles and traditions to be discussed demonstrate that the reasons marriage is fundamental under the Constitution apply with equal force to same-sex couples." [Emphasis added].
- 40 Thomas G. West, "Progressivism and the Transformation of American Government," *The Progressive Revolution in Politics and Political Science: Transforming the American Regime*, ed. John Marini and Ken Masugi (New York: Rowman and Littlefield, 2005) 13-33. West provides a scholarly comparison of the American Founding and Progressivism.
- 41 The Congressional Progressive Caucus website, <https://cpc-grijalva.house.gov/>, states that it is the largest caucus within the House Democratic Caucus. Its 98 members are all members of the Democratic Party. It was founded in 1991 by six members of the U.S. House of Representatives, including Bernie Sanders, who served as its Chair from 1991 until 1999, and Maxine Waters.
- 42 John Marini and Ken Masugi, "Introduction," *The Progressive Revolution in Politics and Political Science: Transforming the American Regime*, ed. John Marini and Ken Masugi (New York: Rowman and Littlefield, 2005) 1-10; William A. Schambra and Thomas West, "The Progressive Movement and Transformation of American Politics," available online at <https://www.heritage.org/political-process/report/the-progressive-movement-and-the-transformation-american-politics>.
- 43 THE FEDERALIST NO. 51 (James Madison): "Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions." [Emphasis added].
- 44 Jaegwon Kim, "The American Origins of Philosophical Naturalism," *Journal of Philosophical Research* APA Centennial Volume (2003): 83-98.
- 45 Sidney Hook, "Naturalism and Democracy," *Naturalism and the Human Spirit*, ed. Yervant H. Kirkorian (New York: Columbia UP, 1944) 40-64, 46.
- 46 Arthur E. Murphy, Review of *Naturalism and the Human Spirit*, *Journal of Philosophy* 42 (1945): 400-417, 405.
- 47 Sidney Hook, *supra* note 45, at 45: Hook states further that "for every traditional conception of God, the weight of evidence so far is decidedly in the negative."
- 48 Brian Leiter, *Naturalizing Jurisprudence: Essays on American Legal Realism and Naturalism and Legal Philosophy* (Oxford: Oxford UP, 2007) 3.
- 49 Brian Leiter, *Why Tolerate Religion?* (Princeton: Princeton UP, 2013). See Michael W. McConnell, "Why Protect Religious Freedom?" 123 *YALE LAW JOURNAL* 770 (2013) for a critical response to Leiter's arguments.
- 50 Leiter, *supra* note 49, at ix.
- 51 Leiter, *supra* note 49, at 83.
- 52 Leiter, *supra* note 49, at 63.
- 53 Leiter, *supra* note 49, at 81.
- 54 Leiter, *supra* note 49, at 63.
- 55 Leiter, *supra* note 49, at 83.
- 56 Leiter, *supra* note 49, at 81.
- 57 Leiter, *supra* note 49, at 63.
- 58 Leiter, *supra* note 49, at ix.
- 59 William F. Buckley, Jr., *God and Man at Yale* (Washington, D.C.: Regnery, 1951).
- 60 *Engel v. Vitale*, 370 U.S. 421 (1962).
- 61 *Engel*, *supra* note 60, at 438.

