

FREEDOM FROM RELIGION *foundation*

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June 28, 2022

SENT VIA EMAIL AND U.S. MAIL:
curriculum@tea.texas.gov

Keven Ellis, Chair
Texas State Board of Education
1701 N. Congress Ave.
Austin, TX 78701

Re: Supporting recommendation to ensure Texas curricula remain secular

Dear Mr. Ellis and Board Members:

We are writing on behalf of the Freedom From Religion Foundation (FFRF) to urge the Texas State Board of Education (SBOE) to adopt the recommendation to remove an inaccurate reference to Moses's influence on the United States Founders from its history curricula. FFRF is a national nonprofit organization with more than 37,000 members across the country, including more than 1,500 members in Texas. FFRF protects the constitutional separation between state and church and educates about nontheism.

A concerned local resident contacted us to report that the SBOE is currently reassessing social studies teachings under the Texas Essential Knowledge and Skills, also known as TEKS.¹ Currently, students are taught that Moses was an “individual[] whose principles of law and government institutions informed the American founding documents.”² This is categorically false, and it is insulting to put a mythical figure like Moses alongside serious historical political thinkers like William Blackstone, John Locke, and Charles de Montesquieu.

In reality, the noteworthy aspect of our founding documents is the *lack* of religious influence. Rejecting a religious monarchy, the Founders worked tirelessly to advocate for a separation of church and state. In his Memorial and Remonstrance Against Religious Assessments, James Madison stated: “Torrents of blood have been

¹ *Moses, Ten Commandments back in Texas school curriculum debate* KXAN (June 15, 2022), available at www.kxan.com/news/education/moses-ten-commandments-back-in-texas-school-curriculum-debate/.

² TEKS for Social Studies, § 113.44(c)(1)(C) (adopted 2018).

spilt in the old world, by vain attempts of the secular arm, to extinguish Religious discord, by proscribing all difference in Religious opinion.” The U.S. Constitution is an entirely godless document, whose only references to religion are exclusionary. The federalist papers, too, are notably devoid of references to Moses or any other religious influence.

A study of the TEKS curriculum found that it paints Native Americans and African Americans as mere victims, not contributing to the founding of the nation.³ It is unacceptable to give credit to Moses, an ancient mythical figure, for influencing the nation’s Founders while consciously disregarding the nation’s founding communities.

Moses’s famous tablets of laws, the Ten Commandments, also have no relation to the foundation of the United States. Our entirely secular Constitution makes no reference to them. Our leaders wisely shaped the laws of the United States on fundamental principles of democracy and not on religious dogma. As noted in *ACLU of Ky v. Grayson County*, 591 F.3d 837, 849 n.6 (6th Cir. 2010), the claim that the Ten Commandments provided the foundation of American law is historically inaccurate. Most commandments (not to murder, steal, lie, etc.) were moral principles widely accepted well before the biblical deity allegedly carved these commandments into stone and gave them to Moses. Further, most of the commandments directly contradict core American values. For example, “I am the Lord your God,” “Have no other gods before me,” and “Don’t take my name in vain,” violate constitutional rights the Founders fought for, namely the First Amendment’s guarantees of religious freedom and freedom of speech. The very First Commandment, “Thou shalt have no other gods before me,” is the antithesis of the Constitution’s First Amendment. In the United States, citizens are free to have as many gods as they like, or none at all. It is not the business of the government to dictate or endorse god belief.

The morally dubious commandments also condone slavery, treat women as property, and criminalize thought. These core values have no place in public, secular education and are fundamentally unAmerican.

SBOE did not turn to credited historians when creating these curriculum standards. Almost all Texas professors who volunteered to review texts from the

³ In *Texas Textbooks, Moses is a Founding Father* Daily Beast (Apr. 14, 2017), available at www.thedailybeast.com/in-texas-textbooks-moses-is-a-founding-father.

curriculum reportedly were turned down.⁴ The SBOE should revisit these curriculum standards with the input of certified historians, serving as a role model for Texas students on the importance of education, research and dedication to the subject matter.

