

FREEDOM FROM RELIGION *foundation*

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November 21, 2013

SENT VIA MAIL & EMAIL TO mcdaniels@mustangps.org

Mr. Sean McDaniel
Superintendent
Mustang Public Schools
906 S. Heights Dr.
Mustang, OK 73064

Re: Bible courses in Mustang schools

Dear Mr. McDaniel:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to constitutional concerns we have with a proposal in your district. Several alarmed local residents contacted us. As you may remember from our previous correspondence, FFRF is a nationwide nonprofit organization with nearly 20,00 members across the country. We protect the constitutional principle of separation between state and church.

Thank you for your prompt handling of the unconstitutional bible distributions we brought to your attention in February of this year. We appreciate your commitment to upholding the Constitution and the rights of conscience of all students, not just Christians. Today we write regarding another bible-related concern, the District's plan to partner with Hobby Lobby to teach the bible to Mustang students. We have grave concerns about the class and about a public school partnering with a company "committed to honoring the Lord in all we do"¹ (which presumably includes the bible class partnership) and a track record for misinforming people on important historical issues.

Bible classes often expose public schools to legal liability

We want you to know there are significant legal issues surrounding these classes. Unfortunately, such classes often expose schools to liability. We would like to bring to your attention some of the law on religious instruction in public schools.

In theory, such a bible as literature or history course may be permissible, but it must be taught in a manner that complies with applicable federal and state law. Courts have ruled that similar courses are unconstitutional. In FFRF's challenge to religious instruction in Rhea County, TN, the court said, "This is not a close case. Since 1948, it has been very clear that the First Amendment does not permit the State to use its public school system to 'aid any or all religious faiths or sects in the dissemination of their doctrines.'" *Doe v. Porter*, 188 F.Supp.2d 904, 914 (E.D. Tenn. 2002), *affirmed*, 370 F.3d 558 (6th Cir. 2004) (quoting *Illinois ex rel. McCollum v. Bd. of Ed.*, 333 U.S. 203, 211 (1948)). In a Mississippi case, the court found that "A Biblical History of the Middle East" class violated the Establishment Clause. *Herdahl v. Pontotoc County School Dist.*, 933 F.Supp. 582 (N.D. Miss. 1996). The court found it significant that the bible was the only text used in the course and that the tests were given based solely on the bible text.

¹ Hobby Lobby website, "Our Company," available at http://www.hobbylobby.com/our_company/.

District parents already assume that this will be a religious class, not a historical or literary one. In a recent news story, when asked about the class one parent said, “If it gives students who want to learn about God the opportunity, then sure, why not?”² The First Amendment is why not; public schools are not the place for children to “learn about God.” They can learn that from their parents or pastors: “the preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere.” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 310 (2001) (quoting *Lee v. Weisman*, 505 U.S. at 589).

In practice, bible classes are rarely taught in a legal manner. In 2007, Texas passed a law mandating bible classes. In 2013, Dr. Mark A. Chancey, a professor of religious studies at Southern Methodist University,³ conducted a study of these classes and found that many bible courses in Texas schools “are blatantly and thoroughly sectarian, presenting religious views as fact and implicitly or explicitly encourage students to adopt those views.”⁴ The study surveyed 57 public school districts with bible courses and found that course materials were of low academic quality, and that “many of [these materials] are written specifically for Christian audiences for the purpose of strengthening their faith.”⁵

The few course materials that were acceptable still posed serious problems, including possible legal problems. In one instance:

[T]he overall thrust of the book is that religion is largely a source of social progress, with correspondingly less attention to cases in which biblical passages have been used to justify oppression. Indeed, difficult and troubling biblical texts are often (though definitely not always) ignored, with the likely result that students encounter a somewhat sanitized Bible.⁶

This one-sided teaching is not objective and, as part of a public school curriculum, is an endorsement of religion in violation of the First Amendment.

Hobby Lobby partnership casts doubt on the objective nature of the class.

We understand that Hobby Lobby president Steven Green is the impetus behind this class and that he has promised that it will be taught from a historical, nonsectarian perspective.⁷ But this partnership raises two serious concerns: (1) Hobby Lobby has a religious, evangelistic agenda, and (2) Hobby Lobby has a track record of distorting history to further that agenda. We are concerned that this class will become another tool for Hobby Lobby’s evangelism.

