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TRANSCRIPT OF AUDIO FILE
OF PROCEEDINGS RELATING TO HOUSE BILL 1034
TEXAS HOUSE OF REPRESENTATIVES
MAY 3, 2007; MAY 4, 2007; MAY 23, 2007

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THE FOLLOWING PROCEEDINGS were transcribed by Leah
K. Osteen-Dow, Certified Shorthand Reporter in and for
the State of Texas, from an audio file provided by Mr.
Dean Cook, Esq.

1 (Beginning of audio.)

2 THE SPEAKER: -- out on second reading
3 House Bill 1034.

4 Clerk, read the bill.

5 THE CLERK: HB 1034, by Riddle, relating to
6 the pledge of allegiance to the state flag.

7 THE SPEAKER: The Chair recognize Ms.
8 Riddle.

9 REPRESENTATIVE RIDDLE: Mr. Speaker,
10 Members, this simply adds "under God" to our state
11 pledge. Move passage.

12 REPRESENTATIVE JONES: Mr. Speaker?

13 THE SPEAKER: Mr. Jones, we've got an
14 amendment here. Do you want to ask Ms. Riddle a
15 question?

16 REPRESENTATIVE JONES: Yes, please.

17 THE SPEAKER: The lady yields, Mr. Jones.

18 REPRESENTATIVE RIDDLE: I'll be happy to
19 yield.

20 REPRESENTATIVE JONES: Ms. Riddle, I wanted
21 to make sure we understood what the new pledge is going
22 to be. And do you have the bill analysis in front of
23 you?

24 REPRESENTATIVE RIDDLE: I can turn to the
25 bill analysis.

1 REPRESENTATIVE JONES: Yeah.

2 REPRESENTATIVE RIDDLE: Yes, I can let you
3 know what the new pledge would be. I went around --
4 there's over a hundred co-authored --

5 REPRESENTATIVE JONES: Good.

6 REPRESENTATIVE RIDDLE: -- this bill. And
7 it --

8 REPRESENTATIVE JONES: Do they know what
9 the bill analysis says that the new pledge is going to
10 be?

11 REPRESENTATIVE RIDDLE: Well, I can -- let
12 me turn to it here. It would say, Honor the Texas flag.
13 I pledge allegiance to thee, Texas, one state under God
14 and indivisible; but I'm looking for the bill analysis.

15 REPRESENTATIVE JONES: I was reading the
16 bill analysis. It says to add the words "state under
17 God" immediately preceding the word "one," which to me
18 that's, Honor the Texas flag. I pledge allegiance to
19 thee, Texas, state under God, one and indivisible.

20 REPRESENTATIVE RIDDLE: One state under --
21 one state under God.

22 REPRESENTATIVE JONES: It says that "state
23 under God" is -- precedes the word "one."

24 REPRESENTATIVE RIDDLE: I believe that that
25 was corrected, but --

1 REPRESENTATIVE JONES: Is -- I mean, it
2 says, Adding the words "state under God" immediately
3 preceding the word "one." Preceding means before, right?

4 REPRESENTATIVE RIDDLE: Yes. I would
5 accept a correcting amendment.

6 REPRESENTATIVE JONES: Well, I don't think
7 we can correct the bill analysis, but that's -- thank
8 you.

9 REPRESENTATIVE BURNAM: Mr. Speaker, I
10 raise a point of order against further consideration of
11 House Bill 1034 under Rule 4, Section 32c2 of the rules
12 of the House on the grounds the bill analysis is
13 misleading.

14 THE SPEAKER: Bring your point forward,
15 Counselor.

16 Mr. Burnam temporarily withdraws the point
17 of order. Ms. Riddle moves to postpone -- postpone House
18 Bill 1034 to 11/01. (inaudible) objections. Here, here.

19 Mr. Burnam raised a point of order on House
20 Bill 1034 by Ms. Riddle. The point of order is
21 overruled.

22 The Chair lays out House Bill 1034. Clerk,
23 read the bill.

24 THE CLERK: HB 1034, by Riddle, relating to
25 the pledge of allegiance to the state flag.

1 THE SPEAKER: The Chair recognize Ms.
2 Riddle.

3 REPRESENTATIVE RIDDLE: Members, it's late.
4 We've been here a long time. This is indeed a simple
5 bill. It's adding "under God" in our pledge.

