

PUBLIC EXPRESSION OF RELIGION ACT

To amend the Revised Statutes of the United States to eliminate the chilling effect on the constitutionally protected expression of religion by State and local officials that results from the threat that potential litigants may seek damages and attorney's fees.

– H.R. 2679

The American Civil Liberties Union (ACLU), Americans United for Separation of Church and State and other well-funded groups of their ilk frequently sue local governments, Boy Scout troops or veterans councils over issues regarding the separation of church and state. When they are successful, these groups are often awarded large sums of money to recover attorney's fees. As the taxpayers are responsible for such bills, fear often motivates those being sued to capitulate to the demands of the plaintiffs, rather than face hefty legal fees.

Senator Sam Brownback of Kansas and Representative John Hostettler of Indiana are out to change this. Both lawmakers have proposed legislation called "Veterans' Memorials, Boy Scouts, Public Seals, and Other Public Expressions of Religion Protection Act of 2006" (S. 3696) and "the Public Expression of Religion Act of 2005" (H.R. 2679). The bills would amend the Civil Rights Attorney Fees Award Act of 1976 in order to require that parties in Establishment Clause cases take responsibility for their own legal fees. Should these bills become law, well-funded advocacy associations would have a harder time intimidating local governments and less wealthy groups into removing such things as displays of the Ten Commandments or stamping out references to Christianity in public schools.

The Catholic League is pleased to support these bills, which are currently under consideration in Congress. The House Judiciary Committee has passed Hostettler's act, and it will now be sent to the full House of Representatives for a vote. The Senate Judiciary Committee is still considering Brownback's version.

We will be following their progress closely, and urge interested members to contact their senators and representatives to register their support for this legislation.