

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

December 20, 2018

SENT BY EMAIL AND U.S MAIL TO:

Thomas.Price@boerneisd.net

Dr. Thomas Price

Superintendent

Boerne Independent School District

235 Johns Rd.

Boerne, TX 78006

Mr. Craig Radtke

Director of Legal Affairs

Boerne Independent School District

235 Johns Rd.

Boerne, TX 78006

Re: Religious propaganda video and class assignment

Dear Superintendent Price and Mr. Radtke or current district counsel:

I am writing on behalf of the Freedom From Religion Foundation to alert Boerne ISD to a constitutional violation that took place within the district earlier this year. FFRF is a nationwide nonprofit organization that works to uphold the constitutional separation of church and state, and to educate the public about nontheism. We currently have more than 31,000 members across the country, including 1,300 in Texas.

A concerned district parent reported to us that this October, a Champion High School teacher, Ms. Deborah Rios, showed a religious propaganda film to her Principles of Education class. The video, entitled “America’s Godly Heritage,” is a production of WallBuilders, an evangelical Christian organization led by David Barton. We understand that Ms. Rios instructed students to turn in a one-page “Video Observation” sheet after watching the video. The sheet includes a number of misleading evangelical talking points, phrased as questions answered in the video, including: **“What year did the Supreme Court rule that it was unconstitutional to pray silently in school?”** (an event that never happened); **“What have been the effects seen in our society since religion has been taken out of our schools? (at least 4)”** (with desired answers including: more teen pregnancy, more STDs, lower SAT scores, lower academic performance, more violent crime, and higher divorce rates); and **“What other religion, however, can be taught in our schools now?”** (a question designed to confuse religious neutrality—when no religion or ideology is endorsed—with the promotion of atheism).

We write to ensure that the district investigates Ms. Rios’ decision to show a religious propaganda video to her students and to ensure that the district will not expose students to this video and assignment in the future.

The “America’s Godly Heritage” video is not appropriate for a public school classroom. WallBuilders is an organization committed to twisting history in order to sell a false narrative based on Christian exceptionalism. WallBuilders’ founder and CEO, David Barton, is a disgraced pseudo-historian. Barton never apologized after getting caught repeatedly lying about earning a Ph.D. in history.¹ He wrote a book, aptly titled *The Jefferson Lies*, that was so divorced from reality that the book’s own publisher pulled it from bookstores after noting that

¹ See, e.g., Mark Woods, *Did These Top Evangelicals Really Earn Their PhDs?*, Christian Today (Oct. 10, 2016) (after it was revealed that Barton’s degree came from a school with no history program, “Barton has not commented, and did not return requests for clarification from Christian Today.”).

divorced from reality that the book's own publisher pulled it from bookstores after noting that "basic truths just were not there."² That year, a poll by the History News Network concluded that the book was "the least credible history book in print."³ Undeterred, Barton shamelessly continues to sell this deceitful book, now published by WallBuilders itself. These are just a couple examples; there are myriad more.⁴

The video showed by Ms. Rios is especially problematic because it perpetuates the myth that our country was founded as a Christian nation. This is false. The United States of America was the first nation to adopt a secular and godless constitution, where the only references to religion are exclusionary, such as the prohibition on religious tests for public office. Showing Boerne ISD students a WallBuilders propaganda video that suggests otherwise is not educational; it is both deceitful and illegal.

Unlike Barton's claim, the Supreme Court has never outlawed silent prayer in public schools. But it *has* ruled that public schools must abide by our Constitution's Establishment Clause, which prohibits religious endorsements by government entities, thus protecting the religious freedom of every student. Under the Establishment Clause, the district has a duty to ensure that "subsidized teachers do not inculcate religion" or use their positions of authority to promote a particular religious viewpoint. *Lemon v. Kurtzman*, 403 U.S. 602, 619 (1971). Federal courts have consistently rejected the promotion of religious viewpoints in the classroom. *See, e.g., Pelozo v. Capistrano Unified Sch. Dist.*, 37 F.3d 517 (9th Cir. 1994) ("[T]o permit [a teacher] to discuss his religious beliefs with students during school time on school grounds would violate the Establishment Clause."); *Webster v. New Lenox Sch. Dist. No. 122*, 917 F.2d 1004 (7th Cir. 1990) (ruling that a school board could limit a teacher's comments on creationism because the board had the responsibility to ensure that the teacher was not "injecting religious advocacy into the classroom"). Ms. Rios' inclusion of historically dubious Christian propaganda in the curriculum is similarly unconstitutional.

