

FREEDOM FROM RELIGION *foundation*

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June 4, 2024

SENT VIA EMAIL & U.S. MAIL: randall.meyer@visd.net

Superintendent Randy Meyer
Victoria Independent School District
102 Profit Drive
Victoria, TX 77901

Re: Unconstitutional bible distribution

Dear Superintendent Meyer:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation which occurred at Victoria West High School. FFRF is a national nonprofit organization with over 40,000 members across the country, including 1700 members in Texas. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A concerned employee informs us that staff distributed bibles after Victoria West High School's May 24, 2024 graduation practice. Two individuals set up a table near the graduation venue's sole exit. That table had bibles for students. The graduation practice speaker informed students: "don't forget to grab a bible." These two individuals then handed students bibles as they left.¹

We ask the District to investigate and cease from future bible distributions.

It is inappropriate and unconstitutional for a public school district to offer religious representatives unique access to students in order to distribute religious literature in the hopes of indoctrinating them. Public school students have a constitutional right to be free from religious indoctrination in their public schools. It is well settled that public schools may not show favoritism towards, or coerce belief or participation in, religion. *See generally Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000); *Lee v. Weisman*, 505 U.S. 577 (1992); *Wallace v. Jaffree*, 472 U.S. 38 (1985); *Epperson v. Arkansas*, 393 U.S. 97 (1967); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962); *McCullum v. Bd. of Educ.*, 333 U.S. 203 (1948).

By allowing religious representatives the opportunity to hand out bibles to students—with promotion by District staff—the school gives unique access to one faith that others do not have. Furthermore, the District's practice coerced students into taking a bible. Nonreligious students faced a dilemma: either they must take a bible—offending their conscience—or refuse, jeopardizing their standing with their peers and outside adults. That ultimatum is precisely what the Establishment Clause guards against.

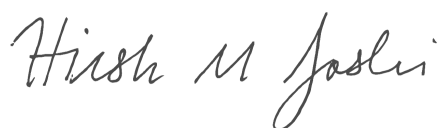
¹ Video can be provided upon request.

Additionally, allowing religious representatives to distribute bibles directly to students nevertheless violates the Constitution, even if optional. An “opt out” does not somehow excuse constitutional violations. Courts have rejected voluntariness as a defense to the Establishment Clause. *See generally Lee*, 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.”); *Schempp*, 374 U.S. at 288 (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.’”); *Jager v. Douglas Cnty. Sch. Dist.*, 862 F.2d 825, 832 (11th Cir. 1989) (“... whether the complaining individual’s presence was voluntary is not relevant to the Establishment Clause analysis . . . The Establishment Clause focuses on the constitutionality of the state action, not on the choices made by the complaining individual.”).

District employees encouraging or promoting religious literature distributions “sends a message to nonadherents that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community.” *Cnty. of Allegheny v. Am. Civil Liberties Union*, 492 U.S. 573, 595 (1989) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)). Religious literature distributions needlessly alienate all students and families. Thirty-seven percent of the American population is non-Christian, including the almost thirty percent who are nonreligious.² At least a third of Generation Z (those born after 1996) have no religion,³ with a recent survey revealing almost half of Gen Z qualify as “nones.”⁴

To respect the First Amendment, District schools must cease aiding outside organizations in distributing religious literature to students by providing unique access to students. Please respond in writing with the steps the District is taking to address this constitutional violation. Thank you for your time and attention.

Sincerely,



Hirsh M. Joshi
Patrick O’Reiley Legal Fellow
Freedom From Religion Foundation

² Gregory A. Smith, *Religious ‘Nones’ in America: Who They Are and What They Believe*, Pew Research Center, Jan. 24, 2024, <https://www.pewresearch.org/religion/2024/01/24/religious-nones-in-america-who-they-are-and-what-they-believe/>.

³ Samuel J. Abrams, *Perspective: Why even secular people should worry about Gen Z’s lack of faith*, Deseret News, Mar. 4, 2023, www.deseret.com/2023/3/4/23617175/gen-z-faith-religious-nones-civic-life-volunteers-charity.

⁴ Ryan P. Burge, *2022 Cooperative Election Study of 60,000 respondents*, Apr. 3, 2023, www.religioninpublic.blog/2023/04/03/gen-z-and-religion-in-2022/.