# SCHOOL-SPONSORED BIBLE READING ACT

*Creates statewide policy for public school teachers to read sequential passages from the Bible to their classrooms without instruction or comment*

## QUICK FACTS:

- Idaho founding fathers intentionally crafted our state constitution so that the Bible could be read without sectarian instruction or comment in public schools
- This legislation requires schools to provide reasonable accommodations to teachers and students with conscience objections
- Does not open the door to the use of other religious texts in schools because there is no history and tradition of reading them in Idaho public schools
- No criminal or civil penalties—instead, parents, residents, school employees, the state superintendent of public instruction, or the attorney general can petition the court for injunctive relief when violations occur
- Cultivates the morality of future generations and encourages good citizenship

This legislation satisfies the **HISTORY AND TRADITION TEST** created by the U.S. Supreme Court to determine the constitutionality of religious expression in government settings

The U.S. Supreme Court recognized the importance of school-sponsored Bible reading in *Vidal v. Girard's Executors (1844)*:

***"Why may not the Bible, without note or comment, be read and taught as a divine revelation in the [public school]—its glorious principles of morality inculcated?"***

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# IDAHO HAS A LONG HISTORY OF SCHOOL-SPONSORED BIBLE READING

*For the first one hundred years of Idaho history, schoolchildren heard the Bible read by their teachers – without instruction or comment – at the start of each and every school day*

In fact, delegates to the Idaho Constitutional Convention intentionally crafted the state constitution to allow school-sponsored Bible reading:

*"It is because the Bible is read, preached and taught in the schools that this country is great and glorious . . . and I do not want the day to come when my children and those of my neighbors cannot read the Bible."*

JAMES W. REID (D-NEZ PERCE), VICE PRESIDENT OF THE IDAHO CONSTITUTIONAL CONVENTION

*"To say that the Bible should be excluded from the public schools, I would consider an act which would do more than all others to condemn the work of this [constitutional convention]."*

JAMES W. POE (D-NEZ PERCE), DELEGATE TO THE IDAHO CONSTITUTIONAL CONVENTION

*"To exclude the children of the state from access to [the Bible's] great reservoir of moral principles and political maxims of daily duty [would do] an injustice to the state at large."*

WILLIAM H. CLAGETT (R-SHOSHONE), PRESIDENT OF THE IDAHO CONSTITUTIONAL CONVENTION

In 1925, the Idaho Legislature exercised their constitutional prerogative by passing House Bill 69, requiring the Bible to be read by teachers, without comment or instruction, at the opening of each school day. The following year, Idaho Attorney General A.H. Connor issued his opinion that the 1925 school Bible-reading statute was allowed by the state constitution:

*"The provisions of the Idaho Constitution are peculiar . . . . I am of the opinion that selections from the 'standard American version of the Bible' may be legally read, without comment, by teachers in the public schools of the State of Idaho."*

IDAHO ATTORNEY GENERAL A.H. CONNER

# SCHOOL-SPONSORED BIBLE READING ACT — FAQ's

## 1. WOULD THIS LEGISLATION VIOLATE THE LEMON TEST?

For decades, the Lemon test was used by federal courts to remove any semblance of religious character from government programs. Federal courts relied on Lemon test jurisprudence when prohibiting state-funded chaplains from opening legislative sessions with prayer, barring schools from allowing student-initiated prayer at football games, and preventing churches from renting school facilities after-hours.

But in recent years, there has been a massive shift on Establishment Clause jurisprudence in the federal courts. In Kennedy v. Bremerton School District (2022), the U.S. Supreme Court finally abandoned the Lemon test. In its place, the U.S. Supreme Court now uses the history and tradition test, which considers whether religious expression in government accords with the historical practices of our nation and the original meaning of the First Amendment.

Because of the rich history of school-sponsored Bible reading in both Idaho and the United States, we expect that this legislation will pass constitutional muster under the history and tradition test outlined by the U.S. Supreme Court in Kennedy.

## 2. WOULD THIS LEGISLATION RUN AFOUL OF PAST COURT DECISIONS PREVENTING SCHOOL-SPONSORED BIBLE READING?

In Abington v. Schempp (1963), the U.S. Supreme Court held that school-sponsored Bible reading violated the Establishment Clause of the First Amendment. Relying on this holding, the U.S. District Court for Idaho ruled in Adams v. Engelking (1964) that the Idaho school-sponsored Bible reading law violated the First and Fourteenth Amendments.

But in the wake of Kennedy v. Bremerton School District (2022), federal courts no longer rely upon the 'purpose and effect' analysis that undergirded both Abington and Adams. Instead, federal courts now consider whether religious expression in government reflects the history and tradition of our nation. Therefore, a federal court would likely conclude that both Abington and Adams represent outdated law and should not be given deference.

## 3. WOULD THIS LEGISLATION VIOLATE THE BLAINE AMENDMENT OF THE IDAHO CONSTITUTION?

No. The Blaine Amendment (Article IX, Section 5) prohibits state and local government from appropriating funds for the purpose of aiding a church, a sectarian purpose, or.a religious society.

