



AMERICAN ATHEISTS

April 3, 2019

The Honorable Sen. Jane English
Chairperson, Senate Education Committee
Arkansas State Capitol, Room 207
500 Woodlane St. Suite 350
Little Rock, Arkansas 72201-1089

Re: OPPOSE HB 1626, Concerning Bible Classes in Public Schools

Dear Chairperson English and Members of the Senate Education Committee:

American Atheists, on behalf of its constituents in Arkansas, writes in opposition to HB 1626, which would require public schools to offer elective courses on the Bible if requested by students. This legislation is wasteful of public education resources, it puts schools at risk for liability, and it may result in religious coercion against Arkansas students, and therefore we strongly urge you to oppose HB 1626.

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 constitutional purpose. In fact, teachers in Arkansas may already use it for this purpose. However, the law makes it clear that any Bible course:

- 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 establishes elective Bible classes in Kentucky schools. The ACLU conducted a case study² on the implementation of these elective courses and determined that the majority of courses did not meet the constitutional requirements of being “objective, nondevotional, and ... not promot[ing] any specific religious view.”³ The ACLU concluded that the courses were being used to impose religious “life lessons and actively inculcate Christianity.”

Further, a case study on Bible curriculum in the state of Texas conducted by Dr. Mark Chancey of Southern Methodist University found numerous violations of the constitutional requirements clarified by *Roberts v. Madigan*. This depth report concluded that:

- Most Bible courses in Texas have teachers with no academic training in biblical, religious, or theological studies, and some were even taught by local clergy.
- Most Bible courses are taught as religious and devotional classes that promote one faith perspective over all others.
- Most Bible courses advocate an ideological agenda that is hostile to religious freedom, science, and public education itself.⁴

Similarly, a 2000 study by People for the American Way (PFAW) demonstrates that “Bible History” courses taught in Florida from 1996–1999 were usually “taught from a Christian, generally Fundamentalist Protestant, perspective, and typically, the courses presented the Bible as a history textbook, assumed that students were Christian, and used the Bible to promote Christian faith formation.” PFAW’s study resulted in the state of Florida removing the existing courses.⁵

While proponents assert that HB 1626 would protect religious freedom in schools, they ignore the fact that the bill is inherently antagonistic toward the religious freedom of anyone who is not Christian. This bill shows clear favoritism for Christian students and beliefs because it makes no mention of offering courses about minority religions if requested by students, nor courses on secular philosophy if requested by nonreligious students. Moreover, the stipulation that “at least fifteen (15) students request” a Bible course is a thinly veiled attempt by legislators to “pass the buck” on to students for creating a religiously coercive educational environment.

¹ See *Herdahl v. Pontotoc Cnty. Sch. Dist.*, 933 F. Supp. 582, 592 (N.D. Miss. 1996); *Doe v. Human*, 725 F. Supp. 1503, 1506 (W.D. Ark. 1989); *Wiley v. Franklin*, 468 F. Supp. 133, 149-50 (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).

⁴ Chancey MA. (2012). Reading, Writing & Religion II. Texas Freedom Network Education Fund. Available at <https://www.smu.edu/~media/Images/News/PDFs/Mark-Chancey-Reading-Writing-Religion-study.ashx?la=en&la=en>

⁵ Levenson D. (2002). University Religion Departments and Teaching about the Bible in Public High Schools: A Report from Florida. Religious Studies News: AAR Edition 17. Available at <http://www.aarweb.org/teaching/ris/publications.asp>. The Florida guidelines for the newly created Bible courses are included in the People for the American Way report.

There is no doubt that if HB 1626 is passed, Arkansas schools will face scrutiny in the implementation of the Bible course curriculum. The current legislation does not provide any effective safeguards to protect the First Amendment rights of students subject to religious coercion. Since this legislation allows students to request these classes at any time, even if the school lacks the necessary teachers, expertise, or space capacity, there is a very real danger that these classes will come at the cost of other educational programs or that they will fail to meet constitutional requirements. Together these factors put school districts that offer Bible classes under this legislation at substantial risk for liability. Taxpayer dollars should fund public education, not be wasted on efforts to indoctrinate students, nor to defend such unconstitutional indoctrination in court.

HB 1626 would needlessly waste education resources, put school districts at risk, and leave children in Arkansas unprotected from 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 HB 1626, please contact me at 908.276.7300 x309 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 Arkansas Senate Education Committee