6 I was preceded with a point of order, so I
7 would now like to proceed to move that we accept this
8 bill. Move adoption.

9 REPRESENTATIVE BURNAM: Mr. Speaker, would
10 the lady yield?

11 THE SPEAKER: Yield?

12 The lady yields.

13 REPRESENTATIVE BURNAM: Thank you, Mr.
14 Speaker. Thank you, Ms. Riddle.

15 You know, it's a bill that doesn't have
16 very many words in it, Ms. Riddle.

17 REPRESENTATIVE RIDDLE: I'm sorry. I
18 couldn't hear you.

19 REPRESENTATIVE BURNAM: It is a bill that
20 doesn't have very many words in it --

21 REPRESENTATIVE RIDDLE: It has three words.

22 REPRESENTATIVE BURNAM: -- but it is as
23 fundamental as when the pilgrims stepped on the rocks at
24 the founding of this nation, and I have a lot of
25 questions that I need answered.

1 Do you know that in the bill analysis it's
2 stated that your bill will acknowledge our -- quote, our
3 Judeo-Christian heritage?

4 REPRESENTATIVE RIDDLE: Yes, sir.

5 REPRESENTATIVE BURNAM: I'm sorry?

6 REPRESENTATIVE RIDDLE: Yes, uh-huh.

7 REPRESENTATIVE BURNAM: Thank you.

8 Are you aware that Native Americans that
9 lived on this land did not have a heritage based on
10 Judaism or Christianity?

11 REPRESENTATIVE RIDDLE: Yes.

12 REPRESENTATIVE BURNAM: Are you also aware
13 that within the last few decades our country has become
14 vastly diverse in regards to culture and religion?

15 REPRESENTATIVE RIDDLE: That is true, and I
16 think that we all understand that.

17 All this bill does --

18 REPRESENTATIVE BURNAM: Is it also true
19 that today we are citizens who are Buddhists, Hindu,
20 Muslim, Sikh, Bahai, Sorastian (phonetic), Wiccan, et
21 cetera?

22 REPRESENTATIVE RIDDLE: What this bill
23 does -- yes, I'm aware of those things, and I think --
24 but what this bill does is it simply replicates, it
25 mirrors our national pledge.

1 REPRESENTATIVE BURNAM: Ms. Riddle, are you
2 going to allow me to ask my questions?

3 REPRESENTATIVE RIDDLE: It's very simple.
4 When you say --

5 REPRESENTATIVE BURNAM: Ms. Riddle, will
6 you allow --

7 REPRESENTATIVE RIDDLE: -- our national
8 pledge every morning, you say "one nation under God."

9 REPRESENTATIVE BURNAM: Ms. Riddle, I
10 know --

11 REPRESENTATIVE RIDDLE: It's simply
12 stating --

13 REPRESENTATIVE BURNAM: -- what the bill
14 says. I have other questions of you.

15 REPRESENTATIVE RIDDLE: -- "one state under
16 God." It is very simple. It is simply mirroring our
17 national pledge.

18 REPRESENTATIVE BURNAM: Ms. Riddle, the
19 hour is late. Please let me ask the questions, and you
20 answer them as quickly and expeditiously as possible.

21 REPRESENTATIVE RIDDLE: I'm sorry.

22 REPRESENTATIVE BURNAM: Are you aware --

23 REPRESENTATIVE RIDDLE: I'm sorry. I
24 didn't hear you.

25 REPRESENTATIVE BURNAM: Are you aware that

1 there are 88 Buddhist congregations in Texas?

2 REPRESENTATIVE RIDDLE: How many?

3 REPRESENTATIVE BURNAM: There are 88
4 Buddhist congregations in Texas. Are you aware of that?

5 REPRESENTATIVE RIDDLE: Yes.

6 REPRESENTATIVE BURNAM: Are you aware that
7 there are 34 Hindu congregations in Texas?

8 REPRESENTATIVE RIDDLE: I was not aware of
9 that.

10 REPRESENTATIVE BURNAM: I can't hear you.

11 REPRESENTATIVE RIDDLE: I was not aware of
12 that.

13 REPRESENTATIVE BURNAM: Are you aware that
14 there are a hundred thousand Muslims in the state of
15 Texas?

16 REPRESENTATIVE RIDDLE: Thank you for
17 informing us of that.

18 REPRESENTATIVE BURNAM: Are you aware that
19 there are 13 Sikh congregations and even a (inaudible)
20 congregation in the state of Texas?

21 REPRESENTATIVE RIDDLE: You've done a great
22 deal of research. Thank you.

23 REPRESENTATIVE BURNAM: Do you think the
24 term "God" is acceptable description of the divine for
25 all of these people?

1 REPRESENTATIVE RIDDLE: I understand that
2 we do say "one nation under God" in our national pledge.

3 REPRESENTATIVE BURNAM: Is it not true that
4 names, attributes and expectations to the concept of God
5 are different for each of these mentioned religions?

6 REPRESENTATIVE RIDDLE: I understand that
7 within the history and with what we have accepted as a
8 culture as a nation that we have in our pledge "one
9 nation under God." This simply mirrors that.

10 REPRESENTATIVE BURNAM: Are you aware that
11 the governor has recently said, quote, freedom of
12 religion should not be taken as freedom from religion?

13 Do you agree with that statement, Ms.
14 Riddle?

15 REPRESENTATIVE RIDDLE: Would you repeat
16 that? I didn't hear you.

17 REPRESENTATIVE BURNAM: Are you aware that
18 Governor Perry has recently said, and I quote, freedom of
19 religion should not be taken as freedom from religion?

20 And my question is, Do you agree with that
21 statement, Ms. Riddle?

22 REPRESENTATIVE RIDDLE: I would say amen.

23 REPRESENTATIVE BURNAM: Additionally, are
24 you aware that there are eight million Texans that do not
25 specify any religious affiliation at all and that an

1 estimated one to two million of them are self-described
2 atheists?

3 REPRESENTATIVE RIDDLE: That may be the
4 case, but are you aware that we have over 100 co-authors
5 and joint authors of this body here?

6 REPRESENTATIVE BURNAM: Yes. And you're
7 trying to reverse the role. I will address that in a
8 moment.

9 Is it fair, then, to those individuals who
10 put, quote, "under God" into our pledge -- to any of the
11 people that I've asked you questions about, the last 10
12 or 12 questions, is it fair to these individuals to
13 impose this addition to the pledge?

14 REPRESENTATIVE RIDDLE: I would say that
15 if -- if the people who reside here in America and enjoy
16 all that we have and all that -- and what all that we are
17 based on here and also say our pledge, then that is being
18 part of an American. That is part of being this country.
19 We say "one nation under God" when we say our pledge.
20 This is no more, this is no less.

21 REPRESENTATIVE BURNAM: Ms. Riddle, what is
22 the purpose of this bill?

23 REPRESENTATIVE RIDDLE: The purpose of this
24 bill is very simple. It is to simply have our state
25 pledge mirror, if you will, or reflect our national

1 pledge.

2 Our national pledge says one -- "one nation
3 under God." I think it is altogether right and
4 appropriate for our state pledge to say "one state under
5 God."

6 REPRESENTATIVE BURNAM: Are you aware of
7 the term "stare decisis"?

8 REPRESENTATIVE RIDDLE: I'm sorry?

9 REPRESENTATIVE BURNAM: Stare decisis. Let
10 me spell it. It's s-t-a-r-e --

11 REPRESENTATIVE RIDDLE: I'm sorry. It's
12 echoing in here. What -- was I aware of this --

13 REPRESENTATIVE BURNAM: It's the term. Are
14 you aware of the term s-t-a-r-e d-e-c-i-s-i-s?

15 UNIDENTIFIED SPEAKER: You're not lawyers.
16 None of you are lawyers up there.

17 REPRESENTATIVE RIDDLE: No.

18 REPRESENTATIVE BURNAM: All right. I'll
19 admit the heckle in the background is pointing out that
20 none of you are lawyers; and I'm not a lawyer, so I can't
21 pronounce it well, and you don't know what it is. So
22 I'll tell you. It means that the Supreme Court does not
23 overturn precedents lightly, Ms. Riddle.

