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June 23, 2016

The Honorable Ed Chau
Assembly Judiciary Committee
P.O. Box 942849, Room 2179
Sacramento, CA 94249-0049

Re: Senate Bill 1146 (Lara), Oppose Unless Amended

Dear Assembly Member Chau:

I am writing on behalf of Shasta Bible College & Graduate School (SBC&GS) to oppose Senate Bill 1146 (Lara) unless it is amended to ensure the full protections of religious freedom for religious institutions of higher education in California. The Constitutions of both the United States of America and the State of California have traditionally respected the religious liberties and strongly held convictions of both individuals and corporations, especially those that are church-related or faith-based in mission. SB1146, as it currently reads, breaks with over 200 years of American tradition and targets religious higher education institutions based on their religious tenets and seeks to prohibit practices based on strongly held religious convictions, which we believe is a violation of our rights guaranteed by the First Amendment.

Shasta Bible College & Graduate School exists for the purpose of equipping men and women for ministry on the collegiate and graduate levels through programs including Biblical and Theological studies, general education in the arts and sciences, professional studies in Christian education, pastoral ministry, world missions and Biblical counseling. Basic to the educational philosophy of SBC&GS is the conviction that Christian higher education should include the integration of Biblical truth and precepts in all areas of the curriculum. Since its inception in 1971, SBC&GS has educated men and women from across America and many other countries of the world including Mexico, Korea, Africa, Ukraine, Japan, and India. Students who voluntarily enroll do so because they either agree or respect our institution's Statement of Faith and commitment to Biblical values of morality.

But we are concerned that Section 1 of SB1146 violates religious educational institutions' First Amendment rights of religious freedom, petition and association, and unnecessarily creates irreconcilable conflicts with –and even penalizes an institution's exercise of its rights under – federal law. First, SB1146 narrows, if not eviscerating entirely in practicality, the religious freedom guarantees found in the Equity in Higher Education Act that insulate that Act from infirmity under the Free Exercise Clause. Second, the bill seeks to implement secular control over religious practices in a fashion that appears to target institutions characterized by those religious practices. Even one of the bill's supporters admitted that the religious practices SB1146 attempts to prohibit are motivated by religious conscience, and declared before the Assembly Higher Education Committee on June 21st that SB1146 does not prohibit policies based on religious belief, only conduct based on religious belief.

Is it really realistic for the state to differentiate acceptable religious belief from unacceptable religious conduct rooted in religious belief? Such an action by the state is sure to unconstitutionally entangle the state in a quagmire of questions relating to the religious operations of religious institutions.

The significant burden on religious exercise (not to mention the significant burden on state resources that will be expended to resolve the constitutionality of SB1146) is not justified by a compelling state interest. Some have pejoratively described Title IX as a “license to discriminate.” Conversely supporters of the bill have been hard pressed to identify instances of discrimination. Students are free to choose institutions that coincide with their respective lifestyles, and students who choose institutions that reflect their strongly held religious convictions should be free to do so without being deprived of the financial aid for which they qualify because their chosen institution has been penalized for holding the religious tenets that attracted them to the institution in the first place. Such a scenario violates the First Amendment rights of both the student and the institution.

I implore you to support a student’s right to choose California religious higher education institutions like SBC&GS that educate in accordance with Biblical, Christ-centered missions and religious tenets. We care deeply about our students and don’t want them to be deprived of their First Amendment rights and the financial support for which they qualify through the Cal Grant program.

Most cordially,

David R. Nicholas, M.S., Th.D.
President

cc. The Honorable Members, Assembly Judiciary Committee
The Honorable Ricardo Lara
Tom Clark, Counsel, Assembly Judiciary Committee
Paul Dress, Assembly Republican Policy Consultant
Lark Park, Senior Advisor to the Governor
Katie Koerber, Consultant, Assembly Republican Causus
Brian Dahle, Assembly Member, First District