- 62 Engel, *supra* note 60, at 432-434 (1962). But see *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969), holding that teachers and students “do not shed their right to free speech at the schoolhouse gate.” This right to free speech includes the right to voluntary prayer, “in the cafeteria, or on the playing field, or on the campus.” Furthermore, school officials have no authority to approve, edit, or censor student speech because it contains a religious component. *Santa Fe Independent School District v. Doe*, 530 U.S. 290, 313 (2000).
- 63 *School District of Abington Township v. Schempp*, 374 U.S. 203 (1963). Both cases were decided in this opinion.
- 64 *Wallace v. Jaffree*, 472 U.S. 38 (1985).
- 65 *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969).
- 66 *Tinker*, *supra* note 65, at 506.
- 67 *Santa Fe Independent School District v. Doe*, 530 U.S. 290 (2000).
- 68 *Santa Fe*, *supra* note 67, at 313.
- 69 *Stone v. Graham*, 449 U.S. 39 (1980).
- 70 *Stone*, *supra* note 69, at 42.
- 71 *Lemon v. Kurtzman*, 403 U.S. 602 (1971).
- 72 Richard John Neuhaus, *The Naked Public Square* (Grand Rapids: Eerdmans, 1988). See also William F. Buckley, Jr., *God and Man at Yale* (Washington, D.C.: Regnery, 1951).
- 73 *Town of Greece v. Galloway*, 572 U.S. 565 (2014).
- 74 *Marsh v. Chambers*, 463 U.S. 783 (1983). Plaintiffs also complained that the prayers violated the Establishment Clause because they coerced citizens to engage in religious observance. This coercion offended plaintiffs, making them feel excluded and disrespected. The Court found no legal coercion. The board did not direct the public to participate in the prayers, single out dissidents for opprobrium, or indicate its decisions might be influenced by a person’s acquiescence to the prayer. Justices Thomas and Scalia contrasted the prayers in this case to the coercive state religious establishments that existed at the founding. Those establishments exercised government power in order to exact financial support of the church, compel religious observance, or control religious doctrine.
- 75 *Van Orden v. Perry*, 545 U.S. 677 (2005).
- 76 *Lemon*, *supra* note 71.
- 77 *McCreary County v. American Civil Liberties Union of Kentucky*, 545 U.S. 844 (2005).
- 78 *McCreary County*, *supra* note 77. After reviewing the history of earlier displays of the Ten Commandments by these counties, which the Court judged to have a religious purpose, the Supreme Court stated: “No reasonable observer could swallow the claim that the Counties had cast off the objective so unmistakable in the earlier displays.”
- 79 *American Legion v. American Humanist Association*, 588 U.S. ____ (2019).
- 80 *American Legion*, *supra* note 79. The Supreme Court quoted this phrase from Justice Breyer’s concurrence in *Van Orden v. Perry*, *supra* note 75. Importantly, four of the justices noted that the Supreme Court’s attempt to find a grand unified theory of the Establishment Clause in *Lemon v. Kurtzman*, 403 U.S. 602 (1971), “was a misadventure” and a failure. “Where monuments, symbols, and practices with a long-standing history follow in the tradition of the First Congress in respecting and tolerating different views, endeavoring to achieve inclusivity and nondiscrimination, and recognizing the important role religion plays in the lives of many Americans, they are likewise constitutional.”
- 81 U.S. CONST. amend. 1, cl. 2: “Congress shall make no law... abridging the freedom of speech;” [Emphasis added].
- 82 *Lamb’s Chapel v. Center Moriches Union Free School District*, 508 U.S. 384 (1993).
- 83 *Good News Club v. Milford Central School*, 533 U.S. 98 (2001).
- 84 Engel, *supra* note 60.
- 85 Obamacare was established by two statutes, the Patient Protection and Affordable Care Act, Pub. L. 111-148 (March 23, 2010), and the Health Care and Education Reconciliation Act, Pub. L. 111-152 (March 30, 2010). One provision of the Affordable Care Act mandates that any “group health plan” or “health insurance issuer offering group or individual health insurance coverage” must provide coverage for certain preventive care services. 42 U.S.C. § 300gg-13(a).
- 86 “Coverage of Certain Preventive Services Under the Affordable Care Act,” 78 Fed. Reg. 39870. This regulation is available online at <https://www.federalregister.gov/documents/2014/08/27/2014-20252/coverage-of-certain-preventive-services-under-the-affordable-care-act>.
- 87 *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682 (2014).
- 88 *Burwell v. Hobby Lobby*, *supra* note 87.
- 89 *Zubik v. Burwell*, 578 U.S. ____ (2016).
- 90 Religious Freedom Restoration Act of 1993 (RFRA), 107 Stat. 1488, 42 U.S.C. § 2000bb et seq. In *Burwell v. Hobby Lobby*, *supra* note 87, the U.S. Supreme Court granted relief under RFRA. *Zubik*, *supra* note 89, however, was decided on May 16, 2016, after Justice Scalia’s death on February 13, 2016 but before Scalia was replaced by Justice Kavanaugh on October 16, 2018. In *Zubik*, the U.S. Supreme Court vacated the judgments below and remanded the case, instructing the U.S. Circuit Courts for the 3rd, 5th, 10th, and D.C. Circuits to determine an approach that would accommodate the employers’ religious exercise. The *Zubik* Court did not decide whether the employers’ religious exercise had been substantially burdened, whether the government had a compelling interest, or whether the HHS mandate was the least restrictive means of serving that interest.
- 91 H.R. 5, 116th Congress (2019). This bill, which passed the House of Representatives on May 17, 2019, prohibits discrimination based on sex, sexual orientation, and gender identity. This bill claims to promote equality but its true purpose is the denial of religious liberty. Section 1107 specifically prohibits the Religious Freedom Restoration Act of 1993 from providing a claim, defense, or basis for challenging any discrimination based on sex, sexual orientation, or gender identity.
- 92 Interim Final Rule, “Religious Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act,” 26 CFR Part 54, 29 CFR Part 2590, and 45 CFR Part 147. 26 CFR Part 54. This rule is available online at <http://s3.amazonaws.com/becknetnewsite/2017-21851.pdf>.
- 93 *Zubik v. Burwell*, *supra* note 89.
- 94 Executive Order, “Religious Liberty Executive Order,” May 4, 2017. This executive order is available online at <http://s3.amazonaws.com/becknetnewsite/FREE-SPEECH-AND-RELIGIOUS-LIBERTY-EO.pdf>.
- 95 Final Rule, “Religious Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act,” 26 CFR Part 54, 29 CFR Part 2590, and 45 CFR Part 147. This rule is available online at <https://s3.amazonaws.com/becknetnewsite/HHS-Final-Rule-on-Contraceptive-Mandate-Nov-7.pdf>.
- 96 The Becket Fund for Religious Liberty represents the Little Sisters of the Poor in these cases. For details on these cases, see the Becket website at <https://www.becketlaw.org/research-central/hhs-info-central/>.
- 97 *McCutten v. Coakley*, 573 U.S. 464 (2014).
- 98 Reproductive Health Care Facilities Act, Mass. Gen. Laws, ch. 266, §§ 120E½ (a), (b) (2007).
- 99 *Hosanna-Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission*, 565 U.S. 171 (2012).
