

Alliance
of Baptists

September 5, 2006

American
Baptist
Churches USA

Baptist General
Association
of Virginia

Baptist General
Conference

Baptist General
Convention
of Texas

Baptist State
Convention of
North Carolina

Cooperative
Baptist
Fellowship

National
Baptist
Convention
of America

National
Baptist
Convention
U.S.A. Inc.

National
Missionary
Baptist
Convention

North American
Baptist
Conference

Progressive
National Baptist
Convention Inc.

Religious Liberty
Council

Seventh Day
Baptist

Dear Representative,

The Baptist Joint Committee for Religious Liberty (BJC) urges you to vote NO on HR 2679, the so-called "Public Expression of Religion Act." The BJC is a 70-year-old education and advocacy organization dedicated to the principle that religion must be freely exercised, neither advanced nor inhibited by government. Our mission stems from the historic commitment of Baptists to protect religious freedom for all.

We oppose this legislation that seeks to limit access to the federal courts for individuals seeking the enforcement of the Establishment Clause. To prohibit the recovery of attorney's fees and limit the remedy available to injunctive relief would essentially shut the courthouse door to many who seek to defend our first freedom. Enforcement of the First Amendment is essential for the defense of religious freedom. The protections of the First Amendment, however, are not self-enforcing. If someone is forced to sue the government to enjoy their constitutional rights, justice and fundamental fairness dictate they be able to recover the legal fees expended to do so.

Despite the claims of the bill's sponsor, this legislation does not promote the expression of religion. Instead, the bill undermines fundamental constitutional protections that have provided for a great deal of religious expression in the public square. The Establishment Clause exists to protect the freedom of conscience and to guard against government promotion of religion, leaving religion free to flourish on its own merits. This point was well-stated by former Supreme Court Justice Sandra Day O'Connor in her concurring opinion in *McCreary County, Kentucky v. ACLU (2005)*. She noted, "Voluntary religious belief and expression may be threatened when government takes the mantle of religion upon itself as when government directly interferes with private religious practices."

Governmental entities should be encouraged to uphold constitutional values, not invited to ignore them. Yet, passage of H.R. 2679 would encourage elected officials to violate the Establishment Clause whenever they find it politically advantageous to do so. By limiting the remedies for a successful plaintiff, this measure would remove the threat that exists to ensure compliance with the Establishment Clause.

We urge you to oppose H.R. 2679. The bill is an assault on an essential constitutional freedom. If passed, it would greatly harm religious freedom and set a dangerous precedent for other constitutional protections.

Sincerely,



K Hollyn Hollman
General Counsel