School-sponsored Bible reading does not aid or provide funding to any church, sect, or religious society, and therefore would not run afoul of the Blaine Amendment.

## 4. WHY DOES THIS LEGISLATION REQUIRE THE BIBLE TO BE READ WITHOUT INTERPRETATION OR COMMENT?

Although Idaho's founding fathers intentionally crafted the state constitution to allow school-sponsored Bible reading, they barred sectarian or denominational teaching in Article IX, Section 6 of the Idaho Constitution.

When the Bible is read without interpretation or comment, teachers are able to sidestep any sectarian or denominational doctrine.

It is important to note that the Bible is not sectarian. During the Idaho Constitutional Convention, many of our founding fathers – such as Alexander Mayhew (D-Shoshone), James H. Beatty (R-Alturas County), and Edgar Wilson (R-Ada County) – expressed that the Bible cannot be deemed a sectarian book.

Even Solomon Hasbrouck (R-Washington), one of the constitutional drafters of the prohibition on sectarian teaching found in Article IX, Section 6, affirmed his belief that the provision he had drafted would not exclude the Bible from public schools on the grounds that it was sectarian.

This fact was affirmed by Idaho Attorney General A.H. Connor, who wrote in his 1926 legal opinion that "it is not that the Bible itself is sectarian. . . . Sectarian means pertaining to a sect [or denomination of Christianity] . . . A sectarian doctrine or tenet, [properly understood], would be peculiar to one or more of the sects, as for example, the doctrine held by Baptists that immersion is necessary to valid baptism."

# SCHOOL-SPONSORED BIBLE READING ACT — FAQ's

### 5. WHY DIRECT TEACHERS TO READ THE WHOLE BIBLE TO THEIR STUDENTS OVER THE COURSE OF TEN YEARS?

If teachers were given the discretion to read any passage from the Bible that they desire, they could abuse that prerogative by cherry-picking favorite passages that most align with their personal political, theological, or philosophical perspective.

Instead, teachers will be expected to read twenty verses per school day, in sequential order. Reading twenty verses per school day allows the Bible to be read over the course of ten years. This sequential reading of the entire Bible helps eliminate personal biases and ensures that every student will be exposed to the whole work by the completion of their K-12 education.

### 6. WHY DIRECT TEACHERS TO READ FROM THE KING JAMES VERSION, THE NEW KING JAMES VERSION, OR THE REVISED STANDARD VERSION?

The King James Version (KJV) is the most commonly received version of the Bible in the English language, accepted by a wide range of religions and denominations. It is also the most printed book in the history of the world, boasting over one billion copies.

In addition, other state courts – including the California Supreme Court, the Texas Supreme Court, and the Court of Appeals of Kentucky – have found that the KJV translation is a non-sectarian translation of the Bible.

The New King James Version (NKJV) of the Bible represents the "boldest and most extensive revision" in the history of the KJV, all the while remaining firmly within the KJV tradition. Therefore, it should fall within the same category of non-sectarian.

Finally, the Revised Standard Version (RSV) is also non-sectarian and widely accepted across denominations. It is regularly used by scholars and preachers in numerous Christian denominations—including in the Protestant, Catholic, and Evangelical traditions.

### 7. IF BIBLES ARE READ IN PUBLIC SCHOOLS, WON'T TEACHERS BE FORCED TO READ SACRED BOOKS, LIKE THE QURAN, FROM OTHER RELIGIONS?

Reading the Bible would not open the door to equal time for reading sacred texts from other religions.

As former U.S. Supreme Court Associate Justice Joseph Story explained, the First Amendment does not require government to equally promote all religions:

> *Probably at the time of the adoption of the [U.S. Constitution], and of [the Establishment Clause] now under consideration, the general, if not universal, sentiment in America was that Christianity ought to receive encouragement from the state. . . . An attempt to level all religions, and to make it a matter of state policy to hold all [religions] in utter indifference, would have created universal disapprobation, if not universal indignation. . . .*
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> *The real object of the [Establishment Clause] was, not to countenance, much less to advance [Islam], or Judaism, or infidelity, by prostrating Christianity, but to exclude all rivalry among Christian sects. . . .*

In fact, reading other religious books (like the Quran) in public school classrooms could potentially run afoul of the 'history and tradition' test now used by federal courts. Neither our state nor our nation has the history or tradition of school-sponsored classroom reading of other religious texts.

### 8. WOULD THIS LEGISLATION VIOLATE THE FREE EXERCISE CLAUSE OF THE FIRST AMENDMENT?

Although the Free Exercise Clause bars government from impeding the religious practices and beliefs of individuals and religious groups, it does not prohibit public religious expressions in government.

Importantly, school-sponsored Bible reading does not constitute forced adoption of a religion or forced participation in a religious practice. It's also worth remembering that this legislation provides reasonable accommodations for teachers with conscientious objects, as well as students whose parents request an exemption. These accommodations are consistent with the American tradition of offering conscience protections to generally applicable laws.