- 100 I Corinthians 6:1-8. “Does any one of you, when he has a case against his neighbor, dare to go to law before the unrighteous and not before the saints? ² Or do you not know that the saints will judge the world? If the world is judged by you, are you not competent to constitute the smallest law courts? ³ Do you not know that we will judge angels? How much more matters of this life? ⁴ So if you have law courts dealing with matters of this life, do you appoint them as judges who are of no account in the church? ⁵ I say this to your shame. Is it so, that there is not among you one wise man who will be able to decide between his brethren, ⁶ but brother goes to law with brother, and that before unbelievers? ⁷ Actually, then, it is already a defeat for you, that you have lawsuits with one another. Why not rather be wronged? Why not rather be defrauded? ⁸ On the contrary, you yourselves wrong and defraud. *You do this even to your brethren.*”
- 101 The Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq.
- 102 H.R. 5, 116th Congress (2019). The formal summary of this bill by the Congressional Research Service of the Library of Congress describes this bill as follows: “The bill prohibits the Religious Freedom Restoration Act of 1993 from providing a claim, defense, or basis for challenging such protections. The bill prohibits an individual from being denied access to a shared facility, including a restroom, a locker room, and a dressing room, that is in accordance with the individual’s gender identity.” <https://www.congress.gov/bills/116th-congress/house-bill/5>.
- 103 § 1107 of the proposed Equality Act, H.R. 5, 116th Congress (2019), provides: “The Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb et seq.) shall not provide a claim concerning, or a defense to a claim under, a covered title, or provide a basis for challenging the application or enforcement of a covered title.”
- 104 Phillips has been represented in these cases by Alliance Defending Freedom of Scottsdale, Arizona. These facts are taken from the Alliance Defending Freedom website, <https://adlegal.org/details/pages/client-stories-details/jack-phillips>.
- 105 Colo. Rev. Stat. §24-34-601(1)-(2)(a) (2017).
- 106 *Masterpiece Cakeshop v. Colorado Civil Rights Commission*, 584 U.S. ____ (2018).
- 107 Stutzman has been represented in these cases by Alliance Defending Freedom of Scottsdale, Arizona. These facts are taken from the Alliance Defending Freedom website, <http://www.adlegal.org/details/pages/case-details/state-of-washington-v-arlene-s-flowers-inc.-and-barronelle-stutzman>.
- 108 *Masterpiece Cakeshop v. Colorado Civil Rights Commission*, *supra* note 106.
- 109 H.R. 5, 116th Congress (2019). The formal summary of this bill by the Congressional Research Service of the Library of Congress describes it is available at <https://www.congress.gov/bills/116th-congress/house-bill/5>.
- 110 § 1107 of the proposed Equality Act, H.R. 5, 116th Congress (2019), provides: “The Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb et seq.) shall not provide a claim concerning, or a defense to a claim under, a covered title, or provide a basis for challenging the application or enforcement of a covered title.”
- 111 U.S. CONST. amend. 1, cl. 2: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;” [Emphasis added].
- 112 U.S. CONST. amend. 1, cl. 1: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;” [Emphasis added].
- 113 U.S. CONST. art. VI, cl. 3: “The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.” [Emphasis added]. The No Religious Test Clause was expanded beyond the text of the Constitution to apply state officials as well as federal officials in *Torcaso v. Watkins*, 367 U.S. 488 (1961).
- 114 *Cantwell v. Connecticut*, *supra* note 15, at 303-304.
- 115 See *Cantwell v. Connecticut*, *supra* note 15 at 303-304; *Wisconsin v. Yoder*, *supra* note 22, at 212-212; and *Sherbert v. Verner*, *supra* note 16.
- 116 James Madison, “Memorial and Remonstrance against Religious Assessments” (1785), paragraph 11: “Torrents of blood have been spilt in the old world, by vain attempts of the secular arm, to extinguish Religious discord, by proscribing all difference in Religious opinion. Time has at length revealed the true remedy. Every relaxation of narrow and rigorous policy, wherever it has been tried, has been found to assuage the disease. The American Theatre has exhibited proofs that equal and compleat liberty, if it does not wholly eradicate it, sufficiently destroys its malignant influence on the health and prosperity of the State.”
- 117 The text of Article VI, Clause 3 only prohibits the use of religious tests as a qualification for holding federal officials. The U.S. Supreme Court has incorporated the No Religious Test Clause under the Fourteenth Amendment, however, to apply to state officials as well as federal officials. *Torcaso v. Watkins*, 367 U.S. 488 (1961).
- 118 See John O. Tyler, Jr., “The English Bill of Rights,” *The Origins of Our Founding Principles* (Houston: Perilitus Press, 2020) 307-327.
- 119 Corporation Act (1661), 13 Charles II, st. 2, c.1. The Corporation Act also required municipal officials to take an oath never to take arms against the king and that they rejected the Solemn League and Covenant of 1643, an agreement between Scottish Presbyterians and English Parliamentarians to preserve Presbyterianism in Scotland. The requirement that civil officials take Anglican Communion was repealed in the Sacramental Test Act of 1828, 9 George IV, c. 17.
- 120 First Test Act (1673), 25 Charles II, c. 2. The First Test Act required the following oath: “I, A.B., do declare that I do believe that there is not any transubstantiation in the sacrament of the Lord’s Supper, or in the elements of the bread and wine, at or after the consecration thereof by any person whatsoever.” The requirement of this oath was repealed by the Roman Catholic Emancipation Act (1829), 10 Geo. IV, c.7.
- 121 Second Test Act (1678), 30 Charles II, st. 2, c.1. The future Charles II was specifically excepted from the Second Test Act. The Second Test Act required the following oath: “I, A. B., do solemnly and sincerely in the presence of God profess, testify, and declare that I do believe that in the sacrament of the Lord’s supper there is not any transubstantiation of the elements of bread and wine into the body and blood of Christ at or after the consecration thereof by any person whatsoever, and that the invocation or adoration of the Virgin Mary or any other St. and the sacrifice of the mass, as they are now used in the church of Rome, are superstitious and idolatrous...” The requirement of this oath was repealed by the Roman Catholic Emancipation Act (1829), 10 Geo. IV, c.7.
- 122 Toleration Act (1689), I William & Mary, c.18.
- 123 See John O. Tyler, Jr., “The English Reformation and the American Founding,” *The Origins of Our Founding Principles* (Houston: Perilitus Press, 2020) 243-272. See also THE FEDERALIST NO. 51 (James Madison): “It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary.” [Emphasis added].
- 124 Bill of Rights (1689), I William & Mary, st. 2, c. 2. The U.S. Bill of Rights adopts a number of individual rights from the English Bill of Rights. These rights include freedom of speech under the First Amendment, the right to petition the government under the First Amendment, the right to bear arms under the Second Amendment, the right to due process of law under the Fifth Amendment, the right to an impartial jury trial under

