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TRANSCRIPT OF SPEECH ON AMERICAN ATHEISTS' POSITION ON RELIGION IN THE PUBLIC SCHOOLS

Ellen Johnson*

Religious discussion in American public schools is one of the more controversial issues in modern education. Ellen Johnson not only explains the American Atheists' position on the issue, but also presents observations from the often-ignored Atheist perspective. Johnson's remarks serve to remind us that there are other views on the subject besides the popular opinions concerning accommodation and access to school facilities.

* * *

American Atheists is a non-profit, non-political, educational organization dedicated to the absolute separation of government and religion.¹ American Atheists has been involved with the matter of religion in the public schools since the early 1960s.² It was the founder of this organization, Madalyn Murray-O'Hair, who was the successful litigant in the 1963 Supreme Court case of *Murray v. Curlett*,³ which determined that administration-organized prayers and mandatory Bible recitation in the public schools were unconstitutional.⁴ It has been repeatedly overlooked that this decision made the public school system equally accessible for all American children.

Atheists take the position that the First Amendment and related court rulings such as *Lee v. Weisman*,⁵ *Lemon v. Kurtzman*,⁶ *Murray v. Curlett*,⁷ and *Engel v. Vitale*,⁸ as well as the Federal Equal Access Act⁹ guarantee the proper roles of both the free exercise and establishment clauses in our civil institutions.

We also note that in the United States there are over 350,000 churches, mosques, chapels, temples, and other "houses of worship," not including the

* President, American Atheists. This transcript represents Ms. Johnson's comments at the William & Mary Institute of Bill of Rights Law's "Religion in the Public Schools" Student Symposium.

¹ See American Atheists, at <http://www.atheists.org>.

² See *id.*

³ *Murray v. Curlett*, *sub nom.* Sch. Dist. of Abington Township. v. Schempp, 374 U.S. 203 (1963).

⁴ See *id.*

⁵ 505 U.S. 577 (1992).

⁶ 403 U.S. 602 (1971).

⁷ *Schempp*, 374 U.S. at 203.

⁸ 370 U.S. 421 (1962).

⁹ 20 U.S.C. § 4071 (2000) (effective Aug. 11, 1984).

religious accommodations available today in hospitals, shopping malls, and airports.¹⁰ There are more houses of worship in our towns than there are schools for our children, providing ample opportunity for religious rituals without having to bring them into the public schools.¹¹ However, because America's children apparently are not attending these worship services in any significant numbers,¹² the Christian community in America is taking the religion to where they have a captive audience: the public schools.

Most of the political and social discourse concerning freedom of religion in our nation's public schools has focused on how best to "accommodate" the needs of those who wish to engage in religious rituals or form religious clubs. No discussion has ever covered the problems associated with that religious expression, or the rights of the other students who want to be free from such "religious rituals."

I receive a troubling amount of reports from people all across the country who are having their rights to freedom of conscience and privacy violated by religious students and school officials. The public schools are the inheritors of parental trust. We send our children there with an implied agreement that the school will provide them with a safe environment and protect them from outside, unwanted, and intrusive religious rituals in the education milieu.¹³ Our children are there to be educated, not to be prayed over.

There are too many instances where students who choose to opt out of religious activities (like the "See You At The Pole" prayers or morning announcements complete with prayers) are marginalized, told to "get right with God," insulted, and made the targets of proselytization (because in the Bible, Jesus tells the disciples to "go therefore and make disciples of all nations,"¹⁴ many feel obligated to "witness" to us for our own good). Atheists are told that if a speeding car was heading toward us, would we not want the Christian to tell us about it so that we might be saved? Those who think they know a god and have its blessing think that Atheists must be

¹⁰ See, e.g., NATIONAL DIRECTORY OF CHURCHES, SYNAGOGUES, AND OTHER HOUSES OF WORSHIP (J. Gordon Melton & John Krol eds., 1st ed. 1994) (listing these institutions).

¹¹ See *id.*; see also U.S. DEP'T OF EDUC., NAT'L. CTR. FOR EDUC. STATISTICS, DIGEST OF EDUCATION STATISTICS 1999, at 14 (2000) (Table 5: Educational Institutions), available at <http://nces.ed.gov/pubs2000/2000031.pdf> (last visited Oct. 31, 2000).

