



# AMERICAN ATHEISTS

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July 13, 2020

The Honorable Assemblyman Michael Benedetto  
Chair, Assembly Committee on Education  
LOB 835  
Albany, NY 12248

**Re: OPPOSE A6315, Concerning Bible Classes in Public Schools**

Dear Chairperson Benedetto and Members of the Assembly Committee on Education:

American Atheists, on behalf of its more than 3,100 constituents in New York, writes in opposition to A6315, which would encourage public schools to offer elective Bible courses and require the Commissioner of Education to develop guidelines for such classes. This legislation is wasteful of public education resources, it puts schools at risk for liability, and it may result in religious coercion against New York students. Therefore, we strongly urge you to oppose this harmful legislation.

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 in 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 a significance impact on Western literature, art, and history, so teaching about it can serve a constitutional purpose. In fact, teachers in New York may already use it for this purpose. However, courts have clarified that the First Amendment requires that any course teaching about the Bible:

- 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.<sup>1</sup>

In 2017, the state of Kentucky passed HB 128, which mandated elective Bible classes in Kentucky schools. The ACLU conducted a case study<sup>2</sup> 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.”<sup>3</sup> The ACLU concluded that the courses were being used to impose religious “life lessons and actively inculcate Christianity.”

Further, a case study on Bible class 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 in-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.<sup>4</sup>

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.<sup>5</sup>

While proponents assert that A6315 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, nor courses on secular philosophy.

If A6315 is passed, New York schools that offer these electives will face scrutiny in the implementation of the Bible course curriculum. The current legislation does not provide any effective safeguards to

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<sup>1</sup> 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).

<sup>2</sup> 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](https://www.aclu-ky.org/sites/default/files/field_documents/ky_doe_letter_re_bible_literacy_ad.pdf).

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

<sup>4</sup> Chancey MA. (2012). Reading, Writing & Religion II. Texas Freedom Network Education Fund. Available at <https://www.smu.edu/~media/Images/News/PDFs/M1626-Chancey-Reading-Writing-Religion-study.ashx?la=en&la=en>

<sup>5</sup> 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.

protect the First Amendment rights of students subject to religious coercion. Nor does the legislation provide mechanisms to ensure that schools will meet constitutionally required standards. 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.

A6315 would needlessly waste education resources, put school districts at risk, and leave students in New York 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 A6315, please contact me at 908.276.7300 x309 or by email at [agill@atheists.org](mailto:agill@atheists.org).

Very truly yours,



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cc: All Members of the New York Assembly Committee on Education