

# FREEDOM FROM RELIGION *foundation*

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## Pryor's Dismaying Record on Establishment Clause Law

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### Introduction

William Pryor, who is on Donald Trump's short list as a Supreme Court replacement for Antonin Scalia, would be a disaster for Establishment Clause law — or what Pryor has derisively dismissed as “the so-called wall of separation between church and state.”<sup>1</sup> Pryor's entire career suggests that he would use a Supreme Court appointment to help dismantle that wall, decision by decision.

Perhaps nothing better exemplifies Pryor's disdain for the First Amendment than how he views groups dedicated to upholding it. Pryor injudiciously likened these groups—such as the Freedom From Religion Foundation, the ACLU, Americans United, and many others—to terrorists . . . *in a brief to the Supreme Court.*<sup>2</sup>

A piece Pryor wrote for The Wall Street Journal reveals how he would rule as a Supreme Court justice on many vital civil liberty issues of our day: “For more than 30 years, the liberal agenda has been pushed through the courts, without a vote of either the people or their representatives. The courts have imposed results on a wide range of issues, including racial quotas, **school prayer**, abortion and homosexual rights. Those rights belong in Congress and the state legislature.”<sup>3</sup> The right to be free from racial discrimination, from government-imposed prayer, as well as the right to privacy—belong with ‘We the people.’ If you don't respect or understand the Bill of Rights, you cannot be relied to uphold it.

Pryor first aligned himself with the Religious Right as a deputy attorney general for the state of Alabama under Jefferson Beauregard Sessions III. Pryor's disregard for the “so-called wall” was shared by Sessions, who called the constitutional principle of separation between church and state “unconstitutional.” Pryor took over as Alabama Attorney general in 1997. After an unsuccessful and contentious nomination, Pryor was given a controversial recess appointment to the U.S. 11<sup>th</sup> Circuit Court of Appeals in 2005 by President George W. Bush.

**Disturbing decisions on the 11<sup>th</sup> Circuit Court of Appeals.** When a prosecutor quoted repeatedly from the bible to argue for the death penalty in a prisoner's case, Pryor authored the 2011 opinion that upheld the invocation of biblical references in a capital case. Pryor wrote that “there is no reasonable probability that [the prosecutor's Biblical references], even if improper, changed the result of the trial.”<sup>4</sup> The prosecutor explained to the jury that “what this trial and what the laws are all about . . . is retribution. An eye for an eye. A tooth for a tooth. Right there in the Bible . . .”

He joined another, similar decision upholding a prosecutor's argument that the defendant "had shown no signs of religious conversion or remorse and had 'violated the law of God. Thou shalt not kill. . . . An eye for an eye, a tooth for a tooth, a life for a life.'"<sup>5</sup>

Pryor also authored a 2008 opinion that allows government officials to impose Christian prayers on any attendee at government meetings.<sup>6</sup> In another opinion, he failed to vindicate a lower court decision that removed a religiously-motivated disclaimer from textbooks.<sup>7</sup>

This muted Circuit Court record is substantially amplified when examined through the lens of his work in the Alabama Attorney General's office and his statements on law and policy before he had a seat on the higher and highest court in his sights.

### **I. Pryor fundamentally misunderstands the First Amendment and secularism**

Pryor favors a tired trope of the Religious Right, that the First Amendment merely prohibits the government from establishing one particular sect's church as a national religion. Pryor's reading of the First Amendment would allow the religious majority to establish a government-sanctioned religion at the state level. He has said, "we have, in many ways, not only misunderstood the Establishment Clause which had not only the narrow purpose of prohibiting an established state church but really the narrow purpose of an established federal church because when the First Amendment was enacted, of course, there were state[s] that had established churches . . . ." <sup>8</sup> The Supreme Court has rejected this view categorically:

At one time it was thought that [the freedom of conscience] merely proscribed the preference of one Christian sect over another, but would not require equal respect for the conscience of the infidel, the atheist, or the adherent of a non-Christian faith such as Islam or Judaism. But when the underlying principle has been examined in the crucible of litigation, the Court has unambiguously concluded that the individual freedom of conscience protected by the First Amendment embraces the right to select any religious faith or none at all. *Wallace v. Jaffree*, 472 U.S. 38, 52-53 (1985) (footnotes omitted).