24 Do you know, Ms. Riddle, that the Supreme
25 Court disagrees with both our governor and with you?

1 REPRESENTATIVE RIDDLE: Are you trying to
2 say "precedents"?

3 REPRESENTATIVE BURNAM: No. Would you like
4 for me to spell the word again?

5 REPRESENTATIVE RIDDLE: I was just trying
6 to decipher what you were saying. I'm sorry.

7 REPRESENTATIVE BURNAM: Let's just move on.
8 Do you know, Ms. Riddle, that the Supreme
9 Court disagrees with our governor and with you? Freedom
10 of religion does not mean freedom from religion. That's
11 what you've said and that's what our governor has said;
12 is that correct? Would you like for me to repeat the
13 question?

14 REPRESENTATIVE RIDDLE: Yes, please.

15 REPRESENTATIVE BURNAM: Do you know, Mrs.
16 Riddle, that the Supreme Court disagrees with our
17 governor and with you? The Supreme Court says freedom of
18 religion does mean freedom from religion.

19 REPRESENTATIVE RIDDLE: That is your
20 opinion, sir.

21 REPRESENTATIVE BURNAM: Justice Stevens,
22 writing for the majority in Wallace versus Jaffrey,
23 wrote, quote, the individual's freedom to choose his own
24 creed is the counterpart of his right to refrain from
25 accepting the creed established by the majority. The

1 majority you've referred to earlier. Moreover, the
2 individual freedom of conscience protected by the First
3 Amendment embraces the right to select any religious
4 faith or none at all.

5 Were you aware of that?

6 REPRESENTATIVE RIDDLE: Sir, I believe that
7 you're extremely articulate, you're extraordinarily
8 bright and well respected --

9 REPRESENTATIVE BURNAM: But that's just one
10 example, Ms. Riddle.

11 REPRESENTATIVE RIDDLE: -- and you are
12 giving a great deal -- you're giving a great deal of
13 information; but what I am telling you is every day when
14 we stand here on the floor of the House we do say our
15 national pledge. We continue to say "one nation under
16 God."

17 REPRESENTATIVE BURNAM: Are you aware, Ms.
18 Riddle --

19 REPRESENTATIVE RIDDLE: And --

20 REPRESENTATIVE BURNAM: -- that
21 simultaneous --

22 REPRESENTATIVE RIDDLE: And this bill is
23 simply to mirror or reflect "one state under God." That
24 is all.

25 REPRESENTATIVE BURNAM: Ms. Riddle, are you

1 aware that simultaneous decisions by the Supreme Court
2 allowed us to keep the Ten Commandments on the capitol
3 lawn but forced a Kentucky courthouse to remove the Ten
4 Commandments?

5 REPRESENTATIVE RIDDLE: Do you see the
6 inscription above me here, sir?

7 REPRESENTATIVE BURNAM: Ms. Riddle, could
8 you answer my questions? I'm at the back (inaudible).

9 REPRESENTATIVE RIDDLE: And what is your
10 question?

11 REPRESENTATIVE BURNAM: The question is,
12 Are you aware that simultaneous decisions by the Supreme
13 Court allowed us to keep the Ten Commandments on the
14 capitol lawn but forced a Kentucky courthouse to remove
15 the Ten Commandments?

16 REPRESENTATIVE RIDDLE: This is not about
17 the Ten Commandments, sir. This is about the pledge.

18 REPRESENTATIVE BURNAM: Are you aware that
19 Justice Breyer, writing for the majority in the Kentucky
20 case, wrote the following: Quote, when the government
21 acts with an ostensible and predominant purpose of
22 advancing religion, it violates the central establishment
23 clause value of official religious neutrality. A purpose
24 to favor one faith over another or adherence to religion
25 generally clashes with the understanding that liberty and

1 social stability demand a tolerance that respects the
2 religious views of all citizens.

3 THE SPEAKER: Mr. Callegari raises a point
4 of order. The lady's time has expired.

5 REPRESENTATIVE BURNAM: Mr. Speaker, I move
6 that the lady's time be extended. I'm trying to
7 establish a record for the Court.

