

## Conservative Groups Declare Obama's Stimulus Bill a War on Prayer

A provision in the House-passed stimulus bill -- banning money to be used to renovate schools from being spent on facilities that allow "religious worship" -- has ignited fury among those who claim it discriminates on the basis of faith and violates the right to free speech.

Democrats in Congress have declared war on prayer, say conservative groups who object to a provision in the stimulus bill that was passed by the House of Representatives last week.

The provision bans money designated for school renovation from being spent on facilities that allow "religious worship." It has ignited a fury among critics who say it violates the First Amendment and is an attempt to prevent religious practice in schools.

According to the bill, which the Democratic-controlled House passed despite unanimous Republican opposition, funds are prohibited from being used for the "modernization, renovation, or repair" of facilities that allow "sectarian instruction, religious worship or a school or department of divinity."

Critics say that could include public schools that permit religious groups to meet on campus. The House provided \$20 billion for the infrastructure improvements, of which \$6 billion would go to higher education facilities where the limitations would be applied.



The United States Naval Academy Chapel in Annapolis, Maryland, is one of two houses of worship on the grounds of the Navy's service academy (AP).

"What the government is doing is discriminating against religious viewpoints," said Mathew Staver, founder and chairman of Liberty Counsel, a Washington-based nonprofit organization that works to advance religious freedom.

"President Obama's version of faith-based initiatives is to remove the faith from initiative," said Staver, who believes Obama has "a completely different view on faith" from what he said during his presidential campaign.

"He is not the infallible messiah that some thought he would be," Staver said.

Civil liberty groups like the Americans United for Separation of Church and State vehemently defend the stimulus bill's provision, arguing that it in no way violates the Constitution.

"This provision upholds constitutional standards established by the U.S. Supreme Court and in no way affects student groups that meet on public school campuses," said the Barry W. Lynn, executive director of Americans United for Separation of Church and State.

The American Civil Liberties Union also defends the constitutionality of the restriction, which they say has been the law since 1972.

"It's almost a restatement of what the Constitution requires so there's nothing novel in what the House did in its restriction," said Christopher Anders, senior legislative counsel to the ACLU. "For 37 years, the law of the land is that the government can't pay for buildings that are used for religious purposes."

Not so, says the Traditional Values Coalition, which issued a statement Wednesday charging that Obama is using his stimulus plan to restrict the exercise of religion in public facilities -- a provision it says violates the right to free speech.

"The economic crisis is being used as a pretext to curb religious liberty at institutions of higher learning," said Executive Director Andrea Lafferty.

"We are not asking that federal funding be used to construct a church, but if a campus ministry wants to hold a Bible study or Mass in the student activity building, we should be encouraging that -- not punishing a college for permitting it," she said.

According to some constitutional law experts, any complaint filed against the provision will gain little ground in court.

"Certainly the provision is treating the act of religious organizations differently from the activities of the school itself," Harvard University constitutional law professor Mark Tushnet told FOXNews.com.

"It's not frivolous to say there's a constitutional problem with excluding religious facilities from these grants, but I think the way of the law is in the other direction," he said.

Tushnet cited a 2004 Supreme Court case in which a Washington student lost a college scholarship awarded by the state after it was revealed that he planned to pursue a degree in pastoral ministries. Though the student argued that rescinding the money discriminated on the basis of religion, the court ruled in the state's favor -- declaring that the taxpayer-funded scholarship's restriction is constitutional.

The White House said Wednesday that it plans to keep in place the basic structure of the faith-based initiative office established by former President George W. Bush.

Administration officials said the office is a substantial programming and policy arm of the federal government, which allows federal agencies to connect with local neighborhood and faith-based groups to deliver social services.

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