

**TRANSCRIPT: HOUSE OVERSIGHT AND GOVERNMENT REFORM COMMITTEE**

**CONGRESSMAN TED LIEU STATEMENT ON RELIGIOUS LIBERTY AND H.R 2802, THE FIRST AMENDMENT  
DEFENSE ACT (FADA)**

**Congressman Ted Lieu:**

Thank you, Mr. Chair.

America is great because we are not a theocracy. And you see the dangers of theocracies today, some the most repressive regimes in the world are based on countries that have laws based on religion.

The reason we don't do that in the United States is because our Founding Fathers were quite smart; they put in the First Amendment in the United States Constitution. And let's just read that First Amendment one more time. It says Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. So the very first line in the First Amendment says Congress shall make no law respecting an establishment of religion.

That's why when Barney Frank took an oath of office to be a member in Congress and when members on this committee took an oath of office, we took an oath to the Constitution. Not the bible. Many of us did place our hand on the bible when we took the oath to the Constitution, but it was not the other way around. And the way we've balanced religious liberties where we respect people of any religion, respect those who don't have any religion, is we let religions operate freely within their area, we even allow religions to discriminate within their sphere.

We don't allow religions to impose their views on others. So Ms. Franke let me ask you, and I happen to be Catholic - the Catholic faith, by its very own policy, just flat out discriminates against women, right, by saying that women cannot be in any leadership position, you can't be Pope, you can't be bishop, you can't be a priest, isn't that correct?

**Columbia Law School Professor Katherine Franke:**

We'll you're the Catholic, I'd assume that is correct.

**Congressman Ted Lieu:**

And yet we allow them to have a tax exempt status, isn't that correct?

**Columbia Law School Professor Katherine Franke:**

We do but we- well I'll let you...

**Congressman Ted Lieu:**

Islamic mosques, many of them separate men and women when they do their religious practices; we allow them to have their tax exempt status, right?

**Columbia Law School Professor Katherine Franke:**

In some cases, it depends on each religious institution, certainly yes.

**Congressman Ted Lieu:**

And our nations taken this view that were just to do religions to do whatever they want within their religion, to discriminate if they feel like it, to not discriminate, but when we talk about laws, they're secularly based, isn't that right? That we base our laws not on religion, but on government officials and members of Congress, the President?

**Columbia Law School Professor Katherine Franke:**

Yes, that is right.

**Congressman Ted Lieu:**

So this bill to me is dangerous because it does exactly the opposite. For the first time, it's actually taking one particular religious belief of one religion and elevating it to secular law. And to me, the reason that is so dangerous is that it is now leading us down the road to theocracy. And I still want to make this point that I have read the bill, and it's not just that this bill is leading us on the road to theocracy, the way it's written is just crazy.

I respect the authors of the bill, I don't believe they are crazy, they are reasonable people, but there is just some crazy language in this bill. So one of them is guess what, this bill applies to extra marital relations. So under this bill, folks who have an affair get to be discriminated against under this bill for it to become law. It potentially applies to premarital sex, right? Because it's not defined so if you're not in marriage and you have sex, under this bill, you get to be discriminated against.

We're here in the 21<sup>st</sup> century, I hope millennials are watching this – this is crazy language, this is a crazy bill, taking really, really religious beliefs and elevating it to secular law. It's never been done in the history of the United States, never should it be done, and I'm going to give my colleague Barney Frank some time to say something.

**Former U.S. Representative Barney Frank:**

Thank you, and I do reiterate that people want to just talk about the bible. Abraham would be excluded there, he did have a child with Hagar outside of his marriage. I want to respond to Ms. Wagner who reads the bill, yeah, you read the bill you don't read every other line, you read every line.

Here's what it says on page four. She says oh it has nothing to do with housing, it's just about certification and licensing. She forgot a few lines. The top of page four: withhold, reduce, exclude, terminate, or otherwise make unavailable or deny any federal grant, any federal grant, contract, subcontract, etc., then you get the license and certification.

That's what housing is about. You say it doesn't deal with housing, of course it does. You build housing in part with federal grants and federal contracts. So I'm just astounded that you would say oh it's just about certification and licensing.

You skipped the first two, the two lines just before that. And it is indisputable that under this bill a non-profit could get a federal contract or grant to build affordable rent or housing and say if you have had extra marital relations, or if you are in a same-sex marriage, you're not eligible for the tenancy and the federal government could not refuse to allow you to get that contract under that grounds. It's not just about certification; don't just read the bill, read every line.

**Congressman Ted Lieu:**

I yield back.