

FREEDOM FROM RELIGION *foundation*

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April 24, 2017

SENT BY MAIL & EMAIL TO:
cabshier@libertyisd.net

Mr. Cody Abshier
Superintendent
Liberty Independent School District
1600 Grand Ave
Liberty, TX 77575

Re: Bible distribution at Liberty High School

Dear Superintendent Abshier:

I am writing again on behalf of the Freedom From Religion Foundation (FFRF) to object to the distribution of bibles to students within Liberty Independent School District (District). FFRF is a national nonprofit organization with more than 28,000 members across the country, including over 1,200 members in Texas. Our purpose is to protect the constitutional separation between state and church.

A concerned parent of a District student contacted us to report that on April 13, members of the evangelical group Gideons International were permitted to distribute bibles to students in the Liberty High School cafeteria during the lunch period. We are told that the Gideons were quite aggressive. When one student politely declined the offer of a bible, the Gideons were insistent and pushed it on the student, who then reluctantly accepted. We are informed that Principal Barrett was aware that this bible distribution was taking place on school grounds.

We write to ensure that this sort of illegal bible distribution does not take place in the future.

Courts have uniformly held that the distribution of bibles to students during the school day is prohibited. *See Roark v. South Iron R-1 Sch. Dist.*, 573 F.3d 556 (8th Cir. 2009) (permanently enjoining distribution of bibles to school children on school property); *Berger v. Rensselaer Central Sch. Corp.*, 982 F.2d 1160 (7th Cir. 1993) (holding that classroom distribution of Gideon bibles to fifth-graders violated the Constitution); *Tudor v. Bd. of Educ. 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 in classrooms, 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. There is no

excuse or justification for this practice, which sends the message that the District endorses the message contained within the Gideons' bibles. As the Supreme Court has recognized, "[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).

Public schools have a constitutional obligation to remain neutral toward religion and to protect the rights of conscience of young and impressionable students. When a school distributes religious literature to its students it entangles itself with that religious message. As well as alienating non-Christian students, teachers, and members of the public whose religious beliefs are inconsistent with the message being promoted by the school, such bible distribution alienates the 35% of millennials—those born after 1981, i.e., your students—who are nonreligious.¹

The District may not allow bible distributions on its property. Even if the students had not been forced to accept these bibles, the school sends a clear message to the children in its charge who are nonadherents "that they are outsiders, not full members of the political community and accompanying message to adherents that they are insiders, favored members of the political community." *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309-10 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O'Connor, J., concurring)).

In many cases, this divisive message regarding a school's preference for religion over nonreligion is taken up by students within the school, resulting in the bullying of those students who choose to exercise their conscience by not accepting a bible. Bullying is rampant in schools and on social media; schools should be striving to create an inclusive, secular environment in which to educate students without forcing them to compromise their personal beliefs. Forcing an adult's religious ideas on children is predatory and impermissible.

Please investigate this situation and take steps to ensure that religious materials are not being illegally distributed to students on District property. We request that all Liberty ISD administrators and teachers be informed that their duty to remain neutral toward religion obligates them to prohibit religious literature distributions on school grounds. Please notify us in writing of the steps taken to ensure that this violation does not take place in the future.

Sincerely,



Sam Grover
Staff Attorney

cc: Principal Chad Barrett, Liberty High School via cdbarrett@libertyisd.net

¹ *America's Changing Religious Landscape*, Pew Research Center (May 12, 2015), available at www.pewforum.org/2015/05/12/americas-changing-religious-landscape/.