

# FREEDOM FROM RELIGION *foundation*

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**SENT VIA U.S. MAIL & EMAIL: [travis@riggscpa.com](mailto:travis@riggscpa.com)**

Members of the Bentonville School Board  
c/o President Travis Riggs  
500 Tiger Blvd.  
Bentonville, AR 72712

Re: Unconstitutional Bible Class Proposed at Bentonville Public Schools

Dear Board President Riggs & Members of the School Board:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding the proposed inclusion of an “academic” bible class in the Bentonville School District (District). FFRF is a national nonprofit organization with over 23,500 members across the country, including more than 125 members in Arkansas. Our purpose is to protect the constitutional principle of separation between state and church.

We’ve learned that board member Brent Leas has proposed adding an elective academic bible study class to the 2017–2018 Bentonville School District curriculum. We were informed that the class was proposed under Arkansas Act 1440. Mr. Leas justified the creation of this course by quoting, among others, the devotional point of view of Presidents Reagan (“Within the covers of the Bible are the answers for all the problems men face.”).

We write to inform you that bible classes in Bentonville schools — even those proposed under state law — are legally problematic under federal constitution and at odds with the basic notion that public schools do not play religious favorites. It is also at odds with Article II, Section 24 of the Arkansas Constitution, which guarantees that “no preference shall every be given, by law, to any religious establishment, denomination, or mode of worship above any other.”

In theory, a bible course may be permissible as part of a public high school curriculum, but, in practice, such classes are rarely taught in a legal manner, particularly in an overwhelmingly Christian state like Arkansas.<sup>1</sup> In 2007, Texas passed a law instituting bible classes. In 2013, Dr. Mark A. Chancey, a professor of religious studies at Southern Methodist University,<sup>2</sup>

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<sup>1</sup> According to the 2014 Pew Research Landscape Study, 79% of adults in Arkansas identify as Christian. See <http://www.pewforum.org/religious-landscape-study/state/arkansas/>.

<sup>2</sup> Dr. Chancey has a Ph.D. from Duke in the New Testament and Early Judaism. He is the author of *The Myth of a Gentile Galilee* (2002) and *Greco-Roman Culture and the Galilee of Jesus* (2005). His reports have been published in the journals *Religion & Education*, *Journal of Church and State*, *Religion and American Culture*, and *Journal of the American Academy of Religion*.

conducted a study of these classes and found that many bible courses in Texas schools “are blatantly and thoroughly sectarian, presenting religious views as fact and implicitly or explicitly encourage students to adopt those views.”<sup>3</sup> The study surveyed 57 public school districts with bible courses and found that course materials were of low academic quality, and that “many of [these materials] are written specifically for Christian audiences for the purpose of strengthening their faith.”<sup>4</sup> Dr. Chancey’s study calls into question whether the bible can be reliably taught in the public school system in a way that fosters academic learning without promoting Christianity as a belief system.

It is an unfortunate reality that parents have good reason to distrust the actual purposes behind the introduction of religion into public schools. *See, e.g. Edwards v. Aguillard*, 482 U.S. 578, 593 (1987) (holding Louisiana “Creationism Act” requiring violated the Establishment Clause because its primary purpose was to “advance a particular religious belief”).

Insisting that Bentonville’s proposed bible class will be purely academic does not lessen these concerns. Federal courts have held schools accountable for allowing proselytization to seep into the classroom before. *See Herdahl v. Pontotoc Cty. Sch. Dist.*, 933 F. Supp. 582, 592 (N.D. Miss. 1996) (holding a religious course allegedly “taught from a ‘historical and literary perspective, in a non-sectarian, non-proselytizing manner, for the primary purpose of educating students . . .” violated Establishment Clause under multiple tests); *Doe v. Porter*, 188 F. Supp. 2d 904, 913 (E.D. Tenn. 2002), *aff’d*, 370 F.3d 558 (6th Cir. 2004) (holding bible study class taught to public elementary students for the asserted purpose of teaching “character” violated the Establishment Clause).

Board member Leas’ decision to paraphrase President Reagan (“Within the covers of the Bible are the answers for all the problems men face.”) to support the inclusion of the bible into the District’s curriculum is particularly troubling. The quote is taken from Reagan’s 1983 speech to the Annual Convention of the National Religious Broadcasters where he was promoting his “Year of the Bible” proclamation:

Within the covers of that single Book are all the answers to all the problems that face us today, if we’d only look there. “The grass withereth, the flower fadeth, but the word of our God shall stand forever.” I hope Americans will read and study the Bible in 1983.<sup>5</sup>

Reagan was not asking Americans to read the Bible as a matter of academics, but championing the bible as the “word of our God.” The board should be aware that promoting Reagan’s evangelical worldview is not a constitutional reason for schoolchildren to study the bible. Quoting an evangelical politician to support the creation of a bible class creates the impression that board, in fact, intends to bring religious instruction into the classroom. The Supreme Court

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<sup>3</sup> Mark A. Chancey, Texas Freedom Network, *Reading, Writing & Religion II: Texas Public School Bible Courses in 2011-12* viii-ix (2013), [http://www.tfn.org/site/DocServer/TFNEF\\_ReadingWritingReligionII.pdf?docID=3481](http://www.tfn.org/site/DocServer/TFNEF_ReadingWritingReligionII.pdf?docID=3481).

<sup>4</sup> *Id.* at 13.

<sup>5</sup> Ronald Reagan, “Remarks at the Annual Convention of the National Religious Broadcasters - January 31, 1983”, available at <http://www.presidency.ucsb.edu/ws/?pid=40550>. (emphasis added)

has made it clear that government action undertaken with a religious purpose violates the Establishment Clause. *See generally McCreary Cnty v. Am. Civil Liberties Union*, 545 U.S. 844, 864–5 (2005) (explaining that the Court has not made “the purpose test a pushover for any secular claim.”). Even if the District defies the odds and creates an otherwise constitutionally-compliant bible course, the board’s reasons for creating the courses are open to judicial scrutiny.

Finally, the Christian bias implicit in this proposal is apparent. If the board believes that District students would benefit from a deeper understanding of holy books that millions of Americans find meaning in, then there is no reason not to also create classes studying the Koran, the Bhagavad Gita, the Tipitaka, or, perhaps, Richard Dawkins’ *The God Delusion*. If fostering a deeper understanding of literature that shaped America is more the District’s aim, then the board might find inspiration in consulting the book list from Library of Congress’s 2012 “Books that Shaped America” exhibition, which features nearly 90 quintessentially American titles.<sup>6</sup> (The bible is not among them.)

The school board has an obligation to make certain that religious indoctrination does not creep into the District’s curriculum. Most parents and taxpayers expect and desire a secular education. Not only is this constitutionally required, it reflects the increasingly pluralistic world our students live in: one in three young Americans are not religious.<sup>7</sup>

Please do not inject religion into the Bentonville public school system. Thank you for your time and attention to this important issue.

Yours truly,



Annie Laurie Gaylor  
Co-President

ALG:scw

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<sup>6</sup> See “Books That Shaped America, Library of Congress”<https://www.loc.gov/bookfest/books-that-shaped-america/>

<sup>7</sup> “Nones on the Rise: One-in-Five Adults Have No Religious Affiliation,” Pew Research Center, *The Pew Forum on Religion & Public Life* (October 9, 2012), available at <http://www.pewforum.org/Unaffiliated/nones-on-the-rise.aspx>.