Pryor has expressed a disturbing disdain for the secular government enshrined in our godless constitution, while accusing groups such as FFRF of a "revision of history to further an agenda that is hostile to any acknowledgement of God in our public life."<sup>9</sup>

Pryor, who is Roman Catholic, told the graduating class of a Catholic high school and his alma mater in 1997: "[T]he Declaration of Independence and the Constitution of the United States are rooted in a Christian perspective of the nature of government and the nature of man. The challenge of the next millennium will be to preserve the American experiment by restoring its Christian perspective."<sup>10</sup> This false historic claim signals that he considers Christians the insiders and non-Christians to be second-class citizens.<sup>11</sup>

Pryor sees government free from religious favoritism as a failure: “should the American experiment decay into a republic of established and governmentally enforced secularism; then the American experiment as understood by George Washington, James Madison, Abraham Lincoln, and Dean Acheson will have failed.”<sup>12</sup>

Pryor has railed against “... the increasing secularization of our Country” and chastised the court on which he might sit, for protecting students’ rights of conscience:

“In 1962, with its decision prohibiting prayer in public schools, the Supreme Court began building a wall that has increasingly excluded God and religion from our public life. The Supreme Court has excluded Nativity scenes from public buildings during Advent and prohibited prayers at public school graduation ceremonies. Our government, succumbing to the courts unsound mandates, has become hostile to religion.”<sup>13</sup>

The absence of religious favoritism is not the same as hostility toward religion. Understanding this concept should be requisite for anyone who wishes to sit on the Supreme Court. Pryor has inveighed against decision after decision upholding the Establishment Clause’s prohibition of a union between government and religion:

...we debate and litigate whether a display of the Ten Commandments, the cornerstone of law for Western Civilization, can be kept in a courtroom in Gadsden. The American Civil Liberties Union, which is often uncivil and tramples upon liberty, wants to remove that display and end the practice of beginning jury assembly sessions with a Christian prayer led by an unpaid, volunteer, local clergyman, sometimes Catholic and other times Protestant. . . . If these acknowledgments of God must be excluded from our state courtrooms, will the Supreme Court of the United States then remove the multiple references to the Ten Commandments in its courtroom? Will federal courts end their practice of beginning sessions with the prayer, God save the United States and this Honorable Court? Will our national motto In God we trust be removed from our currency? . . . In the years following the school prayer decision, it seems our government has lost God.<sup>14</sup>

Decisions Pryor has railed against, including the high court decision striking down the Ten Commandments in public schools, are foundational cases of Establishment Clause jurisprudence, integral to the wall that separates state and church. In standing against our secular government, Pryor stands against our First Amendment and Constitution, and more than 65 years of firm Supreme Court precedent against religious indoctrination in our public schools.

## **II. Pryor supports bedecking the halls of government with biblical laws, namely the Ten Commandments.**

Pryor is venomously opposed to challenges to remove Ten Commandments from schools and public property, regardless of the specific facts. In a press release, Pryor has likened efforts to remove recently erected Ten Commandments monuments from government

property — FFRF has litigated nine such lawsuits — to the Taliban’s destruction of the ancient artwork that was listed as a UNESCO world heritage site:

**“Just as these ancient statues of Buddha** were declared to be ‘shrines of infidels’ and were demolished without regard to their historic and cultural value, **so do plaintiffs in cases such as this seek to obliterate any artistic or historic representation with religious references.** What happened in Afghanistan was a terrible waste, and I hope the Supreme Court will protect us from losing our own great monuments.”<sup>15</sup>

He appears to believe that defending Jefferson’s wall of separation between state and church is akin to terrorism. In that same press release he slandered that important protection as **“a campaign of secular iconoclasm to cleanse public buildings and grounds of religious references.”**<sup>16</sup> Pryor makes this same comparison in a brief asking the Supreme Court to review and uphold two Ten Commandments displays.<sup>17</sup>

Not just government buildings, but even public schools should display Ten Commandments monuments, Pryor believes. In castigating the Supreme Court for its 1980 decision to remove a Ten Commandments display from a public school, he said, “it’s pretty hard and disingenuous to defend the court’s decision . . . unless you’re recognizing that children are this special group of citizens who have to be kept away from the dangerous message of religion.”<sup>18</sup> A Supreme Court justice needs to understand that it is a grievous violation of conscience for the state to impose religion on other people’s children.

