

Constitutional Amendment 2 - Religious Expressions of Prayer in Schools & Public Places

A Brief History of the Missouri Legislature's Response to the Contemporary Erosion of Religious Freedoms

America has changed. Not overnight, and yet it has not all been a slow steady decline over the past two centuries. While many can recognize and document our nation's spiritual condition through the major events of history, nothing is as telling as the moral decay that has followed the radical changes dictated by the U.S. Supreme Court in 1961-62 removing Biblical and Godly influences from our public schools. Within ten years the nation fell prey to abortion on demand. And after just a few more years, every school student that had seen prayer and Biblical instruction in school during their early years, graduated. During the 1980's and 1990's the United States watched our schools collapse as the moral foundations no longer held.

By the end of the 1990's both the U.S. Congress and the Missouri Legislature had several members who were very concerned and searching for ways they could use their God-given positions to speak out and provide the leadership needed to point out some of the core problems. Many of these lawmakers had the insight and fortitude to take up the mantle of Godly leadership. This is only a brief outline of just one of the battles that ensued in the Missouri General Assembly.

Prayer. Should public school students be afforded the rights espoused by the Constitution to pray in the classroom? Should citizens have their Constitutional rights recognized if they are seen praying on public property? How far should the First Amendment be recognized or discarded? By outlining the legislative history of Constitutional Amendment 2, I hope to help citizens understand the depth of investment many people have made to give you, the voter, an opportunity to defend religious expression in public places.

Where are we as a nation? Do we still believe in religious expression, and if so, to what extent? Are we ready to capitulate to the contemporary whims of multi-culturalism, situational ethics, and post-modernism as applied to law, education, ethics, citizenship, and religion? By providing readers with a glimpse of this sliver of history, on this simple topic, I hope to help citizens realize the significance of the culture war raging around us.

Can you imagine where we are headed as a State and nation? Did you know on issue after issue Missouri is one of the most conservative of the fifty States? However old you are, during any ten year span of time could you have guessed how far our culture would have declined in the forthcoming decade? Every measure of our history seems to have eroded exponentially. Where are we headed? Do we dare predict? Thankfully, many God fearing leaders have committed themselves to address our moral decay. How will we respond to the opportunity so hard fought by the following:

In 2000 **State Representative Rich Chrismer** (and 8 co-sponsors) introduced **HB 1269** proposing a statutory law allowing public schools to consult with parents and designate a "prayer time" for students. The next year, 2001, **Representative Charles Ballard** introduced **HCR 27** as the first contemporary legislation for the State to recognize a National Day of Prayer and calling on all schools, colleges and universities to set aside a time of opportunity for prayer.

Jump to 2002, five bills were introduced focused on the religious liberties and expressions of prayer in public places. **Representative Rod Jetton** introduced **HCR 19** calling upon the U.S. Congress to adopt and pass a federal Constitutional Amendment protecting students' prayer in public schools. **Representative Carl Bearden** sponsored **HCR 22** which also sought to urge the U.S. Congress to adopt the "School Prayer Amendment" that had been proposed at that time in Washington D.C. **HJR 30** was then offered (pre-introduced in December) by **Representative Patrick Naeger** (along with 43 other co-sponsors and supporters) as the first proposed Missouri

State Constitutional Amendment seeking to protect public school student's right to pray in Missouri's public schools. **Representative Carl Bearden** led thirty fellow House members to introduce **HJR 55**, a similar measure to expand State Constitutional protections for all citizens who may pray or express their religious liberties in any public place, including students in public schools.

Also in 2002 **Senator Chuck Gross** introduced **SCR 45**, calling on the U.S. Congress to forward a proposed federal Constitutional Amendment to the States for ratification. The Senator, a former House member, had co-signed several of the previous House proposals before being elected to the Senate. As the effort to address the issues in these bills continued, opposition in the Senate was so disheartening that this was the one and only bill offered from the Senate chambers throughout the twelve year battle to "Truly Agree and Finally Pass" a bill. Those Senators who were willing to fight for a bill adopted the strategy of not giving unnecessary opportunities to opposing Senators who were only sharpening their arguments to kill the effort. Instead they would continue each year working to help pass a House approved version and minimize debates.

