



AMERICAN ATHEISTS

February 20, 2019

The Honorable Sen. Jeff Raatz
Chairperson
Senate Education and Career Development Committee
Indiana State Senate
200 W. Washington Street
Indianapolis, Indiana 46204-2785

Re: OPPOSITION to SB 373, Testimony from American Atheists in opposition to legislation that undermines religion liberty by coercively inserting religion into public schools

Dear Chairperson Raatz, and Members of the Education and Career Development Committee:

American Atheists, on behalf of its constituents in Indiana, writes in opposition to SB 373, a controversial bill which undermines the freedom of religion of students by coercively inserting religion into the school environment. Specifically, this bill would require school boards to display the national motto "In God We Trust" in each classroom, encourage the teaching of religious doctrine in the place of science, and impermissibly favor students who receive religious education. We urge you to vote against this remarkably unconstitutional bill.

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the "wall of separation" between government and religion created by the First Amendment. We strive to create an environment where atheism and atheists are accepted as members of our nation's communities and where casual bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building and work to end the stigma associated with being an atheist in America. As advocates for religious liberty, American Atheists believes that no young person should be coercively subjected to religious coercion by the government.

First, SB 373 represents a complete abandonment of the principle of local control, as it requires the state to intrude into local classrooms and regulate the materials that must be on the walls. Efforts to impose a political agenda onto public schools through "In God We Trust" poster bill are part of a multistate campaign by Christian nationalists to promote the false narrative that America was founded as a Christian nation.¹ Even alone, this provision would undermine the spirit of the First

¹ Clarkson, Frederick. "'Project Blitz' Seeks to Do for Christian Nationalism What ALEC Does for Big Business." Religion Dispatches, published online Apr. 27, 2018. Available at: <http://religiondispatches.org/project-blitz-seeks-to-do-for-christian-nationalism-what-alec-does-for-big-business/> (Last visited February 19, 2019).

Amendment and the separation of religion and government, which is the bedrock of our religious liberty.

However, this bill builds upon the already inappropriate and coercive language found in other “In God We Trust” poster bills to also 1) allow school districts to teach creation science or other so-called “theories concerning the origin of life” instead of legitimate science, 2) create a scheme to encourage students to attend religious instruction and receive educational credit, and 3) establish a strict scrutiny standard for any infringement by a school (public, charter, or private) of “parental rights.”

First, courts have repeatedly made clear that teaching creation science is merely religious indoctrination, and therefore such a curriculum is inherently unconstitutional.² Second, by giving preferential treatment (school credits, for example) to students who receive specific religious instruction compared to students who receive different or no religious instruction, school districts would clearly violate the First Amendment and open themselves to liability. Lastly, the concept of parental rights protected by this bill is so vague and the legal protections so uncertain, it would result in an unworkable educational system and host of unintended consequences.³

SB 373 would violate students’ freedom of religion by inserting one particular religious view into the classroom. Students and teachers have a variety of beliefs -- Christian, Jewish, Muslim, Buddhist, to name just a few -- or no religious beliefs, which means that public schools must remain free from religious coercion. However, this measure would stigmatize students who are atheists, nonbelievers, and religious minorities, by regularly subjecting them to promoted religious messages. Sadly, the religious opprobrium fostered by this bill may result in increased bullying and harassment against such students.

Currently, about 23% of adults in the US are religiously unaffiliated, and atheists and agnostics make up about 7% of the total population.⁴ Among young people, studies show that approximately 13% of youth ages 13-18 identify as atheists and more than a third are non-religious.⁵ In Indiana, 26% of the population has no religious affiliation.⁶ The Indiana Legislature should not marginalize

² *Edwards v. Aguillard*, 482 U.S. 578 (1987).

³ As just one example, an atheist parent in Indiana could make a plausible argument that the “In God We Trust” posters mandated by this very bill violate their right to direct the education of their children, because the state is coercively subjecting their children to unwanted religious messaging. Then the school district would need to prove that their interest in displaying these posters is “of the highest order and not otherwise served.” An unenviable task, to say the least.

⁴ Pew Research Center. A Closer Look at America’s Rapidly Growing Religious ‘Nones’ by Michael Lipka, 2015. Available at: <http://www.pewresearch.org/fact-tank/2015/05/13/a-closer-look-at-americas-rapidly-growing-religious-nones/> (Last Visited February 17, 2019).

⁵ Barna Group. Atheism Doubles Among Generation Z, 2018. Available at: <https://www.barna.com/research/atheism-doubles-among-generation-z/> (Last visited February 18, 2019).

⁶ Pew Research Center. Religious Composition of Adults in Indiana. Available at: <http://www.pewforum.org/religious-landscape-study/state/indiana/> (Last Visited February 16, 2019).

this sizeable and growing population by purposefully inserting exclusionary messages into the classroom, by teaching religious doctrine in the place of science, nor by favoring religious students by granting them additional credits.

If the drafters' goal was to create a bill which would result in unlimited liability for school districts and an unworkable system of public education, then congratulations are in order. This bill is shockingly unconstitutional. We hope that lawmakers in Indiana are wise enough to halt this roiling mess of poorly conceived ideas, religious coercion, and unintended consequences before it becomes law. If you should have any questions regarding American Atheists' opposition to SB 373, please contact me at 908.276.7300 x309 or by email at agill@atheists.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'AG', written over a horizontal line.

Alison Gill, Esq.
Vice President, Legal and Policy
American Atheists

cc: All members of the Indiana Senate Education and Career Development Committee