As Alabama Attorney General, Pryor, testifying before to a Senate subcommittee, attacked efforts to remove a Ten Commandments monument from the state courtroom of Judge Roy Moore and defended Moore’s imposition of prayer on jurors. He decried as “judicial activism” actions to curtail Moore’s unconstitutional conduct.<sup>19</sup> He urged the senators “to adopt the resolution of Senators Shelby and Sessions that supports the display of the Ten Commandments in public buildings.”<sup>20</sup>

Pryor was a key player in that heated battle, a battle he lost: “I have been active in defending displays of the Ten Commandments throughout my tenure as Attorney General. In 1998, I defended the propriety of then-Circuit Judge Moore’s right to display a wooden plaque with the Ten Commandments in his courtroom in the Etowah County Courthouse.”<sup>21</sup>

Pryor did indeed defend Moore, even penning an op-ed for Moore in USA Today: “The display of the Ten Commandments in the Alabama courtroom of Judge Roy Moore is not an establishment of religion.”<sup>22</sup> It is self-evident that a government display of a message that begins, “I AM THE LORD THY GOD, you shall have no other gods before me,” is a religious establishment.

Pryor’s most extraordinary defense of Moore came against FFRF’s state chapter, the **Alabama Freethought Association**, when the AFA sued Moore. In a disingenuous and

collusive attempt to keep the commandments, Pryor and Jeff Sessions used the Alabama Attorney General's office to sue Moore, asking the court to *approve* the prayers and Ten Commandments display. This extraordinary lawsuit was an abuse of his office. Pryor and Sessions sued Moore, *who they agreed with completely*.<sup>23</sup> Our legal system depends on adverse parties litigating a case to the fullest. So when the Alabama Supreme Court got Pryor's case, he was laughed out of court: "The absence of adverseness has been evident throughout this litigation. Judge Moore . . . takes a position that is identical to that of the State, and he argues it strenuously. As between the State and Judge Moore, there exists no controversy, whatever; not even a *contrived* one. *This is not what lawsuits are about.*" (emphasis in original.)<sup>24</sup>

Despite this abuse of power, Pryor unashamedly declared himself a campaigner against "frivolous lawsuits." He even coined the term "government lawsuit abuse" to pin on attorneys general suing tobacco companies.<sup>25</sup>

To support his position to retain Ten Commandments in courtrooms, Pryor regularly claims that the Ten Commandments are displayed in several places in the Supreme Court.<sup>26</sup> This dishonest claim has been definitively refuted by FFRF and many others, such as snopes.com, including in a letter by FFRF to Bill Pryor in 1997.<sup>27</sup>

When the legalities of Moore's later infraction — depositing a large Ten Commandments monument in the Alabama Supreme Court — were exhausted, and the Supreme Court ordered the decalog monument removed in 2003, Pryor helped remove Moore as Alabama chief justice for violating that court order — as was his legal and ethical duty. Pryor had no choice. Following a court order is not a high bar. Any conceivable credit to Pryor for doing his job is eroded by the self-congratulatory law review article he penned, likening himself to Thomas More in "A Man for All Seasons."<sup>28</sup>

Pryor is not just an evangelist; he's a crusader. He believes he and other Christians were chosen by his god to fight against the secular government our godless constitution established. At a rally for the Ten Commandments plaque Roy Moore had placed in his Etowah County courthouse in 1997, Pryor said: "**God has chosen, through his son Jesus Christ, this time, this place for all Christians—Protestants, Catholics and Orthodox—to save our country and save our courts.**"<sup>29</sup>

### **III. Pryor seeks to overthrow more than 50 years of Supreme Court decisions on school prayer**

In *Engel v. Vitale*, the 1962 school prayer case Pryor criticized, the Supreme Court struck down a school-organized Christian prayer on behalf of some Jewish and nonreligious plaintiffs. This is not the only time Pryor has criticized courts that protect students from prayers imposed by overzealous teachers and legislators.

