

WASHINGTON, DC  
REGIONAL OFFICE



October 7, 2014

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Rowan-Salisbury School Board  
480 Beck Road  
Salisbury, NC 28144

Dear Mr. Miller,

We write in reference to an October 8<sup>th</sup> WBTV article entitled *School board to hold public meeting after Bible class controversy*, which reflects that the Rowan-Salisbury School board will be holding a public meeting this week on reported Bible classes being held in the Rowan-Salisbury elementary schools. The report represents that these classes are funded by religious nonprofit groups and they include explicit religious indoctrination.

As you may know, the Anti-Defamation League ("ADL") is a strongly pro-religion, national human relations and civil rights organization. For over 100 years, we have been an ardent advocate for religious freedom for all Americans – whether in the majority or minority. We believe that the best way to safeguard religious freedom is through the separation of church and state embodied in the First Amendment's Establishment Clause, which allows Americans to freely practice their various faiths without government interference, endorsement or support.

We understand that the School System has been contacted on this issue by organizations with divergent views on the appropriate role of religion in the public schools. The following outlines the legal parameters for teaching about religion, including the Bible, in public schools.

The U.S. Supreme Court has definitively ruled that although public schools may not teach or indoctrinate religion, they may teach about religion in a secular, neutral and an objective manner. See *School Dist. of Abington Township v. Schempp*, 374 U.S. 203, 225 (1963). The Bible may be taught in public school, but only for its historical, cultural or literary value and never in a devotional, celebratory or doctrinal manner, or in a way that encourages acceptance of the Bible as a religious document. However, a public school cannot teach the Bible as doctrine or in a devotional manner. Id. Although the general principle is clear, putting this standard into practice has proven "... difficult at best." See *Crockett v. Sorenson*, 568 F.Supp. 1422, 1427 (W.D. Va. 1983). Determining the line that separates the secular from the sectarian is often elusive, and "[t]his problem is especially acute when dealing with a course in Biblical literature." Id.

Furthermore, because much of the Bible is not capable of historic verification, teaching it as historic fact or literal truth conveys an impermissible religious message. See *Herdahl*, 933 F.Supp.; *Wiley*, 497 F.Supp. If a school district chooses to teach the about Bible, the adopted curriculum should be balanced and pluralistic in nature and it should not advocate one particular religion, interpretation or translation over another. Additionally, ADL strongly suggests that the classes are taught by school personnel who have received

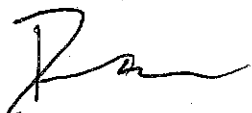
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on Establishment Clause and religious diversity issues. Indeed, all the Bible courses in the reported court cases found by ADL were held unconstitutional as violating the First Amendment's Establishment Clause, either in-whole or in-part. See H.S. v. Huntington County Cmty. Sch. Corp., 616 F. Supp. 2d 863 (N.D. Ind. 2009); Doe v. Porter, 370 F.3d 558 (6<sup>th</sup> Cir. 2004); Hall v. Board of School Commissioners of Conecuh Cty., 656 F.2d 999 (5<sup>th</sup> Cir. 1981); Doe v. Human, 725 F.Supp. 1503 (W.D. Ark. 1989), *aff'd*, 923 F.2d 857 (8<sup>th</sup> Cir. 1990); Gibson v. Lee County, 1 F.Supp.2d 1426 (M.D. Fla. 1998) (Bible curriculum on the Old Testament found constitutional, but Bible curriculum on the New Testament found unconstitutional); Herdahl v. Pontotoc County School Dist., 933 F.Supp. 582 (N.D. Miss. 1996); Crockett, 568 F.Supp. 1422; Wiley v. Franklin, 497 F.Supp. 390 (E.D. Tenn. 1980) (after an initial holding that two separate school district Bible curriculums were unconstitutional, one remained unconstitutional notwithstanding revisions by the school district and amendments by the court); Vaughn v. Reed, 313 F.Supp. 431 (D.C. Va. 1970).

Learning about the literary value of the Bible in a public school elective course certainly can be appropriate particularly in the secondary school setting. However, the WBTV article asserts that the School System is allowing religious nonprofit groups to fund a Bible class for elementary school students that indoctrinates religion. If these claims are accurate, such a class would be unconstitutional regardless of whether students are in secondary, middle or elementary schools. Furthermore, the fact that the courses are for elementary school students raises special concerns. In the Establishment Clause context, courts are the most protective of elementary school students because they are highly susceptible to religious coercion, and have great difficulty distinguishing between private and school-sponsored religious activity. See Edwards v. Aguillard, 482 U.S. 578 (1987); see also Breen v. Runkel, 1988 U.S. Dist. LEXIS 18175, at \*8-9 (W.D. Mich., February 5, 1998); Peck v. Upshur County Board of Education, 155 F.3d 274 (4<sup>th</sup> Cir. 1998) (rejecting Bible distribution to elementary school students and finding that "elementary-age school children...may be unable to fully recognize and appreciate the difference between government and private speech.")

To further assist you, we are enclosing a chapter entitled, "Religion in the Curriculum" from our publication – *Religion in the Public Schools*. ADL stands ready to serve as resource to your school district on the complex issue of religion in the public schools. If you would like to further discuss this matter or would like any other information, please do not hesitate to contact us at (202) 261-4614 or [dfriedman@adl.org](mailto:dfriedman@adl.org).

Sincerely,



David C. Friedman  
Director, Washington, D.C. Region

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