The following year, 2003, **Representative Brian Nieves** (now Senator Nieves) sponsored **HCR 13** in support of the various proposed U.S. Constitutional Amendments pending before Congress, including the one sponsored by Congresswoman Jo Ann Emerson from southeast Missouri. This House Concurrent Resolution was aimed at encouraging Missouri's nine member congressional delegation, as well as the full Congress, to take up and pass a student's right to pray amendment to the federal Constitution which in turn would need two-thirds of the states to ratify.

By 2004 concerned leaders within the Missouri Legislature came to the realization that the U.S. Congress was not unified with a commitment to defend Religious Liberties and that more focused energy must be directed toward protecting the citizens of our own home State. Once again **Rep. Carl Bearden** and nineteen other House members submitted **HJR 48** in an attempt to pass a proposed Constitutional Amendment to be adopted by the voters of Missouri and incorporated into the State Constitution. This and every other such proposal moving forward included both elements of student's rights to pray in public schools and all citizens liberties regarding prayer and religious expression on public property.

As the legislation was developing through the years the first time the bill included citizens "acknowledgement of God" occurred in the 2002 version. By 2004 this reference was better worded as "Acknowledgement of Almighty God". The inclusion of "Almighty" was to clarify the God of the Bible, the God of Abraham, Isaac, and Jacob, - Jehovah. In one noteworthy debate on the House floor in 2006, opposing members proposed an amendment to include Allah. In response, supporters rallied behind Rep. Bearden who had put together a multi-page substitute amendment to facetiously expose the hypocrisy of the pro-Allah amendment supporters who said the underlying bill was "discriminatory". Bearden's substitute included thousands of gods the opposition had given no consideration to. In the end, both the substitute and the attack amendments were turned down and the Resolution was passed once again with an overwhelming vote in favor of "acknowledgment of Almighty God".

In 2006 **HCR 13** was introduced by **Representative David Sater** (sponsor) along with Rep. Barney Fisher and a group of other co-sponsors. This Resolution expressed support for student prayers in public schools and religious displays on public grounds as both items were proper religious expressions and historic acknowledgement of our Christian heritage. In the same year **Representative Carl Bearden**, joined by twenty-one fellow House members, introduced **HJR 39**. This time though, the proposal added an additional item to the evolving legislation. Not only did it call for all citizen's rights of free religious expressions of prayer in public places and student's prayer rights in public schools, but it also included the idea of requiring all free government funded schools to "display, in a conspicuous and legible manner, the text of the First Amendment of the Constitution of the United States".

With no ultimate success to date, **HJR 19** was filed in the Missouri House in 2007. Once again sponsored by **Rep. Carl Bearden** and co-sponsored by twenty-nine determined members of the House. By this time in its legislative history, the proposal to protect expressions of Religious Liberties by citizens and public school students had been being passed annually by the House of Representatives, only to be held up in the Senate by progressive liberal members who would filibuster the effort to keep it off the statewide ballot. By 2007 prayer amendment bills were making it onto the Senate floor for debate. The first such debate was handled by **Senator Luann Ridgeway**.

Also, to date, the evolving language was being vetted each year through public hearings and testimony provided for and against the bills. Each version of the proposal was considered and altered in attempts to keep it alive and viable among the thousands of other bills vying for the attention of lawmakers. In order to survive the gauntlet of the legislative process, changes in wording were discussed over and over among the primary sponsors and within the public hearings. Over the due course of time an understanding of what needed to be included in the proposal, and what not, became more and more clear – yet extensive changes were yet to come.

2007 was also marked as Rep. Carl Bearden's last year in the General Assembly. So in the beginning of the 2008 legislative year there was a question as to the future of the proposal. However several legislative leaders were committed to see the effort continued and after much consultation **Rep. Mike McGhee** was considered the best person to continue as the new lead sponsor. Both the Speaker of the House, Rod Jetton, and the Speaker Pro-Tem, Bryan Pratt, desired to become the lead sponsor but both swallowed their pride, admitting their leadership responsibilities were too distracting for such important legislation. This change in strategy also provided serious reflections on the entire project and additional changes began to be added to the proposal.

In 2008 **HJR 55** was introduced by **Representative Mike McGhee** and nineteen co-sponsors. This time the bill was expanded to not only require posting of the First Amendment but the entire Bill of Rights, a change that became a permanent part of the overall project. For four years Rep. McGhee would carry the bill and champion the effort. Yet the evolution of the ongoing effort continued to grow and even expand in scope as the various bills were being passed each year by the House, and stalled in the Senate. In 2007 the bill was handled in the Senate by **Senator Jason Crowell**.