As Attorney General of Alabama, Pryor ought to uphold a state law that permitted **school prayer** "during compulsory or non-compulsory school-related student assemblies, school-related student sporting events, school-related graduation or commencement ceremonies, and other school-related student events." At issue was the rights of a student

who faced “prayer and Bible readings organized and led by school administrators and clergy in numerous school settings including classrooms, graduation ceremonies and sporting events; the in-school distribution of Bibles by Gideon Bible representatives; and schoolwide Bible Club meetings.”<sup>30</sup>

Pryor litigated this case alongside the American Center for Law & Justice,<sup>31</sup> an outfit organized by Pat Robertson and headed by Jay Sekulow, that thinks the USA should have blasphemy laws,<sup>32</sup> has hinted that states can punish women who exercise their right to choose,<sup>33</sup> and has backed anti-LGBT initiatives around the globe.<sup>34</sup>

As the attorney general of Alabama, Pryor also argued that prayers announced over a loudspeaker at a public high school football were constitutional in a losing brief to the Supreme Court.<sup>35</sup>

As a judge on the 11<sup>th</sup> Circuit Court of Appeals, Pryor authored a 2008 opinion that approved **of prayer at government meetings**. In it, he wrote “Whether invocations of ‘Lord of Lords’ or ‘the God of Abraham, Isaac, and Mohammed’ are ‘sectarian’ is best left to theologians, not courts of law.”<sup>36</sup> If only religious leaders can determine sectarian content, clearly it does not belong at governmental meetings.

#### **IV. Evolution, Right to Choose, LGBTQ rights**

Pryor signed on to a decision vacating a lower court ruling against a disclaimer sticker in biology textbooks reading: “This textbook contains material on evolution. **Evolution is a theory**, not a fact, regarding the origin of living things. This material should be approached with an open mind, studied carefully, and critically considered.”<sup>37</sup> On remand, the lower court stood by its ban of the sticker.

Pryor called *Roe v. Wade* “the worst abomination of constitutional law.”<sup>38</sup> Elsewhere he described the decision as the “court swe[eping] aside the laws of the fifty states and creat[ing] out of thin air a constitutional right to murder an unborn child.”<sup>39</sup>

In the same speech in which he declared a legal right to choose “the worst abomination,” Pryor prayed, “Please, God, no more Souters,” referring to Justice David Souter. Souter, who left the court in 2009, authored a strong opinion striking down a display of the Ten Commandments in Kentucky courthouses. Souter also had joined the court in decisions prohibiting prayer at graduation ceremonies and at high school football games.

In a 2003 brief to the Supreme Court, Pryor shockingly compared **homosexuality** with “necrophilia, bestiality, possession of child pornography, and even incest and pedophilia.”<sup>40</sup> He went on to say that the gay litigants in that case “enshrine as the defining tenet of modern constitutional jurisprudence the sophomoric libertarian mantra from the musical Hair: ‘be free, be whatever you are, do whatever you want to do, just as long as you don’t hurt anybody.’”<sup>41</sup>

Pryor has repeatedly demonstrated an inability to empathize with minorities. He has characterized the ability of LGBTQ citizens to receive equal protection under law as “special privileges for homosexuals.”<sup>42</sup>

## Conclusion

Pryor is unacceptable on Establishment Clause grounds. But the swath of destruction he would create if given a seat on the high court will be far broader. Pryor would be a disastrous appointment to the Supreme Court, and must be vigorously opposed.

*The Freedom From Religion Foundation is a national association of 26,000 freethinkers (atheists and agnostics) working to defend the constitutional principle of separation between state and church, and is based in Madison, Wis. FFRF gratefully acknowledges the research and writing of FFRF Staff Attorney Andrew L. Seidel, and assistance from Staff Attorney Sam Grover.*

## Endnotes

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<sup>1</sup> Bill Pryor, Ala. Att’y Gen., Remarks Before the National Federalist Society: *Federalism and the Court: Do Not Uncork the Champagne Yet* (Oct. 16, 1997), <https://ffrf.org/uploads/legal/Pryor001.pdf>.

<sup>2</sup> Brief for the States of Ala. et al. as Amici Curiae Supporting Petition for Writ of Certiorari, *City of Elkhart v. Books*, 532 U.S. 1058 (Apr. 12, 2001) (No. 00-1407), available at <https://ffrf.org/uploads/legal/Pryor005.pdf>.

