

**AN EDUCATIONAL UPDATE FROM
THE SOUTHEAST LAW INSTITUTE™, INC.**

To: SLI Supporters
Date: February 2006
From: A. Eric Johnston
Re: Religion and Election Year Politics

Much has been said about pious election year politics and religion related bills introduced in this legislative session. Both are true and are being used by politicians to advance their own political races in this election year. It is suggested that the Democratic Party, with the help of special interests of the highest magnitude, has designed a plan to preempt Republicans on bills normally sponsored by them. Republicans generally find themselves more conservative on religion issues. Some Democrats, though not all, usually try to impede such efforts.

A good example of election year politics is HB 58, a bill that would call for an elective course in public school grades 9 to 12 to be entitled "The Bible and Its Influence" and to use a specific textbook by the same name. While we have no interest in the individual politics, we do have a very definite interest in religious freedom. This bill is an overt usurpation of a noble suggestion, that the Bible be taught for its influence on our culture, not as religion, for that must be reserved for church and home.

The House Education Committee held a public hearing on January 25, 2006. It was a hypocritical and calculated attempt to cast House Democrat leadership as protectors of all that is good. They spoke in terms of Christian morality and the need to protect our culture. The essence of their comments in support of the bill, whether intended or not, was the potential for creation of an establishment of religion. The textbook they propose offers a critical analysis of the Bible, diminishing its stature. SLI was requested to review the book and the bill. We provided testimony in the public hearing and a memo to legislators that included some of the following information.

Religion in public schools is governed by the free exercise and establishment clauses of the United States Constitution. Those clauses, along with Alabama law, should protect a proper standard in Alabama. Free exercise rights of public school students to believe and act as they and their parents deem fit must be protected from any course of study or other activity that may be an establishment of religion. HB 58 violates several principles:

- The Bible may be taught as religion and even studied as religion after school and during non-instructional time on public school property pursuant to the Equal Access Law, 20 U.S.C. § 4071. But, this may not be done during school time or by teachers.
- Requiring this specific textbook may violate the establishment clause. The substance of the proposed textbook critiques the Bible as religion, rather than limiting itself to teaching about the Bible's influence on history or literature. For example, at page 38, "[M]any ask: If Adam and Eve did not know good from evil, how could God blame them for disobeying?" And at page 50, "[I]t is always good to remember not to try to apply current standards to the Biblical accounts." These obviously call for theological discussion.
- Public schools are free to teach about religion as literature, history and in other courses. Alabama already permits this as an elective course and public school teachers are free to use supplementary materials. There are acceptable materials already available for that purpose which are being used in Alabama.
- In order to protect against improper textbooks, which would include exercising safeguards against violation of the establishment clause, Alabama statutes provide a process for selecting required textbooks. This process assures a full review of proposed textbooks which are then purchased at favorable prices through the bid process. §§ 16-36-60, *et sequel*, 1975 *Code of Alabama*. HB 58 is in conflict with this statutory system of general law. Further, HB 58 proposes a special or private law which exempts a private corporation (the publisher) from the general law, in violation of Article IV, § 104(9), Alabama Constitution.
- HB 58 would conflict and compromise the statutory authority of the State Board of Education and its mission to properly educate students.

Conclusion

Religion should be taught at home and in churches. Students should have free exercise rights to hold religious beliefs and have certain religious activities in public schools. Public schools do not have the right to use materials that analyze and critique the Bible as religion. The meaning of the Bible is very important. It is inexcusable to use the Bible as a political crutch, especially when it is intentionally misinterpreted. It is said this textbook has met the approval of the important political/legal organizations in the nation. To compromise for their approval and present a product which diminishes a book very important to most of us may be as wicked a motive as that of the politicians.