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HOUSE JOINT RESOLUTION NO. 639

Offered January 10, 2007

Prefiled January 9, 2007

Encouraging the State Council of Higher Education to establish guidelines to ensure religious freedom at public institutions of higher education in the Commonwealth.

Patron—Cline

Referred to Committee on Rules

WHEREAS, the American values of freedom and respect for individual rights and liberties are a precious legacy that has been bequeathed to all Americans by our forebears; and

WHEREAS, the American culture can be described as one of freedom—political, economic, and religious freedom, and freedom of thought and expression; and

WHEREAS, during its earliest years, the Virginia General Assembly revised state laws to incorporate the principles of a democratic society, and in 1779 enacted the Statute of Religious Freedom, the first act of religious freedom in the western world, penned by Thomas Jefferson, which eloquently expressed the principles of complete freedom of worship and declared this freedom an absolute right upon which no government could infringe; and

WHEREAS, as a result of this enactment, the Commonwealth from its earliest beginnings has enjoyed the freedoms of religious belief and worship; and

WHEREAS, Virginia's Statute of Religious Freedom is often called "the precursor to the Religion Clauses of the First Amendment" of the United States Constitution, and it is this amendment that guarantees religious freedom for the individual, stating that "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"; and

WHEREAS, section 22.1-203 of the Code of Virginia requires each school board to establish the daily observance of one minute of silence in each classroom; § 22.1-203.1 guarantees the right of every pupil to the free exercise of religion within the public schools and that the freedom of each individual pupil may not be subject to pressure from the Commonwealth either to engage in, or to refrain from, religious observation on school grounds; and § 22.1-203.2 provides for the establishment of guidelines on constitutional rights and restrictions relating to prayer and other religious expression in the public schools; and

WHEREAS, John K. Wilson wrote in "Introduction: Why We Need To Protect Academic Freedom," that "academic freedom is necessary for (i) the free exchange of ideas which is crucial to genuine higher education, (ii) a free society, as colleges and universities are the primary sources for dissenting ideas and vibrant debate in American society, and (iii) the quality of education"; and

WHEREAS, freedom of thought and expression is essential to any institution of higher education, and the constitutional rights of students should be equally protected in a community where scholarly inquiry is encouraged, knowledge flourishes through open dialogue and the exchange of competing ideas, and respect for persons of diverse backgrounds and viewpoints is nurtured; and

WHEREAS, many institutions of higher education strive to promote, appreciate, and incorporate racial, ethnic, linguistic, religious, and cultural diversity within their campus environment; however, these gains may be eroded when the environment is one of hostility and intolerance towards persons of different religious beliefs or of no religious belief, and the fragility of civility can be easily destroyed; and

WHEREAS, freedom of religion for all people is an inherent right, fundamental to the democratic structure of the United States, and is guaranteed by the first amendment of the United States Constitution; and

WHEREAS, as freedom- and liberty-loving people, we have traditionally rejected government denial and restriction on the individual's right to practice his religion, and due to the protection of this constitutional guarantee, the nation has benefited from a rich variety of religious heritages; and

WHEREAS, effective Board of Education Guidelines Concerning Religious Activity in the Public Schools already exist, and the implementation of similar guidelines by public institutions of higher education will facilitate the development of cohesive statewide policies throughout the public and higher education systems regarding religious activity and expression and protect the constitutional rights of students, faculty, and staff; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the State Council of Higher

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59 Education be encouraged to establish guidelines to ensure religious freedom at public institutions of
60 higher education in the Commonwealth; and, be it
61 RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution
62 to the Secretary of Education, Chairman and Executive Director of the State Council of Higher
63 Education, and the Chairman and Chancellor of the Virginia Community College System, requesting that
64 they further disseminate copies of this resolution to their respective constituents so that they may be
65 apprised of the sense of the General Assembly of Virginia in this matter.