¹² See Barna Research Group, *The State of the Church, 2000* (Mar. 21, 2000), available at <http://www.barna.org/cgi-bin/pagepressrelease.asp?pressreleaseID=49> (last visited Oct. 19, 2000) (reporting decreasing church attendance in the United States); see also Barna Research Group, *Teenager's Beliefs Moving Farther From Biblical Perspectives* (Oct. 23, 2000), available at <http://www.barna.org/cgi-bin/PagePressRelease.asp?PressReleaseID=73> (last visited Nov. 3, 2000) (describing a perceived decreasing orthodoxy among self-described Christian teenagers).

¹³ See, e.g., *Vernonia Sch. Dist. 47J v. Acton*, 515 U.S. 646 (1995) (citing 1 W. BLACKSTONE, COMMENTARIES ON THE LAWS OF ENGLAND 441 (1769)).

¹⁴ *Matthew* 28:19.

converted “for our own good.” For some it is an obsession.

It is not always realistic to assume that administrators, counselors, or other officials in a school where such incidents take place, can “self-police” or correct the problem because in many cases, they are the cause of the problem. For example, in 1998, a Montgomery, Alabama school bus driver told a boy to take part in Bible readings on the way to school or find another way to get there.¹⁵ In New York, a teacher named Mildred Rosario was dismissed for leading her sixth-grade students in prayer and “healing” services.¹⁶

It is not just proselytization that is the problem, it is the insults and the bullying behavior that concern us as well. Being an Atheist youth today is like being gay in America. If you do not participate in the religious activities, whether they are religious songs in the choir or morning prayers, you are automatically identified as a “conscientious objector” and isolated.

Some religious clubs, like the one at Heath High School in Paducah, Kentucky,¹⁷ conduct their activities not in the privacy of a meeting room (as most other student groups do), but in hallways, lobbies, or lunchrooms, sometimes obstructing entrances or positioning themselves so that others *must* take notice.

Unfortunately, neither the Secretary of Education’s *Religious Expression In Public Schools*¹⁸ nor the Federal Equal Access Act¹⁹ provide sufficient legal mechanisms to prevent religiously-motivated harassment in the public schools.

The problem with mixing religion and government, something the Founding Fathers knew and what we see today, is the abuse that results. Notably, it is almost exclusively members of the Christian religion that take advantage of every opportunity to inject their beliefs into public settings. The extent to which they cannot be trusted is highlighted by the fact that in DeKalb County, Alabama, there have been recurrent problems involving student religious expression over a school public address system, in classrooms, and at athletic events.²⁰ Federal Judge Ira DeMent, who overturned Alabama’s school prayer law, has had to admonish and warn Christian administrators that continued disregard for the guidelines affirmed in his rulings could result in further legal action.²¹ The court has actually had to field “monitors” in these schools to ensure that the First Amendment is recognized

¹⁵ See *Driver Reassigned Over Bible Row*, B. GLOBE, Oct. 18, 1998, at A14.

¹⁶ See Jacques Steinberg & Macarena Hernandez, *Teacher Is Now Political Cause After Dismissal for Class Prayer*, N.Y. TIMES, June 26, 1998, at B1.

¹⁷ See Stephen Braun, *Divide In Schools More Than Spiritual*, L.A. TIMES, May 9, 1998, at A1.

¹⁸ U.S. Secretary of Education Richard W. Riley, *Religious Expression In Public Schools* (Aug. 10, 1995), available at <http://www.ed.gov/Speeches/08-1995/religion.html>.

¹⁹ 20 U.S.C. § 4071 (2000).

²⁰ See *Chandler v. James*, 998 F. Supp. 1255, 1265 (M.D. Ala. 1997).

²¹ See *id.* at 1288.

because the students and administrators could not be trusted to follow the law.²²

People for the American Way reported that an investigation of the Florida public school districts' "Bible History" programs found that they are biased, unfair, and unconstitutional.²³ The courses were taught from a Christian, usually Protestant, perspective and included proselytizing although officials knew full well that this was not permitted.²⁴ The Bible was used as a history text in these courses, which taught that the universe was created as stated in the Bible and that the story of Noah's flood was an historical event.²⁵

American Atheists supports the study of the intersection of human origins and development, their socio-political and cultural influences, and the principles of diverse world religions as a valuable part of any young person's education. This curriculum cannot be accomplished in a true and impartial way in our country today because our nation is saturated in the Christian religion. We have always feared a "whitewash" of Christianity, and this is what has happened in Florida.

Students must be made aware in any "religion courses" that there has always been dissent both with regard to religion in general and to doctrinal disputes within and between denominations. The textbooks now offered by major publishers contain, substantively, a picture of religion as the savior of modern civilization. The negative aspects of religion are what have been dropped from the texts and curriculum, not the mention of religion as some argue.