² KOCO News, “School district studying potential Bible curriculum,” available at <http://www.koco.com/news/oklahomanews/around-oklahoma/school-district-studying-potential-bible-curriculum/-/12530084/23057294/-/iitemto/-/index.html>.

³ Dr. Chancey has a Ph.D. from Duke in the New Testament and Early Judaism. He is the author of *The Myth of a Gentile Galilee* (2002) and *Greco-Roman Culture and the Galilee of Jesus* (2005), and the coauthor of *Alexander to Constantine: Archaeology of the Land of the Bible* with Yale University Press (2012). His reports have been published in the journals *Religion & Education*, *Journal of Church and State*, *Religion and American Culture*, and *Journal of the American Academy of Religion*. Chancey now serves as a member of the editorial boards of *Religion & Education* and *Teaching the Bible*.

⁴ Mark A. Chancey, Texas Freedom Network, *Reading, Writing & Religion II: Texas Public School Bible Courses in 2011-12* viii-ix (2013), http://www.tfn.org/site/DocServer/TFNEF_ReadingWritingReligionII.pdf?docID=3481.

⁵ *Id.* at 13.

⁶ *Id.* at 13-14.

⁷ Jon Watje, “School district considers adding Bible course,” *Mustang Times*, (Nov. 13, 2013) available at <http://www.mustangpaper.com/contentitem/364449/1586/school-district-considers-adding-bible-course>.

(1)

Hobby Lobby is an evangelizing ministry; they want to convert people to Christianity. The Greens operate Hobby Lobby through a management trust and the “trust exists ‘to honor God with all that has been entrusted’ to the Greens and to ‘use the Green family assets to create, support, and leverage the efforts of Christian ministries.’ ” *Hobby Lobby Stores, Inc. v. Sebelius*, 723 F.3d 1114, 1122 (10th Cir. 2013). Any trustee must “regularly seek to maintain a close intimate walk with the Lord Jesus Christ by regularly investing time in His Word and prayer.” *Id.*

Green gave an interview in which he discusses his “passion” for the bible and how the Greens use their company as an “opportunity to start distributing God’s Word.”⁸ The Greens support foundations that are “putting Scripture into the hands of nonbelievers,” like the OneHope Foundation that targets children as young as 4 years old with Christian scripture tailored to them.⁹

Clearly the Greens evangelistic mission permeates all aspects of their life and work. There is a serious danger that they would treat a bible class in a public school as another opportunity to convert young, impressionable students to their particular religious brand.

(2)

Green’s promise to have the bible taught from a historical standpoint sounds plausible, but Hobby Lobby distorts history to further their evangelism. Their “history” is warped to fit a Christian worldview; it is not objective. For instance, every year Hobby Lobby places a July 4th ad in national papers featuring spurious quotes, misquotes, mined quotes, and creatively edited quotes in an attempt to show that we are a Christian nation. (FFRF completed a debunking of their most recent ad, which can be found at <http://ffrf.org/hlr/HobbyLobby.html>.)

This ad was done “in association with www.wallbuilders.com” which may explain the plethora of errors. Wallbuilders is an organization run by David Barton a “revisionist Christian nationalist.”¹⁰ He majored in “religious education” from Oral Roberts University, an evangelical Christian school with mega-preaching alumni like Joel Osteen, Creflo Dollar, and Ted Haggard. In short, he majored in Christian ministry and is a propagandist for the false claim that the United States is a Christian nation. His biography of Thomas Jefferson was so full of mistakes that the publisher, Thomas Nelson, a Christian publishing house that is currently publishing more than 400 bibles and children’s books about Noah’s ark, stopped its publication because the “basic truths just were not there.”¹¹ Green’s relationship with Barton is still strong. In October he appeared with the Christian-nationalist propagandist David Barton on Glenn Beck’s show.¹²

Other examples of Green and Hobby Lobby’s subjective Christianized history abound. Green believes the bible’s story that Jesus “came to earth” from Heaven is historical fact, “the most important event of history.”¹³

⁸ Katherine Phan, “Interview: Hobby Lobby’s Steve Green – Bible Engagement Visionary,” *The Christian Post* (March 2, 2012) available at <http://www.christianpost.com/news/interview-hobby-lobbys-steve-green-bible-engagement-visionary-70746/>.