<sup>3</sup> Bill Pryor, *Litigators’ Smoke Screen*, WALL ST. J. (Apr. 7, 1997), available at <https://ffrf.org/uploads/legal/Pryor007.pdf>.

<sup>4</sup> *Greene v. Upton*, 644 F.3d 1145, 1158-59 (11th Cir. 2011). The prosecutor said:

Let’s get down to what this trial and what the laws are all about and this is retribution. An eye for an eye. A tooth for a tooth. Right there in the Bible with all those nice things that I’m sure that the lawyers over there . . . are going to be talking about. But no act in that Bible took those words out of it.

And one more thing. Remember this, that that was a limiting, limiting liberal rule in the Old Testament. That is, if you and I had an eye taken out you could not take out two. It was not to be harsh but to be limiting, to be just. How do we put it now? Let the punishment fit the crime.

. . . .  
As you hear that word mercy there is one phrase from the Sermon on the Mount that I want you to hear at the same time. I’m not going to be able to come back and talk to you. But at the same time you hear those lawyers yell mercy hear blessed are the merciful for they shall obtain mercy. And

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you drank [sic] his whole and entire being and see if you can find a grain of mercy extended to anybody.

*Greene v. State*, 469 S.E. 2d 129, 146–47 (Ga. 1996), *cert. granted, rev'd*, 519 U.S. 145 (1996).

<sup>5</sup> *Hammond v. Hall*, 586 F.3d 1289, 1321 n.9 (11th Cir. 2009).

<sup>6</sup> *Pelphrey v. Cobb Cnty.*, 547 F.3d 1263 (11th Cir. 2008).

<sup>7</sup> *Selman v. Cobb Cnty. Sch. Dist.*, 449 F.3d 1320 (11th Cir. 2006), *vacating* 390 F. Supp. 2d 1286, 1292 (N.D. Ga. 2005).

<sup>8</sup> Debate between William Pryor and Walter Dellinger, *Religious Liberties: Moment of Silence Debate*, in 3 ENGAGE: J. OF THE FEDERALIST SOCIETY’S PRACTICE GROUPS, 250-59 (Aug. 2002), *available at* <https://ffrf.org/uploads/legal/Pryor002.pdf>.

<sup>9</sup> Bill Pryor, Ala. Att’y Gen., *Testimony before Subcomm. on the Constitution of the S. Comm. on the Judiciary* (July 15, 1997), <https://ffrf.org/uploads/legal/Pryor009.pdf>.

<sup>10</sup> Bill Pryor, Ala. Att’y Gen., *Commencement Speech to the 1997 Graduating Class of McGill-Toolen Catholic High School* (1997), *available at* <https://ffrf.org/uploads/legal/Pryor010.pdf>.

<sup>11</sup> “We the People,” not a deity, founded America upon an entirely secular and godless Constitution. John Adams, writing of “the formation of the American governments,” stated, “it will never be pretended that any persons employed in that service had interviews with the gods, or were in any degree under the inspiration of Heaven.” *Defence of the Constitutions of Government of the United States of America* (1787).

<sup>12</sup> Bill Pryor, Ala. Att’y Gen., *Commencement Speech to the 1997 Graduating Class of McGill-Toolen Catholic High School* (1997), *available at* <https://ffrf.org/uploads/legal/Pryor010.pdf>.

<sup>13</sup> Bill Pryor, Ala. Att’y Gen., *Commencement Speech to the 1997 Graduating Class of McGill-Toolen Catholic High School* (1997), *available at* <https://ffrf.org/uploads/legal/Pryor010.pdf>.

<sup>14</sup> Bill Pryor, Ala. Att’y Gen., *Commencement Speech to the 1997 Graduating Class of McGill-Toolen Catholic High School* (1997), *available at* <https://ffrf.org/uploads/legal/Pryor010.pdf>.

<sup>15</sup> Alabama Office of the Att’y Gen., Press Release: *Pryor Asks U.S. Supreme Court To Stop Removal of Ten Commandments from Indiana City Building*, (Apr. 13, 2001), *available at* <https://ffrf.org/uploads/legal/Pryor003.pdf>.