- the Sixth and Seventh Amendments, and the prohibitions against excessive bail, excessive fines, and cruel and unusual punishments in the Eighth Amendment. The main body of the U.S. Constitution also adopts important principles from the English Bill of Rights. One such principle is the sovereignty of law over political rulers. The Supremacy Clause of Article VI establishes that law wields supremacy over political rulers, and political rulers are bound by the laws like any other citizen. The Take Care Clause of Article II, § 3 requires that the president shall faithfully execute the laws of the United States. Another important principle borrowed from the English Bill of Rights is civilian control of the military. Article II § 2 gives the president the power to command. This power is separated, however, from the powers to raise, fund, and commit our military forces. These powers are all granted to Congress under article I, § 8. Other provisions of the U.S. Constitution adopting principles from the English Bill of Rights include free elections, free debate in Congress, frequent sessions of Congress, and no taxes without the consent of Congress. See John O. Tyler, Jr., "The English Bill of Rights," *The Origins of Our Founding Principles* (Houston: Periclitus Press, 2020) 307-327.
- 125 See John O. Tyler, Jr., "The English Bill of Rights," *The Origins of Our Founding Principles* (Houston: Periclitus Press, 2020) 307-327.
- 126 Locke's patron, the Earl of Shaftesbury, was the leader of the Parliamentary effort to prevent the Duke of York, the future James II, from becoming King of England. During this "Exclusion Crisis" of 1679-1681, opponents of the future James II feared correctly- that James II would seek to establish an absolute monarchy. Charles II retaliated against Shaftesbury and Locke with false charges that they were involved in the "Rye House Plot" to assassinate Charles II and the Duke of York. In 1683, two of Shaftesbury's supporters, Lord William Russell and Col. Algernon Sidney, were convicted of similar charges by packed juries on fraudulent evidence and put to death. Shaftesbury and Locke fled to Holland to avoid the same fate.
- 127 Roger Woolhouse, *Locke: A Biography* (Cambridge: Cambridge UP, 2007) 2, 266.
- 128 Declaration of Independence, July 4, 1776: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness."
- 129 First, all men are created morally and legally equal. Men, by nature, are "all free, equal, and independent." (Locke, *Second Treatise*, § 95). The state of nature is a state "of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another." (Locke, *Second Treatise*, § 4). There is no subordination among men in the state of nature, and no man may destroy or use any other men. (Locke, *Second Treatise*, § 6).
- 130 Second, God endows men with inalienable rights. Every man has the right to preserve himself, and no man may "harm another in his life, health, liberty, or possessions." (Locke, *Second Treatise*, § 6). The right to liberty includes freedom from government without one's consent. (Locke, *Second Treatise*, § 22).
- 131 Third, men establish civil governments through their own actions. God does not establish kings by divine right. Locke's *First Treatise* (1689) argues that God does not establish kings by divine right. Locke's *Second Treatise* (1689) explains the origin of civil society. Man initially lives in a state of nature. The state of nature is generally peaceable, but three defects make it difficult to protect private property. There is no consent to a common law, there is no impartial judge of disputes, and individuals do not have power to execute just sentences. (Locke, *Second Treatise*, §§ 124-126). Men form a social contract to correct these defects. (Locke, *Second Treatise*, § 21). Man in the state of nature has the right to exact retribution for crimes committed against him. Each man gives up this right under the social contract in exchange for impartial justice backed by overwhelming force. (Locke, *Second Treatise*, §§ 128-131).
- 132 Fourth, the powers of government depend on the consent of the governed. The people always remain sovereign. Every man has the right to be free from any government without his consent. (Locke, *Second Treatise*, § 22). No one can be compelled to enter a society without his consent. (Locke, *Second Treatise*, § 95). After one consents to form a government, however, he consents to government by majority rule. The consent of the governed justifies majority rule and makes it binding. (Locke, *Second Treatise*, § 99).
- 133 Fifth, men may alter or abolish their government if it becomes destructive. The governed have the right and duty to resist tyrannical government. Government acts tyrannically when it fails to govern according to known and established laws. "Wherever law ends, tyranny begins." Government exists by the consent of the people to protect the rights of the people and to promote the public good. The people should resist and replace any government that fails in these duties. (Locke, *Second Treatise*, § 202). Government use of force without right violates the rights of subjects and seeks to enslave them. Such acts forfeit the powers entrusted to the government by the people, void the social contract, place the government in the state of nature, and create a state of war against its subjects. Reversion to the state of nature cancels all ties between government and the governed, and every person has the right to defend himself and resist the aggressor. (Locke, *Second Treatise*, § 232).
- 134 Lord Acton, "Sir Erskine May's *Democracy in Europe*," *Quarterly Review* 145 (January and April 1878): 112-142, 122: "The Roman Republic was ruined, not by its enemies, for there is no enemy it did not conquer, but by its own vices."
- 135 Edmund Burke, "Letter to a Member of the National Assembly," May, 1791. (The member was Francois-Louis- de Menonville): "Men are qualified for civil liberty in exact proportion to their disposition to put moral chains upon their own appetites...in proportion as they are more disposed to listen to the counsels of the wise and good, in preference to the flattery of knaves. Society cannot exist, unless a controlling power upon will and appetite be placed somewhere; and the less of it there is within, the more there must be without. It is ordained in the eternal constitution of things, that men of intemperate minds cannot be free. Their passions forge their fetters."
- 136 Charles de Montesquieu, *The Spirit of the Laws* (1748), 3.3.
- 137 Montesquieu, *supra* note 136, at 4.5. George Washington agreed: "Virtue or morality is a necessary spring of popular government." George Washington, Farewell Address, Sept. 19, 1796.
- 138 Montesquieu, *supra* note 136, at 4.5.