Instead, SBOE reportedly consulted discredited pseudo-historian David Barton, whose own publisher pulled his book, *The Jefferson Lies*, from shelves after it was brought to their attention that, in their own words, “basic truths just were not there.”⁵ Barton has proudly claimed that AIDS was created by god to “bear the consequences of [] homosexual behavior.”⁶ Further, when Barton makes claims about the Founders opposing the separation of church and state, he bowdlerizes the source, quoting from founders about religion, but deleting the full context, which typically includes the Founders’ actual point that there should be no place for religion in government.⁷ Barton’s widespread miseducation is an example of the harm that can result from including false information about Moses’s influence on the founding of our nation. Barton claims that the founders did not intend there to be a separation of religion and government, that the Constitution is taken “verbatim” from scripture, that most Founders had seminary degrees, and that Congress funded and printed the bible. All of these claims have been proven false.⁸ SBOE should reject any input from this religious charlatan, not seek to emulate him when implementing its curricula.

State education exists to cultivate the minds of young students and promote independent thinking, in short to educate, not to indoctrinate. SBOE is a public entity and must make its decisions based on reason, expertise, and common sense, not on religious dogma. It should not be misleading and miseducating students that the Ten Commandments have influence over the nation’s founding. We urge SBOE to adopt the proposal to remove the inaccurate inclusion of Moses in its curriculum to promote a secular education the Constitution protects.

Teaching students false, biased information about American history particularly stigmatizes and alienates non-religious students. About a third of U.S. teens (32 percent say they are religiously unaffiliated, including 6 percent who describe

⁴ *Id.*

⁵ Elise Hu, *Publisher Pulls Controversial Thomas Jefferson Book, Citing Loss Of Confidence*, NPR (Aug. 9, 2012).

⁶ David Barton, WallBuilders broadcast (Apr. 27, 2012), available at www.splcenter.org/fighting-hate/extremist-files/individual/david-barton.

⁷ David Barton SPLC, available at www.splcenter.org/fighting-hate/extremist-files/individual/david-barton.

⁸ *Cue the Tape: How David Barton sees the World* NPR (Aug. 8, 2012), available at www.npr.org/2012/08/02/15777697/cue-the-tape-how-david-barton-sees-the-world.

themselves as atheists, 4 percent who are agnostics and 23 percent who say their religion is “nothing in particular.”⁹ Non-religious Americans are the fastest growing segment of the U.S. population by religious identification — 35 percent of Americans are non-Christians, and this includes the more than three-in-ten adult Americans (29 percent) who now identify as religiously unaffiliated.¹⁰ A recent survey found that 21 percent of Americans born after 1999 are atheist or agnostic.¹¹

In order to provide Texas students with accurate information, it is necessary that SBOE adopt the proposal to remove miseducation about Moses from the Texas curriculum standards. With over 5.4 million minds to cultivate, SBOE has a duty to impart factual information. These students are the future of this country, which was founded on the basis of freedom *of*, and necessarily freedom *from*, religion in government and public schools.

It is time for SBOE to adapt curriculum standards to better serve Texas public school students. Texas is currently ranked 34th out of 50 states in education.¹² There is great room for improvement for public education, and it begins with SBOE adopting the recommendation of removing the inaccurate reference to the influence of Moses from its curricula.

Very truly,



Annie Laurie Gaylor & Dan Barker
Co-presidents
ALG/DB:rdj/ks

⁹ *Religious affiliation among American adolescents* Pew Research Center (Sep. 10, 2020), available at www.pewresearch.org/religion/2020/09/10/religious-affiliation-among-american-adolescents/.

¹⁰ *About Three-in-Ten U.S. Adults are Now Religiously Unaffiliated* Pew Research Center (Dec. 14, 2021), available at www.pewresearch.org/religion/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/.

¹¹ *Atheism Doubles Among Generation Z*, The Barna Group (Jan. 24, 2018), www.barna.com/research/atheism-doubles-among-generation-z/.

¹² *Education Rankings* U.S. News (2022), available at www.usnews.com/news/best-states/rankings/education.