Another recent example of where Christians have ignored the courts is in Stephenville, Texas, where a group of students "smuggled" a sound system into a football game in order to broadcast prayers to the captive audience.²⁶ This occurred after the courts had declared such activity unconstitutional.²⁷ This is not about sincere piety, it is about sincere power. It is about being seen. It is about being heard. In the public schools, you *will see* the Christian pray (that is why the clubs move from the classroom to the halls), you *will hear* them praying and, if necessary, you *will be told* to stop what you are doing in order for them to pray (as in the organized moments of silence).

We disagree with the concept of students voting or deciding whether or not to engage in religious rituals in the public schools because the Bill of Rights is not

²² See *id.* at 1279.

²³ See Judith E. Schaeffer & Elliott M. Minberg, *The Good Book Taught Wrong: "Bible History" Classes in Florida's Public Schools* (2000), available at http://www.pfaw.org/issues/liberty/florida_bible.shtml (last visited Oct. 2, 2000).

²⁴ See *id.* at 4, 8.

²⁵ See *id.* at 3, 8.

²⁶ See Victoria Loe Hicks, *New Football Matchup: Church vs. State; Texas Town Energizes Debate Over School Prayer with Pre-Game Message*, DALLAS MORNING NEWS, Nov. 7, 1999, at 1A.

²⁷ See *Doe v. Santa Fe Indep. Sch. Dist.*, 168 F.3d 806, 822-23 (5th Cir. 1999), *aff'd* by 530 U.S. 290 (2000).

something that can be subjected to popular vote. Organized prayers are not about freedom of speech for the simple fact that if any Atheist asked for the same opportunity to speak about their deeply-held philosophy of Atheism, the concept of free speech for *all* students would go out the window.

In Utah, for instance, the Federal Equal Access Act was used to defend the “free speech rights” of students who wanted to form religious clubs; but when a gay-straight alliance student support group was founded, school officials, Senator Orrin Hatch, and Governor Leavitt quickly abandoned their enthusiasm for free speech.²⁸ Senator Hatch declared that the purpose of the Equal Access Act was not to permit the establishment of “those sorts of clubs,” only religious groups.²⁹ When it comes to free speech, the door all too often swings one way. A student group supporting homosexual rights sued suburban Denver’s Cherry Creek Public School District in 1998 for refusing to recognize it as an official club at Smoky Hill High School.³⁰ A similar situation had played out in California, where the Orange County Board of Education tried to prevent meetings of a gay tolerance club at El Mordena High School by enacting restrictive regulations for clubs in direct violation of the Equal Access Act.³¹

The “Equal” in “Equal Access” clearly needs to be strengthened. The idea that the religious activities in the public schools are student-initiated is dubious at best. They may be student-led, but they are outside-organized. Some of the outside organizations formed to encourage students to engage in religious activities in school are the Scriptures in School, Student Venture and Junior Venture for junior high students, Campus Outreach for Youth, The Fellowship of Christian Athletes, First Priority, the National Network of Youth Ministries (which coordinates the “See You At The Pole” activities), and the Southern Baptists’ state youth evangelization program, to name a few. These organizations are actively using students to recruit and proselytize in the public schools.

In order to prevent more problems with religion in the schools, the separation between state and church must be strengthened. Congress has already enacted laws, with significant penalties, against sexual harassment,³² but it needs to enact similar legislation, with penalties, protecting all students against religious harassment and discrimination in our schools. All majorities must know that there are consequences

²⁸ See Dan Harrie, *Leavitt, Hatch Say Schools Have Right to Ban Gay Clubs*, SALT LAKE TRIB., Feb. 10, 1996, at A1.

²⁹ See James Brooks, *To Be Young, Gay, and Going to High School in Utah*, N.Y. TIMES, Feb. 28, 1996, at B8 (quoting a “fuming” Senator Hatch as saying: “The act was never intended to promulgate immoral speech or activity.”).

³⁰ See Renate Robey, *School District to Recognize Gay, Heterosexual Club*, DENVER POST, Feb. 28, 1998, at B1.

³¹ See Alex Katz, *Gay-Straight Club’s Battle Is Won*, L.A. TIMES, Sept. 18, 2000, at B1.

³² See, e.g., 42 U.S.C. § 2000e-2 (2000) (prohibiting workplace sex discrimination).

for the abuse of a minority group of citizens. The decision to embrace or reject religious belief and rituals must be respected. The courts must protect our right to freedom *of* conscience and, therefore, freedom *from* religion.