

FREEDOM FROM RELIGION *foundation*

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September 27, 2011

SENT VIA U.S. MAIL & E-MAIL
jerryw@psdschools.org

Dr. Jerry Wilson
Superintendent of Schools for Poudre School District
2407 LaPorte Avenue
Fort Collins, CO 80521

Re: Bible Distribution

Dear Dr. Wilson:

I am writing on behalf of Colorado members of the Freedom From Religion Foundation (FFRF) regarding concerns with bible distributions occurring at District schools. We urge you to look into any possible legal and District policy infractions involving bible distribution at schools. FFRF is a national nonprofit organization, which works to protect the constitutional principle of separation between state and church. We represent over 17,000 members across the country, including more than 500 in Colorado and an FFRF chapter in Colorado Springs.

It is our information and understanding that on September 12, 2011, members of Gideons International (an evangelizing Christian organization) were distributing bibles to middle school students outside of Webber Middle School as school was letting out. A concerned parent of a Webber Middle School student contacted us. It is unclear whether these men were located on a sidewalk that is on Poudre School District property, which would be constitutionally forbidden. It is our understanding that the men were blocking the sidewalk, preventing students from freely walking past them without accepting a bible. The parent who witnessed the distribution stated that one of the men was calling out to the students and another forced bibles on children who declined to accept them. It was also reported that the men took photographs of children, which is bizarre, and went so far as to place a bible in a student's bicycle basket, even though she had refused the offer.

We are asking you to investigate where the men were and report back to us. Please see the accompanying map for reference. The sidewalks included within the outlined area are Poudre School District property, and the Gideons are not legally allowed to distribute bibles while on these sidewalks.

It is unlawful for public school districts to allow the distribution of bibles on school grounds to a captive audience of students. Courts have held that the distribution of bibles to students at public schools is prohibited. *See Berger v. Rensselaer Central Sch. Corp.*, 982 F.2d 1160 (7th Cir. 1993)(held that classroom distribution of Gideon bibles to fifth-

graders violated the Establishment Clause of the First Amendment to the United States Constitution); *see also Roark v. South Iron R-1 Sch. Dist.*, 573 F.3d 556 (8th Cir. 2009) (striking down policy that continued a school's practice of bible distribution by allowing distribution of bibles in front of administrative offices or at table in the cafeteria); *Tudor v. Board of Education of Rutherford*, 14 N.J. 31 (1953), *cert. denied*, 348 U.S. 816 (1954) (finding unconstitutional a school board resolution permitting the distribution of bibles by Gideons). In striking down a school district's policy permitting Gideons to distribute bibles at the schools, the Seventh Circuit stated, "... the Gideon Bible is unabashedly Christian. In permitting distribution of 'The New Testament of Our Lord and Savior Jesus Christ' along with limited excerpts from the Old Testament, the schools affront not only non-religious people but all those whose faiths, or lack of faith, does not encompass the New Testament." *Berger*, 982 F.2d at 1170.

Public schools have a constitutional obligation to remain neutral toward religion. When a school permits the distribution of religious literature to its students, it has unconstitutionally entangled itself with a religious message, in this case a Christian message. Such a practice alienates those non-Christian students, teachers, and members of the public whose religious beliefs are inconsistent with the message being promoted by the school. It also alienates the 15% of the U.S. population who identify as non-religious (American Religious Identification Survey, 2008).

Even when distributions occur during non-instructional time, students who are forced to interact with the Gideons on school property (as they are required to in order to leave school grounds) have had their rights violated. The District cannot legally allow its campuses to be utilized by overreaching proselytizers. By permitting the distribution of bibles on school grounds, the district is placing its "stamp of approval" on the religious messages contained in the Gideon bible.

While the Gideons do have a right to distribute bibles on public sidewalks, they cannot distribute bibles on sidewalks located on District property. Furthermore, under current District policies (which do not go far enough to protect students), it appears that the recent Gideon distribution might have violated District rules. According to the Poudre School District Policy, Section KHC-R, "No student may in any way may be compelled or coerced to accept any materials." The distributors reportedly were coercing students to accept the Gideon Bibles by forcing them to accept a bible in order to pass by on the sidewalk, even if the student declined. The Board policy says, "Violation of any of these regulations will be sufficient cause for denial of the privilege to distribute materials at future dates."

You should also be informed that we have received numerous complaints from parents and students from surrounding school districts describing the aggressive distribution of bibles on school grounds and the harassment of students by the Gideons. Because these men appear to be targeting a number of schools in your area, please remain vigilant in case these men attempt to return in the near future. While the District has no authority to regulate their abhorrent behavior off of school grounds, the District has an obligation to prevent these distributions from taking place on the school campus. It is vital to protect

young District students from predatory adults preying on a captive audience. The reports we received are alarming.

We ask that you investigate this matter further to ensure that the Gideons were not located on District property while distributing bibles. Because it appears that the Gideons' bible distribution reoccurs every year, it would be best to make sure the Gideons' actions fall within the confines of the law if they return. Please inform us, in writing, of the steps you are taking to remedy these constitutional concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Elliott". The signature is fluid and cursive, with a large initial "P" and a stylized "E".

Patrick Elliott
Staff Attorney

