



AMERICAN ATHEISTS

January 31, 2019

The Honorable Sen. Stephen Newman
Chairperson, Education & Health Committee
Pocahontas Building, Room A
900 East Main Street
Richmond, Virginia 23219

Re: OPPOSE SB 1502, Concerning Mandatory Bible Course Electives in Public High Schools

Dear Chairperson Newman and Members of the Education and Health Committee:

American Atheists, on behalf of its nearly 1,500 constituents in Virginia, writes to express serious concern over SB 1502 which would require every public high school to offer an elective course on the Christian Bible or Hebrew Scriptures. This legislation is wasteful of public education resources, it puts schools at risk for liability, and it may result in religious coercion against Virginia students, and therefore we strongly urge you to oppose SB 1502.

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 subject to religious coercion by the government.

While high school courses focusing on the historical or literary aspects of the Bible are not intrinsically unconstitutional, they are certainly wasteful of scarce educational resources and, moreover, put schools on dangerous legal territory. The Constitution places strict requirements on such courses, and schools are frequently unable or unwilling to meet those requirements. These courses often serve merely as a veneer to engage in proselytization in public schools.

The Bible has had significance on Western literature, art, and history, so teaching about it can serve a constitutionally valid educational purpose. In fact, teachers in Virginia may already use it for this purpose. However, courts analyzing this issue have clarified that the Constitution requires that when educators teach about the Bible, such courses:

- Must be taught in a nondevotional manner, with no attempt made to indoctrinate students as to either the truth or falsity of biblical materials;
- Must not include the teaching of religious doctrine or sectarian interpretation of the Bible;
- Must not teach the Bible as a true and literal historic record; and

- Should expose students to critical perspectives on the Bible and a diversity of biblical interpretations.¹

In 2017, the state of Kentucky passed HB 128, which has language identical to SB 1502. The ACLU conducted a case study² on the implementation of the elective Bible courses in public schools and determined that the majority of courses did not fall within the Constitutional strictures of being “objective, nondevotional, and ... not promot[ing] any specific religious view.”³ The ACLU concluded that several of the courses were being used to impose religious “life lessons and actively inculcate Christianity.”

There is no doubt that if SB 1502 is passed, Virginia schools will also face scrutiny in the implementation of Bible course curriculum. The current legislation does not provide any contingency to safeguard the First Amendment rights of students subject to religious coercion, nor can it protect Virginia school districts from the liability which will inevitably result from flawed implementation of this bill. Taxpayer dollars should fund public education, not be wasted on efforts to indoctrinate students, nor to defend such unconstitutional indoctrination in court.

SB 1502 would needlessly waste education resources, put school districts at risk, leave children in Virginia unprotected against religious coercion. We strongly urge you to vote against this unnecessary and controversial bill. If you should have any questions regarding American Atheists’ opposition to SB 1502, please contact me at 908.276.7300 x9 or by email at agill@atheists.org.

Very truly yours,



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

CC: All Members of the Virginia Senate Education and Health Committee

¹ See *Herdahl v. Pontotoc Cnty. Sch. Dist.*, 933 F. Supp. 582 (N.D. Miss. 1996); *Doe v. Human*, 725 F. Supp 1503 (W.D. Ark. 1989); *Wiley v. Franklin*, 468 F.Supp. 133 (E.D. Tenn. 1979).

² ACLU of Kentucky, Letter to Kentucky Department of Education re “Bible Literacy” Education (Jan. 5, 2018), available at https://www.aclu-ky.org/sites/default/files/field_documents/ky_doe_letter_re_bible_literacy_ad.pdf.

³ *Roberts v. Madigan*, 921 F.2d 1047, 1055 (10th Cir. 1990).