8 THE SPEAKER: Vote aye, vote no, Members.
9 Thank you. Show Mr. Paxton voting no. Show Mr. Isett
10 voting no. Have all voted.

11 There being 48 ayes and 60 nays, the lady's
12 time is not extended.

13 Members, if anyone would like to speak for
14 or against, come down front.

15 Members, we've got an amendment that's
16 being scanned in. Just a moment.

17 * * * * *

18 THE SPEAKER: Filing an amendment. The
19 clerk read the amendment.

20 THE CLERK: Amendment by Burnam.

21 THE SPEAKER: The Chair recognize Mr.
22 Burnam.

23 REPRESENTATIVE BURNAM: Members, the line
24 of questioning I had was absolutely necessary to set the
25 stage and precedent for this amendment. It is a very

1 simple amendment.

2 The board of trustees of each school
3 district shall, one, ensure that students are not coerced
4 to participate in the recitation of the pledge of
5 allegiance under subsection b2 if her bill passes, and,
6 two, requires signs to be posted in each classroom near
7 the state flag that states a student may not be coerced
8 to participate in the resuscitation (sic) of the pledge
9 of allegiance under the subsection as listed before.

10 This proposed amendment is your vote on the
11 First Amendment and the right of any child to not be
12 coerced in participating in this pledge.

13 I ask the author of the bill to accept this
14 amendment as a friendly amendment.

15 THE SPEAKER: The Chair recognize Ms.
16 Riddle.

17 REPRESENTATIVE RIDDLE: Mr. Speaker,
18 Members, I move to table this. I think that the bill is
19 very plain, it's very simple, and -- and common sense, I
20 believe, will prevail.

21 Move to table.

22 THE SPEAKER: The Chair recognize Mr.
23 Burnam.

24 REPRESENTATIVE BURNAM: I want to give you
25 an example of why this is a necessary amendment. I just

1 within recent days learned of a situation here in Austin
2 where a visiting professor at the University of Texas who
3 is from Mexico, whose son is in the West Lake Elementary
4 School, was -- has on several occasions been coerced into
5 and agitated to say a pledge of allegiance to the flag
6 that he has no allegiance to.

7 This amendment would clarify for every
8 school teacher in the state that neither a Mexican
9 national or someone who does not want to make the pledge
10 as proposed by Ms. Riddle would be exempted from this
11 pledge.

12 The teacher had no idea that the student
13 had the right to opt out. The student has the right to
14 opt out, and we need to clarify that and make it as a
15 part of law.

16 This amendment would require that every
17 school ensure that. It would end -- to this -- to that
18 end, the school board trustees must require that, and it
19 is the only decent and right thing to do rather than to
20 try to impose your religious perspective on any of the
21 students in our school system.

22 I ask you to vote no on the motion to
23 table.

24
25 REPRESENTATIVE HOCHBERG: Mr. -- Mr.

1 Speaker?

2 THE SPEAKER: Mr. Hochberg, for what
3 purpose?

4 REPRESENTATIVE HOCHBERG: Would Mr. Burnam
5 yield for a question?

6 THE SPEAKER: Mr. Burnam yield?

7 REPRESENTATIVE BURNAM: I yield.

8 THE SPEAKER: The gentleman yields.

9 REPRESENTATIVE HOCHBERG: Thank you.

10 Mr. Berman -- Burnam -- I'm sorry.

11 Whoever -- Lon, so you're -- you're providing an opt-out
12 for a student's --

13 REPRESENTATIVE BURNAM: Yes. It's obvious,
14 Scott, that this bill is going to pass on this floor.

15 REPRESENTATIVE HOCHBERG: Sure.

16 REPRESENTATIVE BURNAM: What is not so
17 obvious is whether the Members are going to embrace the
18 First Amendment and the founding values of this country
19 and say every child has a right to opt out.

20 REPRESENTATIVE HOCHBERG: Do you know --
21 are you aware -- I know Representative Riddle spoke in
22 the bill analysis, I guess, or in her opening about the
23 Judeo-Christian heritage.

24 Are you aware that there are certain
25 adherents to the Jewish religion who believe that it is