- 139 Montesquieu, *supra* note 136, at 5.3.
- 140 Montesquieu, *supra* note 136, at 4.5.
- 141 Montesquieu, *supra* note 136, at 4.5.
- 142 Montesquieu, *supra* note 136, at 3.3.
- 143 Montesquieu, *supra* note 136, at 3.3.
- 144 Patrick Henry, Address to the Virginia Convention, Mar. 23, 1775.
- 145 George Washington, Proposed Address to Congress, Apr. 30, 1789.
- 146 Alexis de Tocqueville, "The Superiority of Morals to Laws" (1840).
- 147 Albert Einstein, "Science and Religion," *Out Of My Later Years* (New York: Citadel, 1956) 21-30, 29. "Although it is true that it is the goal of science to discover rules which permit the association and foretelling of facts, this is not its only aim. It also seeks to reduce the connections discovered to the smallest possible number of mutually independent conceptual elements. It is in this striving after the rational unification of the manifold that it encounters its greatest successes, even though it is precisely this attempt which causes it to run the greatest risk of falling prey to illusions. But whoever has undergone the intense experience of successful advances made in this domain is moved by profound reverence for the rationality made manifest in existence."
- 148 See GEM Anscombe, "Modern Moral Philosophy" *Philosophy* 33.124 (January 1958):1-19. In this classic essay, Oxford philosopher Anscombe surveys the failure of moral philosophies that reject the existence of a transcendent moral order and asserts the following thesis: "It is not profitable for us at present to do moral philosophy; that should be laid aside at any rate until we have an adequate philosophy of psychology, in which we are conspicuously lacking."
- 149 Attorney General William Barr, "Remarks to the Law School and the de Nicola Center for Ethics and Culture at the University of Notre Dame," 11 Oct. 2019.
- 150 Romans 12:2. "And do not be conformed to this world, but be transformed by the renewing of your mind, so that you may prove what the will of God is, that which is good and acceptable and perfect."
- 151 Matthew 22:36-40. ³⁶ "Teacher, which is the great commandment in the Law?" ³⁷ And He said to him, "'You SHALL LOVE THE LORD YOUR GOD WITH ALL YOUR HEART, AND WITH ALL YOUR SOUL, AND WITH ALL YOUR MIND.' ³⁸ This is the great and foremost commandment. ³⁹ The second is like it, 'You SHALL LOVE YOUR NEIGHBOR AS YOURSELF.' ⁴⁰ On these two commandments depend the whole Law and the Prophets." [Emphasis in original].
- 152 Matthew 7:12. "In everything, therefore, treat people the same way you want them to treat you, for this is the Law and the Prophets."
- 153 Attorney General William Barr, "Remarks to the Law School and the de Nicola Center for Ethics and Culture at the University of Notre Dame," 11 Oct. 2019.
- 154 Matthew 10:16. "Behold, I send you out as sheep in the midst of wolves; so be shrewd as serpents and innocent as doves."
- 155 *West Virginia State Board of Education v. Barnett*, 319 U.S. 624 (1943). The First Amendment bars schools from compelling students to salute the American flag and reciting the Pledge of Allegiance if doing so violates the religious beliefs. The students were Jehovah's witnesses who considered these actions a form of idolatry violating Exodus 20:4-5. The U.S. Supreme Court stated: "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us." See also *Masterpiece Cakeshop v. Colorado Civil Rights Commission*, *supra* note 96.
- 156 Religious Freedom Restoration Act of 1993, 107 Stat. 1488, 42 U.S.C. § 2000bb *et seq.* RFRA passed by a unanimous vote in the House of Representatives and by a vote of 97-3 in the Senate. See Davis Laycock, "Free Exercise and the Religious Freedom Restoration Act," 62 *FORDHAM L. REV.* 883, 396 (1994).
- 157 Religious Freedom Restoration Act (RFRA) at 42 U.S.C. §§ 2000bb-1 (2006). The Supreme Court applied RFRA in *Burwell v. Hobby Lobby Stores, Inc.*, *supra* note 87, to exempt Hobby Lobby from Department of Health and Human Services (HHS) regulations requiring Hobby Lobby to provide life-terminating abortifacient drugs to its employees. Houston Baptist University prevailed against the same HHS regulations in a similar U.S. Supreme Court case in 2016. *Zubik v. Burwell*, *supra* note 89. See <https://www.becketlaw.org/media/supreme-court-victory-texas-baptist-universities/>.
- 158 *Good News Club v. Milford Central School*, *supra* note 83; *Lamb's Chapel v. Center Moriches Union Free School District*, *supra* note 82.
- 159 *Tinker v. Des Moines Independent Community School District*, *supra* note 65.
- 160 *Santa Fe Independent School District v. Doe*, *supra* note 67.
- 161 *McCullen v. Coakley*, *supra* note 97, protecting the rights of abortion counselors to speak to abortion clinic clients, and *Cantwell v. Connecticut*, *supra* note 15, at 303-304, protecting the right of Jehovah's Witnesses to distribute literature and solicit contributions without a government permit.
- 162 *Town of Greece v. Galloway*, *supra* note 73, holding that public prayer is permitted at town's monthly board meetings.
- 163 *Marsh v. Chambers* *supra* note 74, holding the Nebraska state legislature could employ a legislative chaplain.
- 164 *Van Orden v. Perry*, *supra* note 75, holding that the State of Texas could display a six foot high monolith inscribed with the Ten Commandments on the grounds of the Texas State Capitol. While the Ten Commandments are religious, they also have an undeniable historical meaning. Simply having religious content or promoting a message consistent with religious doctrine does not violate the Establishment Clause of the First Amendment. But see *McCreary County v. American Civil Liberties Union of Kentucky*, *supra* note 77.
- 165 *American Legion v. American Humanist Association*, *supra* note 79, holding that the Bladensburg Cross did not violate the Establishment Clause. "Even if the monument's original purpose was infused with religion, the passage of time may obscure that sentiment." The monument may be retained for the sake of its historical significance or its place in a common cultural heritage. "The passage of time gives rise to a strong presumption of constitutionality."
- 166 *Hosanna-Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission*, *supra* note 99.
- 167 See text accompanying notes 42-43, *supra*.
- 168 See text accompanying notes 44-47, *supra*.
- 169 See text accompanying notes 48-58, *supra*.
- 170 See text accompanying notes 59-110, *supra*.
- 171 See text accompanying notes 111-122, *supra*.
- 172 See text accompanying notes 123-133, *supra*.
- 173 See text accompanying notes 134-149, *supra*.
- 174 See text accompanying notes 155-166, *supra*.
- 175 Thomas Paine, "The American Crisis," *The Pennsylvania Journal*, Dec. 19, 1776.