From the beginning (2000) various organizations worked to support these bills and assist sponsors with strategies, language developments, and testimonies during the required public hearings in the House and Senate each year. The main groups which invested themselves included the Missouri Family Network, Missouri Eagle Forum, Concerned Women for America, the Missouri Baptist Convention – Christian Life Commission, and the Missouri Catholic Conference.

However, in 2008 a new group emerged and brought some fresh ideas to the table. While everyone else was entrenched and maybe even too close to the past history, a newer addition provided the initiative to take the bill further than previously envisioned. The Missouri Family Policy Council jumped on board with both feet and infused several positive additions along the way.

When preparing for the 2009 Legislative Session and the introduction of **HJR 11** by **Rep. McGhee** and a dozen fellow co-sponsors, Missouri Family Policy Council provided insights and experiences leading to more expansion of the proposal. MFPC Executive Director, Joe Ortwerth, had previously served as County Executive for St. Charles County. In that capacity he had firsthand experience with attacks on local government bodies who maintain prayers as part of their official public meetings. Thus HJR 11 was expanded to include specific constitutional protections for “elected officials and employees of the state”, and local governments’ “invocations or other prayers”. An addition that would remain intact through the remaining three years of the battle. During the 2009 Legislative Session **Senator Delbert Scott** handled HJR 11 in the Senate.

By the time 2010 rolled around, MFPC also championed an additional piece related to public school students. This improvement encompassed the academic work of students by adding “that students may express their beliefs about religion in written and oral assignments free from discrimination based on the religious content of their work; that no student shall be compelled to perform or participate in academic assignments or educational presentations that violate his or her religious beliefs;”. So with the introduction of **HJR 62** by **Rep McGhee**, the proposal was again expanded. At the same time a provision was included to satisfy concerns from the Department of Corrections who had started fearing the citizens’ rights provisions could give credibility to prisoner lawsuits over such issues as smoking peyote. Again, **Senator Delbert Scott** handled the Prayer Amendment in 2010.

It was also agreed to add an exact ballot question to the proposal with the 2010 legislation. Reviewing how the current Secretary of State has written so many inaccurate and even misleading ballot questions led to universal concerns. If this bill were to ever pass, how could it survive a statewide public vote if what the citizens see in the ballot booth did not truly reflect the actual proposed Constitutional Amendment? By adding our own summary question to the bill no other politician or official could supplant it with a spiked question designed to confuse or offend voters.

So, from 1999 to 2010, every bill introduced to protect Religious Liberties in the arena of public school students’ rights, citizens’ rights of religious expression in public places, or local governments’ rights to have prayers on meeting agendas, all failed. Almost entirely because of only a small handful of Senators who consistently opposed each bill and invoked filibusters or the threat of such, no bill survived for twelve years.

However, by the twelfth year, 2011, all the stalling and opposition has ultimately backfired! With the introduction of **HJR 2**, sponsored by **Representative Mike McGhee** and forty-three co-sponsors, the bill had been improved upon year after year. **Senator Jack Goodman** handled HJR 2 in the Senate. And as this version of the proposal finally passed both the House and Senate, few understood the significance of all the benefits of twelve years of trailblazing. Even as we prepare for a statewide vote on August 7, 2012 (which has not even happened yet) organizations from around the nation have already sat up and taken notice of Missouri’s legislative victory. What everyone is saying is “why can’t we do what Missouri has done?” “Each of the other 49 States need to follow Missouri’s example.” And, “How did they pass such a thorough and comprehensive Constitutional Amendment?”

Twelve years in the making, spanning seven two year election cycles, hundreds of lawmakers and activists investing thousands upon thousands of hours, Missourians registered to vote will finally get an opportunity to set in constitutional stone, for the first time ever, a response to an attack upon our school students and the general public more than fifty years ago! After so many dedicated servants have invested themselves over the past twelve years, what can you do to help push this effort over the finish line? What will you invest along with those who have fought so long and so hard?

Passage of this Constitutional Amendment at the ballot box will bring an end to most all of the ACLU and other harassing lawsuits against our common Christian heritage. Missouri is once again on the cutting edge and leading the nation. But the last vote belongs to you! History is still being written – what will it say about you and your vote on August 7, 2012?

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