

# FREEDOM FROM RELIGION *foundation*

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May 26, 2017

**SENT VIA EMAIL & U.S. MAIL**  
**tynerscott@tenahaisd.com**

Mr. Scott Tyner  
Superintendent  
Tenaha Independent School District  
138 College Street  
Tenaha, TX 75974

Re: Gideon Bible Distribution

Dear Superintendent Tyner:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a disturbing report we have received that Gideons have been allowed to distribute bibles in Tenaha ISD schools. FFRF is a national nonprofit organization with 29,000 members across the country, including more than 1,200 members in Texas. Our purpose is to protect the constitutional principle of separation between state and church.

It is our understanding that members of the Gideon Society were allowed into a Tenaha ISD classroom to distribute bibles to fifth grade students during the school day on May 17, 2017. The bible distribution received coverage on a local news website, Shelby County Today, which prominently includes photos of the distribution.<sup>1</sup> Please find enclosed copies of these photos. According to the article, Brenda Lucas, who we understand to be your administrative assistant, submitted the photos to Shelby County Today.

We understand that you may have had no prior knowledge of this distribution. The Gideons operate by deliberately avoiding superintendents and school boards. They advise their members to seek permission at the lowest level of authority. Usually, they target teachers and principals. Under no circumstances are the local Gideon groups permitted to ask for a legal opinion from the state or school district—and with good reason, because the law clearly prohibits bible distributions in public schools.

It is unconstitutional for public school districts to permit the Gideon Society to distribute bibles as part of the public school day. Courts have uniformly held that the distribution of bibles to students at public schools during instructional time is prohibited. *See 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 Establishment Clause of the First Amendment to the United States Constitution); *see also 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 Gideons to distribute bibles). 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.

The Gideons International is self-described as an interdenominational association of Christian business and professional men who are members of Protestant/evangelical churches.<sup>2</sup> Their website states that they are

<sup>1</sup> <http://scttx.com/articles/tenaha-fifth-graders-receive-gideon-bibles>

<sup>2</sup> <http://www.gideons.org/FAQ/FAQ.aspx>

“dedicated to telling people about Jesus through sharing personally and by providing Bibles and New Testaments.” The Gideon website openly refers to schools as a prime target.<sup>3</sup>

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, or permits evangelists to distribute religious literature to its students, it entangles itself with that religious message. Bible distributions alienate the 23% of Americans, including 35% of young adults, who identify as nonreligious.<sup>4</sup>

The District may not allow Gideons, or any other religious groups, to enter school property to distribute religious literature. In allowing Gideons to distribute bibles to elementary school students, the District is impermissibly endorsing religion by placing its “stamp of approval” on the religious messages contained in the bible. The endorsement is made even worse when a school district administrative employee provides pictures of the unlawful distribution to local media. This can only be done with the understanding that the pictures will be used to display the distribution of religious materials in school to a broader local audience and suggests the desire to broadcast the unconstitutional endorsement of religion to the community.

Parents carefully instruct children not to accept gifts from strangers. The Gideon practice is a usurpation of parental authority, and can pose safety risks when children have to run a gauntlet of aggressive adults hawking religious literature on school property. It is the duty of public school administrators to protect not only the personal conscience of students but to ensure they are safe from predatory adults while at school. It is the further duty of those administrators to ensure that the school does not aid in displaying to the public brazen images of religious endorsement.

Please confirm whether you were aware of this distribution and inform us in writing at your earliest convenience of the steps the District is taking to remedy this serious constitutional violation and to protect the right of conscience of each of its students.

Sincerely,



Sam Grover  
Staff Attorney

SG:rmb

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<sup>3</sup> <http://www.gideons.org/AboutUs/UniqueFocus.aspx>

<sup>4</sup> *America's Changing Religious Landscape*, PEW RESEARCH CENTER (May 12, 2015), available at [www.pewforum.org/2015/05/12/americas-changing-religious-landscape/](http://www.pewforum.org/2015/05/12/americas-changing-religious-landscape/).