Making It Official

HBU Beach Volleyball Anxious to Compete for Southland's Inaugural Championship

By Russ Reneau



HBU won each of the two Southland Showcase titles (2018 & 2019), the unofficial end-of-season tournaments pitting the Southland member institutions that sponsor beach volleyball. Last fall, the Southland Conference announced it would officially be adding beach volleyball as a sport and holding its first championship tournament this spring.

Senior Tori Hinojosa and the HBU squad are looking forward to the opportunity to compete for the league's first official title.

"I am definitely excited to have an official conference tournament," Hinojosa said. "It's something we've been talking about since we got here. We have kind of made a statement of being the top team in the conference, so it would be really cool to finally get a ring. We've won twice, so we have plaques, which is awesome, but it's not the same as a ring."

The San Antonio native played at the No. 2 position as a freshman and sophomore with Kayla Armer, then teamed up with then-senior Aerial Horton as the Huskies' top pair in 2019. She has an impressive .690 winning percentage for her career, going 58-26 overall, including 17-6 with Horton last year, but she

will again be adjusting to a new partner in her final season.

"It's different from year-to-year and (head coach) Cameron (Sitler) has the final say on who plays with who. It's a lot about chemistry and the style of play that matches with yours," Hinojosa said. "By the end of the year, we figure it out and work through it; sometimes pairings change, we just try and fit the best puzzle pieces together that we can."

Even though she is one of only two seniors, along with Danielle Wheeler, Hinojosa doesn't allow too much of the leadership burden to fall on any one person's shoulders.

"The way beach works, it's so much about the team, so I do my best to add and contribute my point. But we all have to work together and contribute those three points (to win). If we only get two, that's it," Hinojosa said. "We're well-built and better than we ever have been, so I'm looking forward to this year across the board."

The 2020 Southland Conference Beach Volleyball Tournament will be held April 16-18 in Corpus Christi, Texas.

Behind the Mask

Senior Catcher Heidi Jaquez Leads Huskies in 2020

By Russ Reneau



One hundred thirty-two games in three seasons. Sure, that's the number of games HBU Softball has played, but it is also the number of consecutive games in which senior Heidi Jaquez has started and strapped on her catcher's gear during her collegiate career.

The Wharton, Texas, native hit .277 with seven home runs, three doubles, two triples, 19 RBIs and a team-leading 27 runs as the Huskies' went 23-23, but missed qualifying for the Southland Conference Tournament by one game, which has left the team hungry to raise the bar in 2020.

"I think this team and this year we are a lot closer than we were last year; we have better communication on the field and outside of practice," Jaquez said. "I definitely think we all want to be successful as much as the person next to us does and to go to the conference tournament, because we haven't been in a while. I know if we keep pushing hard, hard, in February – we have four tournaments back-to-back, which is wild – I think we're going to have a great year."

Jaquez and infielder Amber Lotz are the four-year mainstays with the Huskies and are joined by outfielders Haley Melton

and Riley Bullen to comprise the senior class. This HBU squad is still very young with 10 underclassmen (six freshman and four sophomores) and four juniors, but Jaquez is happy for everyone to share in the identity of this program.

"When I first came to HBU, I was not a leader. I thought that was the older girls' job and 'I'm just coming in, I don't know what to do.' I don't think there is necessarily one leader on a team, but as seniors, we work really well together and the underclassmen look up to us in a good way. I think that's what we're trying to do is set a good example so people know what to do next year and it just keeps going on and on and on."

The Huskies have not only grown as players during the offseason, but also off-the-field with some fun team-building exercises.

"We're definitely growing as a team, and physically, we are all there. We all have the physical abilities we need to make it to the conference tournament," Jaquez said. "What I like about this year is (athletic performance) coach Charlie (Rhea) is making us do this 'good word,' so every day somebody has a 'good word'

they preach, in a way, on how they feel. It's really helping us as a team to grow closer."

Heading into her final season at HBU, Jaquez believes she knows what it will take for the Huskies to achieve their goals.

"We have to fight until the end and push all the way through," Jaquez said. "Our schedule is super busy, but we are

"I've started every single game and caught every single game, so it's been a lot on me physically, but in the end it's so worth it."

together all the time and everyone wants it as bad as the next person, so there should be no problem fighting until the end. There's going to be down sides in life in general and in the game – that's just how it is – but you have to know how to come back from those, and the main thing is to not give up when we're down and keep pushing to the final out."

Climbing That Hill

Former Husky Addison Russ Nears Major-League Dream as a Phillies Top Prospect

By Russ Reneau



Each year, a few select prospects not on a Major League Baseball team's 40-man roster are invited to join the big leaguers at Spring Training. In January, former HBU ace Addison Russ ('17) received the call from the Philadelphia Phillies that he would be among the club's 15 non-roster invitees when camp began in February in Clearwater, Florida.

"It was surreal when they told me," Russ said. "I knew I had a chance to get an invite, but it's just a waiting game. Josh Bonifay, the Phillies director of Player Development, called me to tell me the news and let me know they think I have a future with the club, so it's a great honor. I'm thankful to go to big league camp, being with a new staff and being able to show them what I've got and what I'm about."

In two seasons with the Huskies, the Amarillo, Texas, native was a starter, recording 10 wins with a 3.53 ERA and 145 strikeouts, then was drafted in the 19th round of the 2017 MLB Draft by the Phillies. The Amarillo, Texas, native moved to the bullpen and spent the rest of the 2017 season and 2018 at the class A level, but played the entire 2019 campaign at Double-A with the Reading Fightin' Phils. He earned the team's FirstEnergy

Pitcher of the Year and was an Eastern League All-Star, making 55 appearances and going 5-6 with 22 saves, a 2.54 ERA and 81 strikeouts in 56.1 innings.

"The hardest thing about professional baseball is the every day," Russ said. "In college, you get a break and have a chance to regroup. Being a starter at HBU, if you had a bad outing, you had to wait a whole week. Coming out of the pen, if I blow a save, I have to be ready to go the next night. That mindset is the biggest thing that has helped me — just living in the moment."

Russ is grounded and humble, celebrating only "little victories" as he continues to perfect his craft as a closer and chase his dream. While he is unsure where he will begin the season, only saying he'll "go wherever they send me," he does know where he ultimately wants to end up this season.

"One thing I learned from 'X' (HBU pitching coach Xavier Hernandez) and (HBU head coach) Jared (Moon), was to always have a goal to work toward," Russ said. "My goal is to make the (Phillies') 26-man roster, play in the big leagues and play against the best. I think I'm taking steps in the right direction, but it's a process."

Alum-A-Grams

1960s



Jane Jester Marmion '68 and **Marsha Mathis Eckermann '68** recently took a trip to Washington, DC to visit the Museum of the Bible.

1980s

Randy Sorrels '84 is currently serving as president of the State Bar of Texas and was recognized by Texas Super Lawyers for the 17th year. He was also recognized as one of Houstonia Magazine's Top Lawyers of 2019.



John Tuner '85 currently works for Leidos where he is a space flight instructor.

Benny Agosto '86 was recognized by Texas Super Lawyers for the 15th year and as one of Houstonia Magazine's Top Lawyers of 2019.