<sup>16</sup> Alabama Office of the Att’y Gen., Press Release: *Pryor Asks U.S. Supreme Court To Stop Removal of Ten Commandments from Indiana City Building*, (Apr. 13, 2001), *available at* <https://ffrf.org/uploads/legal/Pryor003.pdf>.

<sup>17</sup> Brief for the States of Alabama et al. as Amici Curiae Supporting Petition for Writ of Certiorari, *City of Elkhart v. Books*, 532 U.S. 1058 (Apr. 12, 2001) (No. 00-1407), *available at* <https://ffrf.org/uploads/legal/Pryor005.pdf>.

<sup>18</sup> Debate between William Pryor and Walter Dellinger, *Religious Liberties: Moment of Silence Debate*, in 3 ENGAGE: J. OF THE FEDERALIST SOCIETY’S PRACTICE GROUPS, 250-59 (Aug. 2002), *available at* <https://ffrf.org/uploads/legal/Pryor002.pdf>.

<sup>19</sup> *See, e.g.*, Susan Jacoby, *A New Meaning for ‘Bully Pulpit’*, LOS ANGELES TIMES (Apr. 12, 2004), *available at* <https://ffrf.org/uploads/legal/Pryor008.pdf>.



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<sup>20</sup> Bill Pryor, Ala. Att’y Gen., *Testimony before Subcomm. on the Constitution of the S. Comm. on the Judiciary* (July 15, 1997), <https://ffrf.org/uploads/legal/Pryor009.pdf>.

<sup>21</sup> Letter from Bill Pryor, Ala. Att’y Gen., to Jim Carns, Minority Leader, Ala. H. of Reps. (Aug. 20, 2003), *available at* <https://ffrf.org/uploads/legal/Pryor004.pdf>.

<sup>22</sup> Bill Pryor, Op-Ed., *Religious Display Proper*, USA TODAY (Apr. 11, 1997), *available at* <https://ffrf.org/uploads/legal/Pryor006a.pdf>.

<sup>23</sup> Sessions left office during this case and Pryor was promoted, taking the case all the way to the Alabama Supreme Court.

<sup>24</sup> *Ex parte State ex rel. James*, 711 So. 2d 952 (Ala. 1998).

<sup>25</sup> Michael DeBow, *Restraining State Attorneys General, Curbing Government Lawsuit Abuse*, CATO INST. POL’Y ANALYSIS, NO. 437 (May 10, 2002), *available at* <https://object.cato.org/sites/cato.org/files/pubs/pdf/pa437.pdf>.

<sup>26</sup> *See, e.g.:*

- Debate between William Pryor and Walter Dellinger, *Religious Liberties: Moment of Silence Debate*, in 3 ENGAGE: J. OF THE FEDERALIST SOCIETY’S PRACTICE GROUPS, 250-59 (Aug. 2002), *available at* <https://ffrf.org/uploads/legal/Pryor002.pdf>
- Alabama Office of the Att’y Gen., Press Release: *Pryor Asks U.S. Supreme Court To Stop Removal of Ten Commandments from Indiana City Building*, (Apr. 13, 2001), *available at* <https://ffrf.org/uploads/legal/Pryor003.pdf>
- Letter from Bill Pryor, Ala. Att’y Gen., to Jim Carns, Minority Leader, Ala. H. of Reps. (Aug. 20, 2003), *available at* <https://ffrf.org/uploads/legal/Pryor004.pdf>.
- Brief for the States of Alabama et al. as Amici Curiae Supporting Petition for Writ of Certiorari, *City of Elkhart v. Books*, 532 U.S. 1058 (Apr. 12, 2001) (No. 00-1407), *available at* <https://ffrf.org/uploads/legal/Pryor005.pdf>.

<sup>27</sup> The claim has been debunked here: <https://ffrf.org/faq/freethought/item/15139-did-you-know>. This page even includes a letter from a designer of the frieze above the justices, Adolph Weinman, who explains that the Roman numerals I-X actually signify the first ten amendments, the Bill of Rights, not the Ten Commandments. A record of the letter to Pryor explaining that this has been debunked can be found here: <https://ffrf.org/faq/feeds/item/16919-alabamas-conspiracy-of-ignorance>.

<sup>28</sup> Bill Pryor, *Moral Duty and the Rule of Law*, 31 HARV. J.L. & PUB. POL’Y 153 (2008).