⁹ Brian Solomon, “David Green: The Biblical Billionaire Backing the Evangelical Movement,” *Forbes* (Sept. 18, 2012) available at <http://www.forbes.com/sites/briansolomon/2012/09/18/david-green-the-biblical-billionaire-backing-the-evangelical-movement/2/>.

¹⁰ Michelle Goldberg, “Kingdom Coming: The Rise of Christian Nationalism,” *Salon* (May 12, 2006) available at http://www.salon.com/2006/05/12/goldberg_14/.

¹¹ Elisa Hu, “Publisher Pulls Controversial Thomas Jefferson Book, Citing Loss of Confidence,” *National Public Radio* (Aug. 9, 2012) available at <http://www.npr.org/blogs/thetwo-way/2012/08/09/158510648/publisher-pulls-controversial-thomas-jefferson-book-citing-loss-of-confidence>.

¹² Available at <http://www.youtube.com/watch?v=k1eUOAGODZc>.

¹³ Phan, *supra* note 8.

What else could the promise to teach an objective historical bible class entail? The Greens won't donate to groups that don't believe in a literal Virgin Birth.¹⁴ Is that the objective history Green envisions teaching? What about Adam and Eve in the garden with the talking snake? Is the story told in Exodus, of the Jewish flight from Egypt, to be taught as historical fact, even though there is virtually no solid archaeological or historical evidence to support the story?

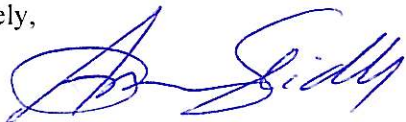
If the class is to be taught as objectively, will it teach the *all* the stories, even those rightfully considered barbaric today? Joshua commits genocide at Jericho and on numerous other occasions in the bible. He murders "both man and woman, young and old," and *pronounces a death sentence on the children* of any who dare to rebuild the city he just destroyed (not even on those who disobey, but on their children). Chapters 6 through 12 of the biblical book of Joshua detail at least 50 genocides committed by Joshua and commanded by his god. Will this be taught? Will it be taught as historical fact? Even the part about his god commanding the genocides?

The fact that a bible class is taught as an elective cannot save it from constitutional scrutiny. Courts have summarily rejected arguments that voluntariness excuses a constitutional violation. *See, generally, Lee v. Weisman*, 505 U.S. at 596 ("It is a tenet of the First Amendment that the State cannot require one of its citizens to forfeit his or her rights and benefits as the price of resisting conformance to state-sponsored religious practice."); *Abington Sch. Dist. v. Schempp*, 374 U.S. 203, 288 (1963) (Brennan, J., concurring) ("Thus, the short, and to me sufficient, answer is that the availability of excusal or exemption simply has no relevance to the establishment question..."); *Mellen v. Bunting*, 327 F.3d 355, 372 (4th Cir. 2003) ("...VMI cannot avoid Establishment Clause problems by simply asserting that a cadet's attendance at supper or his or her participation in the supper prayer are 'voluntary.'").

Bible courses are a dangerous proposition for school districts. If any First Amendment violations occur, the school district may be liable rather than an individual teacher. In fact, the school board policy protects teachers from liability so long as the teacher acts in good faith when teaching. Thus, there is no incentive for teachers to follow legal and educational requirements; teachers will enter the classroom knowing that the district will be on the hook should they violate the law.

The best approach is for the District to cancel this course and partnership with Hobby Lobby. If the course fails to pass constitutional standards like the courses in Texas did, and if teachers breach their duty to remain neutral in teaching the course, the District may face expensive and embarrassing consequences. Please inform us in writing at your earliest convenience of the steps the District is taking to address these concerns. Thank you for your attention to this matter.

Sincerely,



Andrew L. Seidel
Staff Attorney

cc: Mustang Public Schools Board of Education members

¹⁴ Solomon, *supra* note 9.