Cathy Hill '88 was recently named chief development officer for APQC, the authority on benchmarking and best practices.

1990s

Cazandra Campos-MacDonald '90 recently published her first book, "Dear Hemophilia, Finding Hope Through Chronic Illness," and is pursuing her Master of Divinity at the Iliff School of Theology.

Manuel Abud MBA '91 has been named the Latin Recording Academy's chief operating officer.

Dr. Sheila Pope MLA '96 is the producer and host of "Conversations with Dr. Pope" YouTube Channel.

Stephen Smith '97 is the multisite pastor at Houston's First Baptist Church.

Mac Rorie '98 started a new position as piping material control at Flour Federal Petroleum Operations.

2000s

Brandon Baca '00 was promoted to chief operations officer at Attack Poverty.

Dr. Kirandeep Kaur '01 has been named one of the top psychiatrists in Houston.

Rene A. Enriquez '02 is the director of Enterprise Solutions for Texas Southern University.

Kristy Rundle '02 is a fifth-grade English language arts teacher at Keller ISD.

Cindy Williamson Joiner '02 is an office administrator for Lone Star Provisions.

Dr. George Atallah '03 was recently named one of the top-rated pain management doctors in Houston.

Seperia Preston '05 has a new position as a lead clinical manager at Houston Circle of Hope.

JJ Worthen '06 started a new position as a business applications CE specialist at Microsoft.



Joe Lopez '03 is the new superintendent of Kermit Independent School District.



Natalie Ashlock Kortis '04 is living in Gatesville with her husband and two boys. She is a physician assistant for Elite Patient Care.

Mordecai Ian Brownlee '08 was recently selected to serve as the co-chair of the Texas higher Education Coordinating Board Apply TX Advisory Committee.

Branden Mickan '08 is an international sales manager for Mickan Tool and Supply LLC.

Jolie Graf Schafer '08 is a medical science liaison for Kladis Pharma.

Chrystal Broussard '09 is an account liaison for HGAC.

Cody Still '09 is a composer and recently had his custom arrangement of "Yoda's Theme" (originally composed by John Williams) featured in trailers for "Star Wars: The Rise of Skywalker."

2010s

Giovanna Henriquez Pennick '11 is now serving as a school counselor at the Elsie Ninth Grade Center.

Chloe McClain '12 is now a registered nurse at MD Anderson Cancer Center.

Matt Phenix '12 is the new pastor at First Baptist Canadian.

Sharon Savant '12 is a pharmacist for CVS.

Vasti Adkins '13 has earned her Master of Business Administration with a concentration in Music Business from the Berklee College of Music at Southern New Hampshire University.

Kelsey Engel '14 is a missionary care associate at Houston's First Baptist Church.

Laura Ramirez '15 is a campus interventionist for Galena Park ISD.

Yvette Mitchell '15 is a special education teacher for Aldine ISD.



Abbe Adams '16 and **Femi Aborisade '14**, passed the Bar Exam in July and were inducted to the State Bar of Texas on November 18. **Randy Sorrels '84**, the current president of the State Bar of Texas, welcomed them and the other new lawyers.

Jasmin Adams '16 is a teacher for Aldine ISD.

Heidi Bradley '16 is now a grant program coordinator for MD Anderson.

Garrison Fick BBA '16 MBA '18 started a new position as a natural gas scheduler at Leaf River Energy Center LLC.

Gaiet Snow '16 is a TRIO Success Coach at HBU.

Tessa Stewart '16 currently teaches biology, life science, and game design at The Tenney School.

Shelby Miller-Hoot Box '17 married Brandon Box on July 7, 2019.

Kaya Gaston Jones '17 married **M. Tyler Jones '15** in October 2018; she is now a teacher in Cypress-Fairbanks ISD.



Alba Penate-Johnson '18 married Montiece Johnson on December 6, 2019. Alba currently works for the City of Sugar Land as a business retention manager.

Ebonie Porch MEd '18 is now a teacher at Goose Creek ISD.

Michelle Harden '18 is the CEO of Kingdom View Inc.

Kayla Davenport '18 is an associate financial representative for Northwestern Mutual.



Marcella Fick Ehrlich '19 married Landin Ehrlich on January 5, 2020.

Faith Fobeneh '19 recently won first place in the Gilbert & Sullivan Society of Houston's Inaugural Vocal Scholarship Competition.

Mackenzie Hall '19 is a nurse at Memorial Hermann.

Keisha Boler Holland '19 is a charge nurse for HCA Houston Northwest Medical.

Victoria McCrary '19 has been named the digital communications specialist for the Baptist Standard.

Hannah Wright '19 is serving as an encore teacher at First Baptist Academy.

HUSKY PUPS



Tameka Anderson Abernathy '02, MEd '07 and her husband, Marcus, welcomed Ian Anderson on February 6, 2019. He was 6 lbs. 2oz.



Trenton Bell '12 and wife Michele welcomed Kaden James (KJ) on September 19, 2019.



Mary Ellen Leisering Ermis MLA '14 and husband, Reis, welcomed their first child, Christian James, on November 19, 2019. He was 5 lbs., 12 oz. and 18.5 inches long.

IN MEMORIAM

ALUMNI

Daniel Bryan Capes '06 passed away on August 2, 2019. He was a courageous warrior in his battle with cancer. Daniel was the son of former faculty members, Dr. David Capes and Cathy Capes. He was married to **Jenel Newcomb Capes '05**, his wife of 13 years, and father to Tobias Alexander Capes, 4 years old.

Diann Allen '69 passed away, July 10, 2019 in The Woodlands, Texas. She had just turned 72 on June 16, and was proud to have been inducted into the HBC/HBU Golden Circle on May 4, 2019. She was also very proud to have celebrated her 50th wedding anniversary with her husband,

Rike Allen '68 on January 10, 2019. She was a loving wife, companion, mother, and grandmother who valued family, faith, and a love of God.



Correction from Fall/Winter issue of Pillars.

FORMER FACULTY/EMPLOYEES

Hoy Gatlin passed away October 28, three days after celebrating her 99th birthday with family. She worked in the HBU Registrar's Office for Mrs. Hinton (former First Lady) from 1966-1971 and was popular with the students and faculty. She remained very active the rest of her life.

