

HB 728 -- SEPARATION OF CHURCH AND STATE

SPONSOR: Billington

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Judiciary by a vote of 11 to 5. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 5 to 2.

This bill specifies that except if the party in interest is a minor, in any action involving the separation of church and state, such action will be prosecuted in the name of the real party in interest.

PROPONENTS: Supporters say that this would require plaintiffs to be named in cases where people want to sue to remove religious symbols because such plaintiffs currently hide behind unknown names. We need to protect the rights of Missourians and this would make it more fair for religious people because they are currently being singled out. They say they hide behind anonymous names because they fear retaliation from religious people, but religious people in Missouri are not violent. This would treat claimants the same no matter the viewpoint. This will hopefully reduce the number of frivolous lawsuits. Civic leaders have to endure scrutiny so why shouldn't plaintiffs.

Testifying for the bill were Representative Billington; Concerned Women for America of Missouri; Don Hinkle, Missouri Baptist Convention; Missouri Family Network; and Keith Carnahan, Maranatha Baptist Church.

OPPONENTS: Those who oppose the bill say that people who file these lawsuits often face harassment and threats. This strips judges' ability to allow plaintiffs to not name themselves. This will put people in danger and it is an attempt to stop only one kind of lawsuit. This would stop people's ability to bring lawsuits when they think they've been wronged. This would also preclude people from exercising their religious rights and filing lawsuits anonymously. The intent is to silence religious minorities, like Atheists.

Testifying against the bill were Ryan Jayne, Freedom From Religion Foundation; James C. McLaurin, Secular Coalition for Missouri; Scott McKellar; American Civil Liberties Union of Missouri; David Rosman; and Eric Wells, American Atheists.