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April 23, 2014

By Email and U.S. Mail

Mustang Public Schools Board of Education

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906 S. Heights Drive

Mustang, OK 73064

Re: *Bible Course Designed by Steve Green/Museum of the Bible*

Dear Superintendent McDaniel and members of the Board:

On April 14, 2014, the Mustang Public Schools Board of Education voted to create an elective Bible curriculum in its high schools, beginning in the 2014–15 school year. See David Van Biema, *Hobby Lobby's Steve Green Launches a New Project: A Public School Bible Curriculum*, Wash. Post, Apr. 15, 2014, <http://wapo.st/1h1ajsN>. The Museum of the Bible Curriculum is designed by Steve Green, President of Hobby Lobby Stores, and Dr. Jerry Pattengale, Executive Director of the Green Scholars Initiative. See *id.* The curriculum will focus on the history of the Bible, its narrative, and its impact, and is designed to complement the Green family's forthcoming Museum of the Bible—which “will have one floor dedicated to each of following: the history of the Bible, its narrative and its impact.” *Museum of the Bible Submits Elective Bible Curriculum to School Board in Oklahoma* (Apr. 15, 2014), <http://bit.ly/1jvFQWw>. The school district has agreed to test the first year of this “ambitious four-year public school elective.” Van Biema, *supra*.

A course devoted solely to Bible study presents significant risks of unconstitutional religious instruction and could expose the school district to costly, time-consuming lawsuits. Indeed, Green himself has explained that the curriculum is designed to demonstrate “the reliability of [the Bible],” because he believes that “the evidence is overwhelming.” See Steve Green, Remarks at the National Bible

Association John M. Templeton Bible Values Award Ceremony (Apr. 22, 2013), <http://bit.ly/1iDl1dN>. In addition, a chapter of the proposed course is titled, “How Do We Know That the Bible’s Historical Narratives are Reliable?” See Van Biema, *supra*. In light of these serious risks of religious indoctrination, the school district should cancel its Bible curriculum; at a minimum, the program should be replaced by a course on comparative religion.

Any class focused on the Bible presents serious legal risks, because public schools inevitably end up teaching the Bible from a religious perspective, in violation of the Establishment Clause of the First Amendment. See, e.g., *Doe v. Porter*, 370 F.3d 558, 562 (6th Cir. 2004) (prohibiting school district from offering class “teach[ing] the Bible as religious truth”); *Herdahl v. Pontotoc Cnty. Sch. Dist.*, 933 F. Supp. 582, 596–97 (N.D. Miss. 1996) (prohibiting school district from offering classes teaching “the Bible not as a work of fiction, but as a historic record, i.e., as a record of what actually occurred in the past”); *Doe v. Human*, 725 F. Supp. 1503, 1506 (W.D. Ark. 1989) (prohibiting school district from offering Bible classes that are “predominantly religious and devotional in nature”—even if other parts of the course are “predominantly secular”), *aff’d mem.*, 923 F.2d 857 (8th Cir. 1990). The risk of a constitutional violation is all the more pronounced here, given that Green has admitted that the curriculum will promote the factual “reliability of [the Bible],” Green, *supra*, and that one chapter of the proposed curriculum is called, “How Do We Know That the Bible’s Historical Narratives are Reliable?,” see Van Biema, *supra*.

Although Green claims that his curriculum is nonsectarian, see Jon Watje, *School District Considers Adding Bible Course*, Mustang Times, Nov. 13, 2013, <http://bit.ly/1tsT8tB>, he has also stated that the course will teach biblical inerrancy. See Green, *supra*. The latter statement is unsurprising given the Green family’s high-profile evangelism. See Brian Solomon, *David Green: The Biblical Billionaire Backing the Evangelical Movement*, Forbes, Oct. 8, 2012, <http://onforb.es/OqFebr>. Beneficiaries of the Green family’s philanthropic efforts must complete a doctrinal vetting process; among other things, they must affirm their belief in a literal Virgin Birth. *Id.* The Greens have also funded the large-scale distribution of Bibles internationally, in an effort to persuade non-Christians to “know[] Christ as their personal savior” and that “the Bible is God’s word.” *Id.*

The problems with offering religious instruction, moreover, cannot be avoided by dressing the course in secular clothing. For instance, in *Hall v. Board of School Commissioners*, 656 F.2d 999 (5th Cir. 1981), the court prohibited a school district from offering a course entitled “Bible Literature,” because the class “consisted entirely of a Christian religious perspective and within that a fundamentalist and/or evangelical doctrine.” *Id.* at 1001–03. The Tenth Circuit, which has jurisdiction over Oklahoma, has even prohibited a public-school teacher from reading the Bible silently to himself during his classroom’s silent reading period, because doing so “provided ‘a crucial symbolic link between government and

religion.” *Roberts v. Madigan*, 921 F.2d 1047, 1056–58 (10th Cir. 1990) (quoting *Grand Rapids Sch. Dist. v. Ball*, 473 U.S. 373, 385 (1985)). As the court explained, “there is a difference between teaching *about* religion, which is acceptable, and teaching religion, which is not.” *Roberts*, 921 F.2d at 1055 (emphasis in original, quotation marks omitted).

Finally, the planned religious instruction is unconstitutional even though the school district intends to make the Bible class an elective. Courts have consistently rejected the claim that public schools can promote religion so long as student participation is nominally voluntary. *See, e.g., Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 312 (2000) (prayers before public high-school football games unconstitutional even where attendance is “purely voluntary”). Thus, in *Hall*, the court prohibited the public school from offering an improper Bible class, even though the class was offered as an elective. 656 F.2d at 1001–03. Likewise, in *Malnak v. Yogi*, 592 F.2d 197 (3d Cir. 1979) (per curiam), the court prohibited a school from offering a religious course in transcendental meditation, even though the course was optional. *See id.* at 199.

In order to reduce the risk of violating the Establishment Clause, the school district should (1) reject the implementation of the approved Bible program, and (2) ensure that any course that includes the Bible also features works from other religions and is taught from a nonreligious point of view—such as in a traditional course about comparative religion. Any course on the Bible or religion, however designed, must be taught “objectively as part of a secular program of education.” *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203, 225 (1963).

Please advise us within thirty days as to how the school district plans to proceed. If you have any questions, please contact Caitlin O’Connell at (202) 466-3234 or occonnell@au.org.

We have also enclosed a request for public records related to the Bible class.

Sincerely,



Ayesha N. Khan, Legal Director
Gregory M. Lipper, Senior Litigation Counsel
Caitlin E. O’Connell, Madison Fellow

Enclosure (public-records request)