Dr. Carter Franklin served HBU from 1974-2001. He was the director of the Master of Business Administration program, served as associate dean of the College of Business and Economics, and held the Rex G. Baker Professorship.



Anthony Martin, former Director of the HBU Bookstore (1994 to 2017) passed away November 10 in Fort Myers, Florida at the World Series Adult Baseball Tournament. He hit a double and collapsed on second base. He would want that information told to everyone. Anthony was an athlete at heart, but as much as he loved sports, that paled in comparison to his love for his family. As the 2002 recipient of the HBU Alumni Association Hallmark Award, Anthony was named an honorary alumnus of HBU.



Kaya Gaston Jones '17 and her husband, Tyler, recently welcomed the newest addition to their family! Oliver Wallace Jones was born in November 26, 2019, weighing 6 lbs., 8 oz.

FRIENDS OF THE UNIVERSITY



Carolann Moore passed away on December 25. She was a devoted member of Second Baptist Church and was active with United Way of Greater Houston, the Houston Alumnae Chapter of Kappa Kappa Gamma, the Houston Bar Association Auxiliary, as well as The Guild of Houston Baptist University.

SAVE THE DATE

Mark your calendars to attend the

Founding Classes Reunion Weekend

on

May 1-2, 2020

chaired by Jo May '69 and Michael Wood '70

HBU.edu/AlumniEvents

2nd Annual Stewarding Resources Well: → A WORKSHOP FOR WOMEN

on

Thursday, April 16, 2020

This event is for women of all ages and will feature informative and inspirational sessions.

For more information about registration and speaker topics, visit *HBU.edu/WomensWorkshop*, or contact Sarah Dennis at SDennis@HBU.edu or 281.649.3350.



... SLOAN - CONTINUED FROM PAGE 3

But there are certain very important moral and physical distinctions that are still made. For example, even though men and women are one in Christ, Paul still appreciates and deals with the differences between women and men, Jews and Gentiles, etc. And he forcefully maintains that the laws of God still matter. Certain laws are still "loadbearing," especially those that have to do with family, sexual relations, and things like idolatry or the Ten Commandments. So diversity does not come to mean a kind of libertarianism that says that moral distinctions are merely matters of human construction. Moral and theological distinctions still matter. When Paul, for example, in one of his diversity passages (1 Corinthians 9) talks about his own adaptability, he writes, "To the Jews, I became as a Jew. To the Gentiles as a Gentile." He is arguing paradoxically regarding the Law. He is maintaining that he adapted to the non-loadbearing features of the Law (diet, calendar, etc.) when he says, he became "as under the law, though I'm not really under the sphere of the Torah's judgment." Then, regarding Gentiles, he says, "I became like one outside the Law, though I'm *never outside the commandments of God*." So the diversity that the New Testament reflects is a diversity of ethnicity, of race, of gender, economic diversity, etc., but in all

these things, there is nonetheless a homogeneity of confession and of commitment to the one God of the Scriptures, the true creator, and to the one Lord, Jesus. And there was a consistent body of moral teaching about church unity and sexual purity (and moral basics like the Ten Commandments) that continued to apply to all. So the diversity we have and celebrate does not open the door for idolatry or the moral practices that destroy individuals, families, biblical marriage, and the oneness of the family of God in Christ.

At HBU, we reflect the great diversity of Houston and the world, while maintaining our core commitments to Christ and the Scriptures. We declare our faith and seek to practice it consistently, knowing that you can't force faith on anybody, that's a contradiction in terms. Faith always has a voluntaristic feature to it. You couldn't possibly force faith, authentic faith, on anyone. So to students who come here of, say, no faith or weak faith or a different kind of faith, we're clear about who we are while also welcoming questions, conversation, and engagement, as we do the work of Christian higher education.

Listen to Dr. Sloan's recent podcast: [HBU.edu/p56-Sloan](https://hbu.edu/p56-Sloan)

... MISSION THAT UNITES - CONTINUED FROM PAGE 43

pledged to follow the rules established by the people of the Plymouth colony in a short compact that bears the name of their little boat – the Mayflower.

The rule of law is the idea that the law applies equally to everyone and that following the rules matters because it protects our liberty. John Adams said ours is a nation of laws, not men. The purpose of a written constitution is so that the rules are made evident to everyone, so they can be applied equally to everyone. Written rules and procedures don't care how old you are, what skin color you have, whether you are male or female, what religion you practice, or your political affiliation. The rule of law treats us all the same – as long as we follow the law.

Alexander Hamilton wrote very astutely in the first of the Federalist Papers that our nation was presented with a unique opportunity: "It has been frequently remarked that it seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force."

In other words, Hamilton said that we were presented this rare chance to do something no one else had ever done – to create a new nation and live under rules of our own making. And if we failed at that, people would say, "See, democracy doesn't work."

And this is why the American Founding is important to study and is still relevant in our lives. The story of the American Founding isn't really a story about old guys in funny wigs writing on parchment paper. It's a story about us. About how we see ourselves. About what kind of people we want to be. About what kind of nation we want to live in. And whether we are really capable of establishing good government from reflection and choice.

We want our students at HBU to understand that no matter where they are from, or who their parents are, or what they look like, that these principles are important and relevant to their future. And while it's okay to disagree among ourselves about the best means of upholding them, we should never forget the vision which our Founders placed before us. And together, we can continue the goal of the American Founding – of building a more perfect union.

THINK ABOUT IT...

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Here at HBU, the professors
are committed to giving
you the opportunity to grow
academically and personally.
— Asly Guevara



HBU SPIRIT of *Excellence* GALA

**Make plans to attend the 2020 Spirit of Excellence Gala,
featuring guest speaker, Tim Tebow!**

November 12, 2020



Tim Tebow is known as a two-time NCAA national football champion, Heisman Trophy winner, and a first-round NFL draft pick. He played for three years in the NFL for the Denver Broncos and the New York Jets before becoming a college football analyst for ESPN. He founded the Tim Tebow Foundation and is the author of two New York Times Best-Selling Books.

HBU.edu/SpiritofExcellence

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