**Testimony of Kathy Griesmyer**

**SB 1342 – Permitting use of Bibles in public schools**

**Before Senate State Affairs Committee**

**February 26, 2016**

The ACLU of Idaho stands before you today in opposition to SB 1342.

SB 1342 injects creationism into public-school science classes. Specifically, the bill states that “the Bible is expressly permitted to be used in Idaho public schools for reference purposes to further the study of… astronomy, biology, geology.” Creationism and the Bible have no place in public-school science classes and legislation that permits otherwise raises serious constitutional issues.

SB 1342 authorizes the Bible to be used for references purposes in any class “where an understanding of the Bible may be useful or relevant.” This language raises its own serious constitutional questions. While it may be permissible to use the Bible in some public-school courses, it is exceedingly difficult to do so in a way that complies with the Constitution. The use of the Bible is best restricted to courses where teachers are presenting it in context with other like pieces, such as in a comparative religion or comparative literature class. Further, it is imperative that teachers incorporating the Bible into a particular course receive appropriate academic training on the academic use of the Bible in public schools and work from appropriate teaching materials that have been developed with Establishment Clause concern in mind.

In addition, federal courts have been unequivocally clear that efforts to inject religious beliefs regarding the origin of life into public-school science curricula are constitutionally impermissible no matter what form they may take.[[1]](#footnote-1) As part of my written testimony, I have provided a lengthy footnote citing the extensive case law on this area. By authorizing the Bible to be used in science classes like astronomy, biology, and geology, SB 1342 runs afoul of these constitutional prohibitions.

Also, public schools that use the Bible as a reference in science classes, as encouraged by SB 1342, could potentially face costly litigation. For example, one school district in Pennsylvania was ordered to pay $1,000,000 in attorneys’ fees after being sued for injecting biblical beliefs in the form of “intelligent design” into biology classes.[[2]](#footnote-2)

For all these reasons, we urge you to vote no and to keep SB 1342 in committee.

1. *See*, *e.g., Edwards v. Aguillard*, 482 U.S. 578, 586, 592 (1987) (striking down Louisiana Balanced Treatment for Creation-Science and Evolution-Science in Public School Instruction Act as unconstitutional, holding that the Act was “was not designed to further” the State’s purported goal of “protecting academic freedom,” and concluding that “[t]he preeminent purpose of the Louisiana Legislature was clearly to advance the religious viewpoint that a supernatural being created humankind”); *Epperson v. Arkansas*, 393 U.S. 97, 107 (1968) (holding unconstitutional state law prohibiting the teaching of evolution in public schools as “there can be no doubt that Arkansas has sought to prevent its teachers from discussing the theory of evolution because it is contrary to the belief of some that the Book of Genesis must be the exclusive source of doctrine as to the origin of man”); *Freiler v. Tangipahoa Parish Bd. of Educ.*, 185 F. 3d 337, 344-45 (5th Cir. 1999) (overturning school-board policy requiring teachers to read classroom disclaimer questioning validity of evolution and promoting creationist beliefs and holding that the “contested disclaimer does not further the [Board’s] first articulated objective of encouraging informed freedom of belief or critical thinking by students . . . [but rather] we find that the disclaimer as a whole furthers a contrary purpose, namely the protection and maintenance of a particular religious viewpoint”); *Freiler v. Tangipahoa Parish Bd. of Educ*., 975 F. Supp. 819, 829 (E.D. La. 1997), *aff’d*, 185 F.3d 337 (5th Cir. 1999) (“[T]his Court cannot glean any secular purpose to this disclaimer. While the School Board intelligently suggests that the purpose of the disclaimer is to urge students to exercise their critical thinking skills, there can be little doubt that students already had that right and are so urged in every class.”); *Selman v. Cobb County Sch. Dist.*, 390 F. Supp. 2d 1286, 1306 (N.D. Ga. 2005) (striking down Board policy requiring placement of sticker disclaiming evolution as theory, not fact, in all science textbooks because the sticker impermissibly “sends a message to those who oppose evolution for religious reasons that they are favored members of the political community, . . . [and] a message to those who believe in evolution that they are political outsiders”), *vacated and remanded on grounds of incomplete trial record*, 449 F.3d 1320 (11th Cir. 2006); *Kitzmiller v. Dover*, 400 F. Supp.2d 707, 765-66 (M.D. Pa. 2005) (striking down school board policy promoting the teaching of intelligent design in biology class); *McLean v. Ark. Bd. of Educ.*, 529 F. Supp. 1255, 1274 (E.D. Ark. 1982) (enjoining statute authorizing teaching of creation-science in public schools and holding that “[n]o group, no matter how large or small, may use the organs of government, of which the public schools are the most conspicuous and influential, to foist its religious beliefs on others”). [↑](#footnote-ref-1)
2. Amy Worden, *Dover district to pay $1 million in legal fees*, The Philadelphia Inquirer, Feb. 22, 2006, *available online*, http://articles.philly.com/2006-02-22/news/25409614\_1\_dover-area-school-district-bryan-rehm-eric-rothschild. [↑](#footnote-ref-2)