

FREEDOM FROM RELIGION *foundation*

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January 6, 2016

SENT BY MAIL & EMAIL TO: riha@woccisd.net

Mr. Rickie R. Harris
Superintendent
West Orange-Cove CISD
902 W. Park Avenue
Orange, TX 77631

Re: Continued Bible Distribution at West Orange-Stark Elementary School

Dear Superintendent Harris:

I am writing again on behalf of the Freedom From Religion Foundation (“FFRF”) to object to West Orange-Cove CISD (“District”) facilitating the distribution of bibles to students in public schools. FFRF is a national nonprofit organization with more than 23,000 members across the country, including nearly 1,000 members in Texas. Our purpose is to protect the constitutional principle of separation between state and church.

We previously contacted the District on July 2, 2014 regarding the distribution of bibles to students at West Orange-Stark Elementary School. We have yet to receive a response from the District addressing that letter, but we have now received a new complaint that bibles were distributed by Ms. Cecile Christopher at West Orange-Stark Elementary School on December 4, 2015.

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. It is unnecessary, offensive, and illegal.

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. 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—born after 1981, i.e., your students—who are nonreligious.¹

The District may not allow any religious groups to enter school property to distribute religious literature. Even if the students are not 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 and tacitly encouraging those children to do the same to their peers is predatory and impermissible.

Please take steps to ensure that religious materials are not being illegally distributed to students on District property. We request that all District 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,

A handwritten signature in black ink, appearing to read 'Sam Grover', with a long horizontal line extending to the right.

Sam Grover
Staff Attorney

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