<sup>29</sup> *See, e.g.*, Susan Jacoby, *A New Meaning for ‘Bully Pulpit’*, LOS ANGELES TIMES (Apr. 12, 2004), *available at* <https://ffrf.org/uploads/legal/Pryor008.pdf>

<sup>30</sup> ACLU of Ala., Press Release: *Americans United and ACLU of Alabama sue school districts to halt egregious violations of separation of church and state*, (Feb. 1, 1996), *available at* <http://www.aclualabama.org/News/PressReleases/ReligiousLiberty/020196.htm>.

<sup>31</sup> Bill Pryor, Op-Ed., *The DeMent Prayer Decision & the First Amendment Rights of Students*, MONTGOMERY ADVERTISER, BIRMINGHAM NEWS, MOBILE REGISTER, & HUNTSVILLE TIMES (Nov. 23, 1997), *available at* <https://ffrf.org/uploads/legal/Pryor011.pdf>.

<sup>32</sup> Sekulow has written: “Not only in English common law but also in most states in the USA, blasphemy was prohibited speech. Clearly, the ACLU and those who trumpet the First Amendment as a license to really degrade people have changed that and that’s an unfortunate situation.” In this same piece, Sekulow wrote, “The composition of the Supreme Court is obviously something we’re always watching because we know that with the more conservative court obviously some of our values will be more protected.”

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<http://www.rightwingwatch.org/post/aclj-blasphemy-laws-for-me-but-not-for-thee/>.

<sup>33</sup> Miranda Blue, *Religious Right Legal Leader: Of Course States Could Punish Women For Abortion*, RIGHT WING WATCH (Apr. 1, 2016), [www.rightwingwatch.org/post/religious-right-legal-leader-of-course-states-could-punish-women-for-abortion/](http://www.rightwingwatch.org/post/religious-right-legal-leader-of-course-states-could-punish-women-for-abortion/).

<sup>34</sup> Miranda Blue, *Religious Right Legal Leader: Of Course States Could Punish Women For Abortion*, RIGHT WING WATCH (Apr. 1, 2016), [www.rightwingwatch.org/post/religious-right-legal-leader-of-course-states-could-punish-women-for-abortion/](http://www.rightwingwatch.org/post/religious-right-legal-leader-of-course-states-could-punish-women-for-abortion/).

<sup>35</sup> Brief for the States of Tex. et al. as Amici Curiae Supporting Petitioner, *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (1999) (No. 99-62), available at <https://ffrf.org/uploads/legal/Pryor012.pdf>.

<sup>36</sup> *Pelphrey v. Cobb Cnty.*, 547 F.3d 1263 (11th Cir. 2008).

<sup>37</sup> *Selman v. Cobb Cnty. Sch. Dist.*, 449 F.3d 1320 (11th Cir. 2006), vacating 390 F. Supp. 2d 1286, 1292 (N.D. Ga. 2005).

<sup>38</sup> Bill Pryor, Ala. Att’y Gen., Remarks Before the National Federalist Society: *Federalism and the Court: Do Not Uncork the Champagne Yet* (Oct. 16, 1997), <https://ffrf.org/uploads/legal/Pryor001.pdf>.

<sup>39</sup> Bill Pryor, Ala. Att’y Gen., *Commencement Speech to the 1997 Graduating Class of McGill-Toolen Catholic High School* (1997), available at <https://ffrf.org/uploads/legal/Pryor010.pdf>.

<sup>40</sup> Brief for States of Ala. et. al. as Amici Curiae Supporting Respondent, *Lawrence v. Texas*, 539 U.S. 558 (2003) (No. 02-102), available at <https://ffrf.org/uploads/legal/Pryor013.pdf>.

<sup>41</sup> Brief for States of Ala. et. al. as Amici Curiae Supporting Respondent, *Lawrence v. Texas*, 539 U.S. 558 (2003) (No. 02-102), available at <https://ffrf.org/uploads/legal/Pryor013.pdf>.

<sup>42</sup> Bill Pryor, Ala. Att’y Gen., *Commencement Speech to the 1997 Graduating Class of McGill-Toolen Catholic High School* (1997), available at <https://ffrf.org/uploads/legal/Pryor010.pdf>.