The Supreme Court has recognized that "[f]amilies entrust public schools with the education of their children, but condition their trust on the understanding that the classroom will not purposely be used to advance religious views that may conflict with the private beliefs of the student and his or her family." *Edwards v. Aguillard*, 482 U.S. 578, 584 (1987) (finding unconstitutional a statute allowing the teaching of creationism, a religious belief, in classrooms). If a teacher uses his or her position as a district employee to expose students to religious propaganda presented as historical fact, both the teacher and the district become complicit in a constitutional violation and a breach of parental trust.

Even more concerning is the latter half of the WallBuilders' video, in which Barton attempts to link a decline in religiosity to a laundry list of alleged societal woes. This shameful maligning of secularism promotes bias against atheists. But Barton's claim, loosely attributed to George Washington, that "to remove religious principles would be to lose national morality" doesn't bear out in social science data. Numerous scientific studies suggest the exact opposite.⁵ True societal well-being, as measured by social scientists rather than evangelical Christians, does not

² *See, e.g.,* Elise Hu, *Publisher Pulls Controversial Thomas Jefferson Book, Citing Loss of Confidence*, National Public Radio (Aug. 9, 2012) (the publisher noted that "There were historical details — matters of fact, not matters of opinion, that were not supported at all.").

³ historynewsnetwork.org/article/147149.

⁴ *See, e.g.,* Southern Poverty Law Center, *David Barton*, www.splcenter.org/fighting-hate/extremist-files/individual/david-barton.

⁵ *See* Phil Zuckerman, *Atheism, Secularity, and Well-Being: How the Findings of Social Science Counter Negative Stereotypes and Assumptions*, 3 *SOCIOLOGY COMPASS* 949–71 (2009).

require religion. As Dr. Benjamin Beit-Hallahmi, a Ph.D. in clinical psychology, wrote, “The claim that atheists are somehow more likely to be immoral has long been disproven by systematic studies.”⁶

In fact, when any given factor of societal health or well-being is measured, *less* religious countries invariably score better. The least religious countries of this world:

- Have the lowest rates of violent crime, homicide, and corruption
- Are the best place to raise children and be a mother
- Have the lowest levels of intolerance against racial and ethnic minorities
- Score highest when it comes to women’s rights and gender equality
- Have the greatest protection and enjoyment of political and civil liberties
- Are better at educating their youth in reading, math, and science
- Are the most peaceful, the most prosperous, and have the highest quality of life.⁷

The pattern of lower religiosity to higher societal well-being is not limited to an international analysis. This trend also exists within the United States. Those states that are the most religious also have a high occurrence of societal ills. The *most* religious states in the nation tend to have the highest rates of: poverty, obesity, infant mortality, sexually transmitted diseases, teen pregnancy, murder, and violent crime.⁸

Social science data aside, Boerne ISD should be particularly concerned about its employees sending students the message that atheists are immoral and not to be trusted. Religion is already a divisive force in public schools, with nonreligious students experiencing ostracization and even bullying for publicly identifying themselves as nonreligious. District employees should be particularly mindful of not demonizing their nonreligious students, given that fully 38% of young Americans—those born after 1999, *i.e.*, all of the district’s current students—are nonreligious, either identifying as atheists, agnostic, or otherwise not religious.⁹

We request that the district investigate the class assignment and video shown by Ms. Rios and ensure that in the future its employees will not promote religious propaganda to students through class assignments. Ms. Rios should apologize to her students and acknowledge that the video she showed was a propaganda piece, not good history or an accurate portrayal of social science data. Please inform us in writing of what action the district is taking to protect the right of conscience of its students so that we may notify our complainant.

Sincerely,



Sam Grover
Associate Counsel

⁶ Benjamin Beit-Hallahmi, *Atheists: A Psychological Profile* in *THE CAMBRIDGE COMPANION TO ATHEISM* 300–17 (Michael Martin, ed., Cambridge Univ. Press) (2007).

⁷ Zuckerman at 960–61 (internal citations omitted).

⁸ *Id.* at 955, 961 (internal citations omitted).

⁹ Robert P. Jones & Daniel Cox, *America’s Changing Religious Identity*, PUBLIC RELIGION RESEARCH INSTITUTE (Sept. 6, 2017), available at www.prrri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf.