PEW FORUM ON RELIGION AND PUBLIC LIFE
FIRST AMENDMENT CENTER

TEACHING ABOUT RELIGION IN PUBLIC SCHOOLS: WHERE DO WE GO FROM HERE?

WELCOME AND INTRODUCTIONS

TEACHING ABOUT RELIGION IN PUBLIC SCHOOLS

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MELISSA ROGERS: My name is Melissa Rogers. I'm executive director of The Pew Forum on Religion and Public Life, one of the sponsors of the conference, and we're very glad that you could join us this morning. The Pew Forum serves as a clearinghouse of information and a town hall on issues at the intersection of religion and public affairs, and we seek to bring diverse perspectives into common conversation on these issues. We're very pleased that we've been able to work with the Freedom Forum [http://www.freedomforum.org] on this particular conference, "Teaching About Religion in Public Schools: Where Do We Go From Here?" Thanks to all of you for getting up bright and early and for joining us from many different parts of the country this morning. We're looking forward to a couple of great days.

I want to recognize some members of the staff of the Freedom Forum and the Pew Forum who have worked so hard to bring the conference together. From the Freedom Forum that would include Marcia Beauchamp and Euraine Brooks. I want to thank them both for all their hard work. From the Pew Forum, our associate director Sandy Stencel, our editor Grace McMillan and Eric Owens, who is based in Chicago. He's working with Jean Bethke Elshtain, who is one of the co-chairs of the project out at the University of Chicago. And our other co-chair is E.J. Dionne, who is a columnist for *The Washington Post* and a senior fellow at the Brookings Institution; he'll join us a little later today.

The Forum is supported by The Pew Charitable Trusts [http://www.pewtrusts.com], and we're very grateful for that support. I am going to turn the proceedings over to Charles for a few introductory remarks, as well as his comments on the history of the movement to promote teaching about religion in the public schools. He has been so deeply involved in this movement and has contributed so much as a leader. After his remarks I'll make some remarks of my own about the constitutional backdrop of these issues. And then we'll also fold in some panelists for their reactions, and we want to involve you very quickly thereafter in a conversation about some of these bedrock issues.

Without further ado, let me call on Charles Haynes, the senior scholar here with the First Amendment Center [http://www.firstamendmentcenter.org/], to kick us off this morning.

CHARLES HAYNES: Thank you very much and good morning, everyone. We are very happy to see all of you here. The First Amendment Center considers this a great partnership with the Pew Forum. Melissa has worked very hard on pulling all of this together and thinking it through, and we appreciate the dedication of Melissa and her staff to make this possible. And we appreciate all of you, many of whom have come long distances to be here.

I would like to say right up front that the First Amendment Center is non-partisan. We don't litigate, you'll be glad to know. We don't lobby – you might be glad to know that as well. We are educational in our efforts, and we are under the umbrella of the Freedom Forum, which is the mother ship, so to speak. The Freedom Forum has a few major initiatives. The Newseum is one; it is being built on Pennsylvania Avenue and will open in 2006, if all goes well. Diversity in journalism is another major initiative of the Freedom Forum, and we've opened an institute at Vanderbilt to prepare minorities to be journalists. And the third big initiative is the First Amendment Center. That should give you a sense of where we fit in this major foundation effort to encourage "Free press, free speech, and free spirit."

Part of the First Amendment Center is focused on educational activities, particularly in schools. As I look around the room, I know I am saying this to the choir, because many of you have worked with us over the years in Utah, in California and elsewhere, and you know that this has been a long-time commitment of ours, helping schools take the First Amendment seriously, broadly and, in this case, particularly the first 16 words of the First Amendment, the religious liberty clauses.

I thought we had a great start last night. Those of you who were able to join us last night for dinner, I know you will agree, we had a wonderful presentation from Jon Butler from Yale. He gave us a marvelous sense of the landscape of our country's history for addressing these sometimes difficult, controversial questions about the role of religion in our public school curriculum. I think we've gotten a good foundation for our questions.

Today we are going to start by looking at where we are now and how we got here over the last 15 years or so. Some of you know that recent history, some of you are very involved in this work, but for others, this may be new. To get everyone to the same place, we're going to say a little about that history. Then we're really going to move into where we need to go from here in our various sessions for the rest of the conference. So if you'll bear with us this morning, those of you who know this field thoroughly, we're going to try to do a little review so that we all have a background in how we got to where we are today.

There are people here from some state offices of education. We didn't invite all the states, but we chose some to encourage to be here. If you could stand for a moment, so we can see who you are. I can't see all of you, but we have people from Pennsylvania, Illinois, the District of Columbia and North Carolina. One of the goals of the conference is to have this conversation with some of the key gatekeepers and stakeholders on the state level, as well. Sam didn't stand, but he should have. Sam Swofford is from California and heads up the Credentialing Commission [http://www.ctc.ca.gov/] out there, which is a very important part of this conversation. So we have some key people from various parts of the country who will, we hope, help us advance this conversation or see where we need to take it.

There's another person I should introduce as well. I didn't mention this last night because I was waiting for a critical mass of the conference attendees to say this, but we do have a scribe with us in our midst. And if you've wondered why somebody is talking to you and asking questions and actually listening to what you are saying, it's because it's his job to listen to you and to take you seriously. And he will be doing more of that as time goes on, so if he corners you, that's why. He's digging for the behind-the-scenes views that you all may have. And that's Steven Henderson, and Steven's in the back there, so you know what he looks like when he approaches and you can put your guard up. (Laughter.) He is a very accomplished writer and journalist, and we are very fortunate that he's agreed to pull together our conversation. I wish you lots of luck with this diverse group of people.

We are taping all of the sessions, to provide a record for Steven and others to work from.

I think that the place to start is to say that this is a long history. We've been discussing this in the United States since the founding of public schools. I'm not going to rehearse all of that, you'll be glad to know. Last night we had a good overview of some of the things in our nation's history we need to think about. I'm going to focus just as briefly as I can on the recent history of this issue, because I think it's important to know a little bit, at

least from my perspective, and you can add in later when we open it up other bits of the history that I'm missing.

How did we get here today? I do think this is a kind of crossroads for us. It just happens to be the 40th anniversary next month of the *Schempp* decision by the Supreme Court. We didn't plan it that way, but it's a wonderful symbolic way to start this conversation. So let me start by putting up the quote that you always see on this issue from the decision in *Abington v. Schempp*. This is probably the most replicated quote from the Supreme Court, at least in the circles that deal with this issue, and you will see it in every publication, you'll see it in many local policies and many of you can recite it by heart.

Tom Clark may not be remembered for much, but he will certainly be remembered for this in his majority opinion. He said, "It might well be said that one's education is not complete without a study of comparative religion, the history of religion and its relationship to the advancement of civilization. It certainly may be said that the Bible is worthy of study for its literary and historic qualities. Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effective consistently with the First Amendment."

Now, of course, almost every other word we could debate. What is a "secular program"? What is "objectively"? But it is the quote that is often repeated to say this: Let's at least make a distinction between teaching religion, in the sense of indoctrination in the public schools, and teaching *about* religion. That "about" word is almost always used when talking about what is permissible in public schools. And that rather simple and easy-to-say distinction has been the starting point for this latest chapter in this long discussion in our history of what actually is the role of religion in our public school curriculum.

I won't dwell on what happened after this decision, because that's another chapter. It goes beyond what I want to say this morning. But I will say that, as many of you know, once those decisions were handed down in the early '60s – this was 1963, 40 years ago, June 17, 1963 – once that decision was handed down, some people red it closely and decided to take "teaching about religion" seriously. The more general understanding in the United States was the headline: God has been kicked out of the schools, or some variation of that sentiment. The fight was focused on "school prayer" and "devotional Bible reading." But there were those in academia and among some activist groups who picked up on Clark's language and said, "This is the way forward. If we can't have devotional practices in public school, like Bible reading without comment" (that's a good Protestant idea, isn't it: just read the Bible without comment) "and if we don't have teacher-led prayer in the morning, perhaps in here we can find another way forward – another role for religion in the curriculum."

I say that because that chapter, in the wake of *Schempp*, produced some very interesting things and some strange bedfellows, as you can imagine. There were "restorers," who wanted to go back and recover what they felt was lost, not just in these decisions, but over the course of the early 20th century in public schools. They feared the loss of "their schools" – schools that reflected their faith and values. The restorers felt that there may be something in here to bring back, to recover through a constitutional door, a voice for religion, and that usually meant their religion, in the public schools. Some folks on that side of the equation funded efforts to encourage the academic study of religion in public schools. They funded people at Wright State and other places to create curriculum materials and so forth for

use in public schools, even though it was really an effort to have the academic study of religion – not exactly what they wanted, but better than nothing.

Then there were the "removers," those who cheered these decisions and hoped that it meant religion would finally be excluded and not cause the controversy and division that it had for so long. They hoped that public schools would no longer be able to impose a particular religious worldview on kids. Some of those folks saw "teaching about religion" as a possible way to move forward in a way that addresses religion constitutionally and educationally in schools.

Most people, however, among the restorers and the removers did not get involved in or support this movement. Nevertheless, the effort to include study of religion in the schools became a significant movement. A broad coalition of groups formed the National Council on Religion and Public Education – an organization that went on to promote religious studies in public schools for two decades. I think the most lasting curricular impact from the aftershock of *Schempp* was in state colleges and universities, where many religious studies departments were founded to "fill the gap." I think that was more lasting than what happened in public schools in the two decades following *Schempp.*

Nevertheless, in public schools there was a wave of activity. Pennsylvania had a course that was widely taught about religious literature of the West. Probably no one remembers that now, do you? It was widely taught. My advisor at Emory University, John Fenton, worked on the religious literature of the East version of that course. Florida had world religions courses widely taught for a short period. Materials were developed at Harvard for teaching about religion. There were many efforts around the country. The advocates of teaching about religion in the National Council on Religion and Public Education were convinced that "We have found the answer. We are on the right track. We are going to do this." Unfortunately, that boomlet, if you will, faded pretty quickly, and that's a story in and of itself. It faded away, died away, so by the early to mid '80s, many of these efforts had simply disappeared.

Why did that happen? It's a big question and a longer conversation. I happened to come into the picture around that time, and I have my theories. Others of you who might have been involved in that might have your theories. But I think part of it was that the focus was so strongly on the "prayer in schools" debate, that little attention was given to the curriculum more broadly. I think that's fair to say. It may be glib, but fair to say.

It's a little ironic, isn't it, that people focused so much on that 60-second prayer in the morning and whether you have this little Bible reading or not, and ignored what people were learning for 12 years. And that goes way back in our history to the time when we got rid of sectarian teaching in the curriculum (as part of the Protestant-Catholic fights of the late 19th century), but retained "symbolic" practices like prayer and devotional Bible reading. By the time you get to these decisions, there was really very little attention to religion in the curriculum. If we care about how students really understand the world, we have been fighting about the wrong issue.

My short answer to why it happened, though, is that there was no natural constituency to build an understanding of how you deal with religion in the curriculum, constitutionally and educationally. There was no natural constituency. There were people who got excited about it for mixed reasons and motives, as I've said, on both sides and in the middle. But they

really couldn't build interest or enthusiasm in the educational world or in the general public square for doing what they heard the Supreme Court saying schools may do. It sounded good at first blush, but then carrying it out didn't attract a lot of support. So, for whatever reasons, people continued to shout past one another about school prayer. We've been shouting past each other for the past 40 or 50 years, and, until recently perhaps, no constituency developed for what we're here to talk about today.

Then came the mid '80s. That's when the story turned another corner, at least in my understanding. There are lots of reasons for that, too. I keep saying that because this is a bigger story than I'm going to tell. If we had time, we could talk about the culture wars. We could talk about how evangelical Christians came into the public square and were really visible and vocal on issues in ways that were new at that time in our history.

But the specific triggers for this chapter of the "teaching about religion" story were the trials in Tennessee and Alabama on textbooks: the *Smith* case in Alabama and the *Mozert* case in Tennessee. Without rehearsing those cases – one was more of a free exercise issue, one was more of an establishment issue – the point is this: These cases were both about the treatment of religion in the curriculum, in the textbooks. We really hadn't had such high profile, bitter fights over that issue in a long time, in a way that focused the educational world's attention on why so many people were angry at the public schools, and the textbooks became the locus of the anger in these trials.

The parents did not prevail in either one, in the sense of finding textbooks unconstitutional because they promoted a worldview of secularism and ignored religion (Alabama); or that textbooks burdened the freedom of religion of those students who had to read them, even though they offended their faith deeply (Tennessee). The parents actually won a couple of lower court decisions, but ultimately they lost the legal battle. But perhaps they won more than they lost. They may have lost in court, but they won attention for this issue in a new way. Whether we agree with them or not, we should give those parents credit for putting "religion in the curriculum" on the agenda. No question about that in my mind.

At the same time, without any consultation, there were several textbook studies that came to a shared conclusion about religion in the curriculum. One was by Paul Vitz from a conservative point of view; another was issued by People for the American Way, from a more liberal, more separationist viewpoint; and I did a small study when I was with Americans United on how religion and religious liberty was treated in textbooks. All three studies came out about the same time – all saying about the same thing: Textbooks largely ignore religion. We focused mostly on the history/social studies textbooks in all three of those studies, although Vitz looked at reading textbooks as well.

The textbook studies brought this issue to the fore. What to do? Keep litigating? Keep fighting? Keep declaring victory in the courts and then losing parental support for public schools? Keep dividing communities? At that point in our history some of us thought there must be a better way. It seemed pretty commonsensical to say that at the very least we could agree on how to deal with religion in the curriculum.

Oliver "Buzz" Thomas, who was at the Baptist Joint Committee [http://www.bjcpa.org/] at the time, and I met at a briefing held in Washington to go over the *Smith* case. Out of that meeting we decided to start building a coalition to draft consensus guidelines for dealing with this issue. It may seem odd today (with all of the consensus

guidelines we now have) but at that time there were no national guidelines or consensus statements on how to deal with religion in the curriculum.

So we decided to give it a try. And that early effort produced these documents. The first one, “Religion in the Public School Curriculum: Questions and Answers,” came out 15 years ago this month. It made a big splash because it was produced by unlikely bedfellows ranging from Americans United and the American Jewish Congress and to the Christian Legal Society and the National Association of Evangelicals and many education groups – all agreeing to language that would frame how we would deal with religion in the curriculum.

This brief pamphlet may appear modest today, but it took us a year-and-a-half to draft. I only say that because I think today we’ve come a long way in this conversation. We may have disagreements, but 15 years ago we had very little shared language on this issue. Over the course of a year-and-a-half we had to negotiate every single word in this, and that was an extraordinary process.

But what it did for us was help to reframe the debate and the conversation. We did come to agreement. Of course, we quoted *Schempp* in the very first Q&A, and then we went on from there to say that we thought public schools should be doing to teach about religion. It was just a starting point, but it was deeply helpful. In fact, I go to school districts now in some parts of the country and read their policies, and often find this first agreement quoted verbatim. Some of this language has become almost state-of-the-art, not as the answer to all the questions, because, clearly, it doesn’t answer a lot, but as the starting point. If you can get all of these groups to speak in a common language, then that gives support for those local folks to come together and seek their own agreement. So it served an important purpose. I think more than a million of these actually went out in those early years. We kept printing them and kept sending them out, and it had an impact.

We decided to try to forge ahead and keep getting other agreements on other issues, and that’s where the religious holidays brochure comes in. We were told by some groups who participated in this first effort, “Don’t even try the holidays issue.” I know today it sounds almost funny to say, but in those days to actually think that there could be some agreement on the famous “December dilemma” was unthinkable for some. One group actually said, “Don’t even call a meeting.” Nevertheless, we did call a meeting, we did work on it. And this time it took only four months, so we were getting faster, and in four months we produced this guide on religious holidays in the public schools. And, again, you see this now quoted over and over again in policies as a way to frame these questions.

I can’t resist telling you about one of the important highlights of that conversation that I think illustrates what kind of country we are on our best days, and how we can move forward together as a people. We don’t always have to fight about all of these issues. We had this conversation about religious holidays in schools over a period of four months, and when we got to the last draft and were all assembled – I think we were meeting at the Baptist Joint Committee at the time – Buzz and I were holding our breath. This was it – we were about to cross the finish line.

Then Forest Montgomery, who is now retired, but he was then the general counsel for the National Association of Evangelicals [http://www.nae.net/], raised his hand. And my heart just sank, because I thought we had finally reached agreement. I said, “What is it, Forest?” And he said, “I’m not satisfied with this document.” And I thought, “Well, that’s it.

We'll never get agreement." I knew that if we went back and changed anything, it would probably mean re-negotiating with various groups. I said, "Forest, what is your problem?" I'm afraid I wasn't very nice about it. And he said, "There's not enough language in here alerting teachers to the fact that they should not use the classroom to proselytize." And everybody just sort of stared at him.

(Laughter.)

Then Buzz – who is a lawyer after all – popped up and said, "Forest, don't you know who you're representing here?" (Laughter.) And I elbowed him in the side saying, "Leave the man alone." Everybody laughed, but Forest didn't laugh. I'll never forget. Forest, if you know him, is a wonderful human being and a great man, but he didn't laugh. He looked really hurt, and he said, "Do you think my organization or most of my constituents want to impose religion in the public schools any more than you do?" And, of course, some people around the room were thinking, "That's exactly what we think." I mean, this was the height of the culture war. Everybody thought that of everybody else. And he said, "Well, we don't." He said, "Of course, some of my constituents may" – so he did acknowledge that. But he said, "What I want in this document is fairness."

And so we added language that Forest actually wrote. I drafted most of the document, but this is what Forest added: "Teachers may not use the study of religious holidays as an opportunity to proselytize or to inject personal religious beliefs into the discussion." Well, you can imagine that most of the rest of the folks at the table were perfectly happy to add that in there. We put it in, we got agreement and we were home free.

I take time to tell you that story because I think it illustrates that if we do sit together, if we do work on these issues in our public schools, we can find common ground. And that's not just being optimistic, it's not just being Pollyanna; it's really the case, but it takes time and work, and it takes listening. The folks involved in those days from the Christian Legal Society [http://clsnet.sbsii.com/], from the American Jewish Congress [http://www.ajcongress.org/] and from other groups, some of whom are still working on these issues, are truly to be given a great deal of credit for the courage to get beyond the stereotypes and to actually listen and to find where they could agree, even though we all know there are areas where we're going to continue to disagree and to struggle.

There were, I should mention, other developments besides our little coalition effort that were deeply important, perhaps more important. For example, the California framework on social sciences and history was a very important development because, for the first time, you had a social studies framework in a state that treated religion very generously. It was not without controversy, and people wondered how teachers were going to be able to do it, but it put religion on the table in a way that, if not mandated, at least encouraged teachers to tackle religion more than they had before. That was a very big breakthrough, and it was simultaneous with the consensus agreement we were crafting on a national level.

And the Williamsburg Charter [http://www.freedomforum.org/publications/first/findingcommonground/C02.WilliamsburgCharter.pdf] – next month is the 15th anniversary of the signing of the Williamsburg Charter – was a national statement on religious liberty that was signed by more than 200 of our national leaders. Former Presidents Ford and Carter, Chief Justice Berger, Chief Justice Rehnquist, business leaders, academics, and faith leaders all signed the Charter. It was an extraordinary

moment in our history. A shared vision of religious liberty in the United States is articulated in the Williamsburg Charter. It's still an eloquent and powerful document. It may be forgotten by some, but not by those of us who work in this field, and work in school districts. We have used the Charter to say, "Let's articulate a civic framework for dealing with this, a religious liberty framework, that will take this out of being an issue of how do you deal with religion, and really make it more a question of how do you deal with religious liberty or freedom of conscience in our public schools for everyone? Using the principles of the First Amendment, let's articulate guiding principles that will enable us to negotiate our differences."

We borrowed from the Williamsburg Charter the articulation of the principles that flow from the First Amendment – the principles of rights, responsibilities and respect. And we identified civic ground rules for negotiating religious differences – ground rules that don't ask anyone to compromise their deep convictions, but bring everyone to the table as citizens of one nation. We had no religious consensus, but we discovered in the First Amendment a civic consensus on how to address the role of religion in the public schools.

In the late '80s and into the '90s, we also produced an Equal Access Act consensus statement, and then we moved on to other issues. The aim of all these agreements was to go beyond our difficult history, if we could. That meant going beyond the failed models of our history in public education dealing with religion, and particularly religion in the curriculum, the failed model of the "sacred public school," to borrow from the Williamsburg Charter. That's not, of course, what we wanted to recover. We agreed that to impose religion in the public schools is both unconstitutional and unjust.

We were determined to go beyond that model of our early public school history, when one religion was the dominant faith. But we were equally determined to go beyond the "naked public school" – the false idea that the First Amendment requires public schools to ignore religion. Many school officials were under the impression that keeping religion our solved the problem. Not only had they not solved the problem, they had created a whole new host of questions and problems, as exemplified in those textbook trials in Alabama and Tennessee and the studies that we did. Clearly, the "naked public school" would not serve, and it was driving people more and more out of our public schools – sending the message that the First Amendment means keep religion out.

So when you look at all these consensus statements and efforts, it really has been an effort to craft a third way or a new model, if you will. I call it a "civil public school" – a public school model that is framed by our shared principles in the First Amendment and based on what we have agreed to as American citizens as the guiding principles for dealing with religion in public life and in public schools. These agreements have tried – for the first time in our history – to get it "right" in our public schools by not either imposing religion or denigrating or ignoring religion. The aim of the civil public school is for school officials to be fair and neutral toward religion and to protect the religious liberty rights of all students.

In 1995, we agreed to a statement of principles that has been widely endorsed. The key statement in the document is this – and this summarizes, I think, in one place, the civil public school:

"Public schools may not inculcate nor inhibit religion. They must be places where religion and religious conviction are treated with fairness and respect. Public schools uphold

the First Amendment when they protect the religious liberty rights of students of all faiths or none. Schools demonstrate fairness when they ensure that the curriculum includes study *about* religion, where appropriate, as an important part of a complete education."

You notice that the "*about*" is italicized, and that's because one group said, "We will sign on to this if you italicize 'about.'" That was the last gasp negotiation. So I said, "Well, I don't mind. I'll italicize it, but I'm not going to tell anyone else that I'm doing it." So I simply, by fiat, italicized it, and no one raised a question. That illustrates how important the word "about" is for reaching common ground on this issue.

My point is that beginning in the late 1980s we began to do what we had failed to do for much of our history: articulate a shared civic consensus, rooted in the First Amendment and the Constitution, about how we might frame these issues, how we might negotiate our differences in a new way. I think this is the big distinguishing factor from the earlier chapters. What bogged us down in the wake of the *Schempp* decision were fights over religion – whose religion, how much religion, and where is the Trojan horse in all of this?

The difference in the last 15 years is that we have had a clearer civic consensus on the starting point for dealing with the place of religion in the curriculum. Rather than focus on religion, we have grounded our efforts in religious liberty as the framework for addressing our differences. By starting with the First Amendment, we start with freedom of conscience for *everyone*: religious, nonreligious, everyone. These issues aren't just about religion; at heart they are about religious liberty and how we live and work together across our differences. Religious liberty, not religion, should be at the center of the public school conversation about religion in the curriculum. Framed this way, most people can find common ground on many of the "religion in schools" issues.

When you read this statement of principles, you'll see that the organizations that signed on to this range from the Christian Coalition [http://www.cc.org/], the American Center for Law and Justice [http://www.aclj.org/], and the Christian Legal Society to the Anti-Defamation League [http://www.aclj.org/], People for the American Way [http://www.pfaw.org/pfaw/general/], the National School Boards Association [http://www.nsba.org/site/index.asp] and many others. It's a shared vision for living religious liberty principles in our schools. Of course, we are going to disagree about how to implement that vision – but having agreement on guiding principles is critical to finding common ground. We certainly didn't have it in the '70s and early '80s. We were floundering. And I think that this civic agreement has made all the difference.

The sea change, in other words, from 1985 to 2003 is that in schools we no longer are asking, as we did back then, "Should we teach about religion? Should we deal with it at all?" Now we are asking, "How do we teach about religion? How much do we say?" We've seen textbooks begin to improve. They are still deeply flawed in lots of important ways, but they are marginally better, and in some cases even better than that, in tackling religion. And certainly in the case of state standards and national standards in the social studies, they are fairly generous to religion (as we can see from a study conducted by the Council on Islamic Education [http://www.cie.org/]), as contrasted with the curricular frameworks we had 15 years ago. And, finally, there are new educational opportunities available for teachers that were scarce in the mid '80s, if nonexistent.

David Levenson offers workshops for teachers in Florida on the very contentious issue of teaching about the Bible. Susan Mogul sponsors a world religions institute for teachers near Sacramento. At Harvard, Diana Eck and Diane Moore have done great work offering educational opportunities for teachers in Massachusetts and for teachers who come there from all over the country.

But, of course, we have a long way to go before we get this right. And that brings us to the present. We are at a crossroads – and not just because of the 40th anniversary of *Schempp* and the 15th anniversary of the first consensus statement. Now that religion is mentioned more in the curriculum, we need to decide where we go from here. How seriously should public schools take "teaching about religion?"

Last week in Utah we had an institute for teachers on this subject, and it illustrated both how far we've come and how far we still have to go. We had a great discussion on the importance of teaching about religion. The idea was broadly supported by a panel that included a leader of the Latter Day Saints, a humanist, a representative of the Jewish community and a Roman Catholic priest. It was a collegial and insightful discussion – illustrating that we have come a long way in recent years.

But then a teacher took me aside at the break and said, "We have a great policy in my school district for teaching about religion, but my administrator tells me, 'Don't do it. Leave it alone as much as possible. It's too controversial. It'll get us in trouble.'" She said, "I don't know what to do." And she added, "Moreover, there are all these religions I'm supposed to be talking about, and I don't know much about them." This sidebar conversation is a reminder that agreements and guidelines aren't enough – we still have much work to do to "get it right."

Why is this important? Why should we ensure that public schools deal with religion in the curriculum?

If we couldn't answer these questions before September 11, 2001, perhaps we can now. You may recall that three people were killed in this country after these tragic events outside this window [at the Pentagon], and in New York. Three people were killed. And as far as I can tell, the only reason they were murdered was because they looked like they were Muslims. And the irony – the tragic, awful irony – is that only one was actually a Muslim. Another was a Coptic Christian and the third was a Sikh. And that's a stark reminder of the cost of ignorance. It may be the most extreme example, but it serves as a warning. Many Americans don't even know who is here – what kind of nation we have become. We don't know what many of our fellow citizens believe or practice. And in times of crisis and stress, that ignorance comes to the surface – sometimes in dangerous and destructive ways.

All three of the people killed had one thing in common: They were all Americans. And if I have any agenda in "teaching about religion," it's the agenda of ensuring that the American people have some understanding of the many faiths and cultures that shape the life of our nation – and the world. The future of the United States depends, in part at least, on our ability to live with our deep differences – and to find ways to work together for the common good. And I don't see how we can do that unless we learn about one another, understand one another, and engage one another as Americans across our differences.

September 11, 2001, was a painful reminder that this issue isn't just about to include a little more about religion in the curriculum. That's an interesting and important question – but not what's most at stake. The larger question is this: What kind of nation are we going to be and how are we going to sustain this experiment in religious liberty and freedom of conscience in this very challenging and difficult century? Thank you very much.

(Applause.)

MS. ROGERS: Thank you, Charles. That was an excellent introduction to the topic. Charles mentioned Oliver Thomas – Buzz Thomas, as we call him. I used to work at the Baptist Joint Committee as general counsel, following in his very large footsteps there, and Brent Walker's, who also has worked on these issues. My involvement with this topic came through my work at the Baptist Joint Committee, starting in the mid 1990s, working on a variety of church-state issues, including religion in the public schools. I just wanted to recognize Buzz for his contributions, as Charles did.

In my capacity at the Baptist Joint Committee I had the opportunity to work on some of these common ground projects, and I would heartily agree with Charles that those processes are as painful as they are productive. If you're having that much pain, something really productive must come out of it, because it could never be worth it otherwise.

Speaking of common ground work, the Pew Forum has tried to do more of that recently. We produced a publication dealing with school vouchers that described what the recent Supreme Court decision on school vouchers meant – not what the law should be, but what the law is in the wake of the Supreme Court's decision in *Zelman v. Simmons-Harris*. Even just that part of the task was difficult. But I hope that we can continue to clarify both areas of agreement and areas of disagreement, because that also moves us forward, when we can civilly disagree about very heartfelt matters in this field.

I want to talk a bit about the federal constitutional background for these issues. As you know, many of these issues are not legal in nature. They are about education policy, they are about what's wise, what's feasible. But the Constitution, as Charles mentioned, certainly does set parameters for this discussion, and its spirit animates the discussion. So I want to start there, and I'll start where Charles began, with the *Schempp* decision, because we all go back to that language from Justice Clark's decision, talking about how you can teach about religion in an academic fashion in the public schools.

When I went back and reread the decision recently, I noticed that the Court majority was trying to rebut this charge that, by taking devotional practices out of the public schools, they would establish a religion of secularism and a hostility toward religion. So the Court clarified that while a school can't do certain things that are devotional in nature, it can inculcate an understanding of religion that doesn't press for acceptance of particular religious beliefs and worship and the like, but does press for a greater understanding of the role religion plays in our shared lives together as Americans.

It wasn't only Justice Clark's opinion that talked about this. Concurring opinions discussed the non-devotional use of the Bible in public schools and emphasized that the holding didn't foreclose teaching about the Bible or about differences in religions in literature classes or history classes. These are the comments that have launched us on many of the

discussions that Charles mentioned. These and other cases make clear that it is certainly constitutionally permissible to teach about religion in an academic way in the public schools.

The discussion in the *Schempp* case, as we've mentioned, dealt mainly with the Establishment Clause. In other words, the Court found in the *Schempp* decision that because the purpose and primary effect of these devotional Bible readings and prayers was really to advance religion, then they violated the First Amendment's prohibition on governmental promotion of religion.

That takes us back to focusing on these two religion clauses in the First Amendment: the Establishment Clause and the Free Exercise Clause. Let's focus on the Establishment Clause first. I should say at the outset that these are very, very complex matters, and I'm going to skate over them ever so lightly this morning, knowing that barrels of ink have been spilled about the meanings of these clauses. And, indeed, I'm looking out at Professor Kent Greenawalt and Professor Jay Wexler, who have spilled a number of barrels of ink themselves in law review articles about the meanings of these clauses. But I'm going to simplify, and I know you'll be grateful for that. (Laughs.) We'll get into a deeper discussion as the conference goes on.

The Establishment Clause, in a nutshell, prohibits the government from advancing or inhibiting religion, as the Court has said from time to time. The government must be neutral toward religion, the Court has said, in the sense that it must not encourage or discourage adherence to religion, and it must be neutral among religions. This most often comes up in terms of questions about whether teaching about religion is really being misused to smuggle in Sunday School content into weekday academic study.

But we can't forget the Free Exercise Clause, in which the government is prohibited from interfering with free exercise rights of all Americans. This is a very complicated topic, but let me just say that the Free Exercise Clause traditionally has been interpreted to provide a strong degree of protection for individuals' and institutions' rights to practice their faith free from governmental interference. Recent cases have weakened that right as a federal constitutional matter, and I'll discuss that a bit more later. But free exercise questions come up in this context often as a request from a student to be able to take time off to pray if their religion motivates them to do so during the school day. Or a student might request from time to time an exemption from a particular specific assignment in the classroom, based on the fact that he or she believes that it would interfere with his or her right to freely exercise his or her faith. That's often how these issues arise in these questions.

It's also important to remember that we're talking about a specific group of players, if you will, in this area, and for constitutional reasons, the players have special significance. I'm talking here about school kids, parents and teachers. With regard to school kids, it's obvious that the First Amendment takes particular care when dealing with children in our public elementary and secondary schools. This makes great sense, of course, because anyone who has taught kids, and anyone who has kids, understands that they are very impressionable. Under our laws, they are required to be in school, so they are, in many senses, a captive audience of the state, and they take very seriously what they hear. In the younger grades particularly, they would have a very hard time differentiating between a teacher's personal opinion and the official position of the state. So the Court traditionally has distinguished between a second grader or a sixth grader on the one side, and a college student on the other,

saying that a college student is much better able to make these kinds of fine distinctions than a younger student would be.

Of course, teachers in the public schools are representatives of the state in their official capacities. They are charged with upholding and carrying out the obligation of the state not to advance or inhibit religion, and to protect free exercise rights. So they must carry out this difficult and sensitive task of being neutral toward religion, neither discouraging it nor encouraging it, in their discussions of religion in the public school curriculum and otherwise. Of course, teachers also have rights of their own in their personal capacities, and we may get into a discussion of that later as well.

Finally, the other players in this whole transaction, of course, are parents. Parents, the court has recognized, have the right to give their children the kind of educational and religious training that they see fit to give, and their rights are very important and must be recognized by the state as well.

Let me briefly touch on some of the most common constitutional questions that are raised regarding teaching about religion in the public schools. I'll draw from some of the documents that have already been discussed and, as I said, I'll just skate lightly over the top of these topics.

We've already discussed the fact that schools can teach about religion, as long as they do so in an academic, rather than a devotional, way, so that much is very clear. The question is often raised, Can schools teach courses on sacred texts, such as the Bible or the Koran? And the courts have indeed noted that public schools may teach about these sacred texts, such as the Bible, as long as the teaching is objectively presented as part of a secular program of education. There may be particular concerns about the manner in which it is taught. For example, a school must ensure, as an overall matter, that teaching isn't slanted in favor of one religion. I'm sure we will get into this topic much more deeply in the last session today, dealing with the controversy over teaching the Bible in public schools.

Another question that is often raised is: Can schools prevent teachers from discussing secular ideas simply because they are inconsistent with certain religious beliefs? This issue was raised in *Epperson v. Arkansas* in 1968, dealing with the Arkansas law that sought to prohibit discussions of evolutionary theory because they contradicted religious beliefs held by certain Christians regarding human origins. The Court ruled in that case that the law was unconstitutional because it could not be defended as an act of religious neutrality by the state; instead, the Court found that it was an attempt to blot out a particular theory because of its supposed conflict with religious ideas. So the Court clarified in *Epperson* that "the First Amendment does not permit the State to require that teaching and learning must be," as it said, "tailored to principles or prohibitions of any religious sect or dogma."

In 1987, the Court struck down Louisiana's "Creationism Act," which had put a different twist on this issue. The Act forbade the teaching of the theory of evolution in public schools unless it was accompanied by instruction on what was called "creation science." The Court said that this effectively requires either the banishment of the teaching of evolutionary theory or the coupling of the teaching of evolutionary theory with a religious viewpoint that actually rejects the evolutionary theory. The Court said that either way, that's an example of the state trying "to employ the symbolic and financial support of the government to achieve a religious purposes" and thus was unconstitutional.

However, the Court also said in this decision that "[w]e do not imply the legislature could never require that scientific critiques of prevailing scientific theories be taught." It said, indeed, "teaching a variety of scientific theories about the origins of humankind to school children might be validly done with the clear secular intent of enhancing the effectiveness of science instruction." That leads us straight into the current debate about intelligent design and the like, and we will get into some of these issues tomorrow when we consider whether the controversy over these issues of science and religion should be taught in the public schools, and if so, in what class setting and how that should be done.

Recently, other questions have been raised regarding teaching about religion in the public schools. For example, I'm sure many of you heard about some examples soon after 9/11, involving students doing some role playing with regard to religion. Teachers apparently invited children to pretend to be a Muslim in certain situations. There have been other instances where schools have encouraged students to engage in a religious ritual as a role playing exercise. So the question is: Is that constitutionally advisable? I would say no. The schools cannot coerce students into participating in religious exercises. Many students, when they're asked to role play, and certainly to role play by participating in a religious ritual, will feel that they are being coerced to participate in a religious exercise, and thus that would violate their rights.

What about teachers commenting on the truthfulness of various religious issues, or saying what they believe is the right way to interpret matters that are contested within a religious tradition? There is a general rule that public schools should not get involved in determining or teaching what particular religious ideas are true or false. So I'm sure it's obvious that teachers shouldn't be involved in trying to argue that the resurrection of Jesus Christ was either true or false.

But it should also be said that teachers shouldn't try to resolve or comment one way or the other on disputed issues within a religious tradition. For example, they should not get involved in talking about whether the Orthodox branch of Judaism or the Reform branch of Judaism has the better or more Jewish theory of observing the Sabbath. That would be a dangerous and inappropriate area. Why? Because, as Justice Brennan has noted, the First Amendment forbids government inquiry into the verity of religious beliefs, and it should not intervene in essentially religious disputes and doctrines. Hence the public schools should not say what is the correct understanding of a particular religion.

Another question that is often raised is, Can or should particular students be excused from specific class work due to their religious beliefs? This question implicates the free exercise rights I mentioned earlier. As I said, the federal Constitution does not currently provide a lot of protection for free exercise rights as it traditionally has done, but there are some special theories, if you will, that can be asserted that might provide a greater level of protection for these particular requests.

And quite apart from the federal Constitution, many states have state constitutional free exercise provisions that are very strong and provide protection where the Free Exercise Clause of the federal Constitution would not.

Beyond that, more than 10 states currently have what's known as State Religious Freedom Restoration Acts or something akin to that name. These are particular state-wide

statutes that provide that if a student can prove that there's a substantial burden on his or her religious practice, then the state should lift that burden from that particular student (usually meaning an exemption for that particular student from a particular assignment or a specific obligation), if it can be done without harming the state's furtherance of a compelling interest. That test tries to balance the student's interest in free exercise with the state's interest in pursuing very important objectives.

In these situations, many would say that, quite apart from what the law says, it's simply good policy to try to find reasonable accommodations for individuals who have strong religious objections to specific selected aspects of the curriculum. But quickly we see that there can be very strong state interests here as well that have to be dealt with and have to be managed in a feasible way so that the state doesn't have to provide a "designer curriculum" for many different students for many different reasons. So there's a very strong emphasis in this test on the state's compelling interest – the state can protect those interests and those interests shouldn't be undermined.

Just a couple of last quick questions that are often raised: Is it constitutional for students to express their religious views in the classroom or in their written work? Certainly students may express their religious beliefs in their assignments, generally speaking. Such work, of course, should be graded on academic merit. This issue does become somewhat more complex in the classroom, in terms of trading views on religious matters. I'll be interested in the comments and reflections of the teachers here about how you teach about religion in the classroom. I know many of you are engaged in conversations with the students, and that they will want to say what they believe and what they practice, and that becomes an important and sensitive task to be managed well.

I think one parameter the Constitution would put on these discussions is that the teachers should not allow the classroom suddenly to be turned into a forum for a hell-fire sermon by a student, or the classroom to be converted into a church in which the student is allowed to sermonize to his or her fellow students.

On the other side, what about teachers? Can they reveal their beliefs in the classroom about religion? This takes us back to the responsibility of the state embodied through the teacher in maintaining neutrality on religious matters. Teachers need to fulfill their responsibilities not to advance or inhibit religion. So if they're asked by a student about their particular religious views, they could either decline to answer or they could give an answer that clearly indicates that it is their personal opinion and avoid getting into judgments that might appear to say anything negative about any other student's religion that doesn't align with the teacher's religion. Some of this obviously is going to depend on the age of the kids and the context of the discussion.

Let me conclude with a couple of quick comments. It's immediately evident to all of us who've been involved in these discussions for so many years that there are fears on many sides regarding teaching about religion in the public schools. On one side, people who don't endorse or practice any religious faith themselves have legitimate fears about a misuse of teaching about religion. On an other side, people who hold religious beliefs very fervently also fear what the state will do in terms of handling these very sensitive and delicate matters.

Part of the reason we're here is to see if we can find a way together to confront these fears and to work through them in a way that maximizes the benefits and manages the risks.

This becomes increasingly important for all kinds of reasons, some of which Charles has already mentioned this morning. Certainly in the wake of 9/11, there's a compelling need to ensure that we all understand the role of religion in America and in our world.

Additionally, these issues arise in the midst of a somewhat new debate about school vouchers. Now that vouchers have been held to be constitutionally permissible in certain circumstances by the Supreme Court, there's more discussion about how to ensure that public schools are friendly and fair to all.

Finally, what's striking to me is that there's a fairly wide constitutional safe harbor for teaching about religion in public schools, at least theoretically. So a lot of this debate is not going to turn on the Constitution necessarily, but it's going to turn on the wisdom of the practice, its fairness and its feasibility. I'm looking forward very much to discussing these issues with you and to hearing your very frank observations about your fears and your concerns. I hope, as the conference moves forward, we can think very practically about things that can be done to adequately address those fears and to move forward in a productive way for people of all faiths and people who don't claim a religious faith.

With that, let me turn to introductions of the other speakers who will join us now.

Our first speaker will be Evelyn Holman, superintendent of New York's Bayshore school district [http://www.bayshore.k12.ca.us/]. Prior to joining the Bayshore school district in 1994, Holman served as superintendent of Maryland's Wicomico County schools [http://www.wcboe.org/]. Holman has served on several national advisory boards, including the American Association of School Administrators the American Association for Supervision and Curriculum Development and the National Middle School Association. We welcome her comments and observations about how the rubber meets the road on these issues, and move from theory into practice.

I also want to welcome Jennifer Norton. We're very pleased she could join us. She is a high school teacher from northern California. She currently teaches AP European history and AP art history, world history and English. She's been really active in the California Three Rs project, which has dealt intimately with these issues for quite a while, and she's been active since '93. She's served on the Steering Committee and conducted teacher in-service training out there, and also in other states, including Washington and Tennessee. She's co-authored some teacher's guides on religion in American life and has served as a consultant to textbook creators on the issue of teaching about religion and world history classes.

I welcome them both to the conversation, and feel free to launch us on the next segment.

MS. EVELYN HOLMAN: As a superintendent of a public school district on Long Island – Bayshore, which is midway out on the Island, right as you go over to Fire Island; people recognize it from that – I can tell you that we're trying to do all of the things that you heard about last night and today. When I say a superintendent's job is also messy and complex, it's because we are trying to find common ground, to make sure that all of our students and our community can understand that part of the public school goal is to make sure that we do have students who respect each other and that we do try to address some of the issues.

We have come a long way. I remember 15 years ago when Buzz and Charles visited Wicomico County schools, and many of the issues we discussed then are the same issues we're discussing now. We may be a little more informed, the controversies may be a little more civil in how they're framed, but they're still there and people are still seeking answers. Let me put it in a framework of what I've tried to do in providing leadership. I was there when the Williamsburg Charter was signed, and I was there when Buzz and Charles addressed some issues in Wicomico County.

Each school district is very different. There are only 24 school systems in Maryland, so the superintendents could get together in a room and make some decisions on how we were going to proceed as a state. In New York, there are 70 superintendents on Long Island alone, and each individual town has very strong feelings about what that community embodies.

It seems to me that public schools have to address the issue. You remember that Jefferson said that a nation that expects to be ignorant and free, expects what never was and never will be. When he was asked what should go on his tombstone, he talked about the Statute of Virginia for Religious Freedom and the founding of the University, because of his deep feelings about what it would take for us to become truly a nation. I am an advocate for public schools; I believe that so goes public schools, so goes our nation. I think that we really are the background, we are where we determine what it is we're going to be as a nation. The majority of students will go and are going to public schools, so I think it's incumbent upon every citizen to understand what that mission is.

People talk about the Three Rs, but I always talk about the three Cs. And the first C, as I see it, is content. Knowledge is power, and knowledge is what schools should be all about. I thought the framework that we had last night from Professor Butler really considers what I consider to be the heritage, the history, what we are trying to do with young people in this country. It is very, very difficult to keep teachers and students involved with content and knowledge.

When we talk about the Three Rs, we're really talking about parents sending students to us to get the best. Obviously the content is often Western civilization, but that content becomes controversial. And I think that if you don't navigate those waters, if you don't bring the community together, you do a great disservice to the students. I was hired by the Bay Shore School Board because there was a great deal of conflict in the community. Teachers were on strike, budgets were not being passed, there was controversy, cultural wars were going on. They really looked at what we had done in Wicomico County, and I was retiring from the Wicomico County schools. And they wanted the community to pull together. Basically, the citizens had said almost a pox on both your houses. I think sometimes superintendents and administrators have so many demands on them, just as teachers have so many demands, that it's easy to say, just stay away from the controversy. But they do such a disservice to students and a disservice to teachers by ignoring the very important place that religion has in our history and in our culture.

I want to give you just a few examples of how these issues play out. When Charles and Buzz were in Wicomico County, we had a Board of Education president, Cal Nago, just a brilliant man, whose daughter was in the gifted and talented program. She wanted to do a paper – she was Catholic – on Martin Luther. The assignment was to pick a person in history who has brought about change. And she wanted to do a paper on Martin Luther. She thought

that he certainly was a man who had brought about change. And the teacher asked her not to do it, because the teacher thought that would be controversial. Now think about that.

I still see bits of that in teachers not being prepared, not having the background to really understand, sometimes even the literature they teach. When James Joyce's *Ulysses* was named the top book of the century, I wondered how you can understand what's going on in *Ulysses* if you don't understand Catholicism, if you don't understand the Catholic mass. You can't understand the references. When we have students who do not understand biblical reference, are we not depriving them of parts of their national heritage?

I think it is messy, I think it is difficult, but I think it's something that has to be done.

I talked about content. The next C is critical thinking. Sometimes we superintendents think that students question too much, like when there were lots of incidents of civil disobedience that came up with the war. But I think public schools and schools in the United States do this better than any other country.

The discussion that has to go on about religion, has to go on every day. You can't turn on the news and be informed of what's going on, if you don't understand religion, if you don't have a background, if you're not willing to discuss and question. So when I talk about critical thinking, I also think about the teacher.

Let me give you an example of the issues involved with critical thinking and teachers. We have the Ethnic Pen Conference each year, and we had Frank McCourt come and talk three days after he won the Pulitzer Prize. One of the wonderful things about being in New York is you have access, just as you do here in Washington, to wonderful people who are willing to share their expertise with the schools. We were doing some preliminary talks with teachers about preparing students for his talk. The teachers had read *Angela's Ashes*, and one of the young, very bright, enthusiastic English teachers, kept saying, "Well, I just don't understand why Angela just didn't leave him," not understanding the background in Ireland, and not realizing that up until the last decade, divorce wasn't even recognized in Ireland.

We are diverse in Bayshore. Twenty-five percent of our students are very wealthy, 25 percent are very poor. We have students who fly to Switzerland to ski over the holidays, and we have students who do not know whether they're going to have a meal on the table for the Thanksgiving holidays. We have 20 percent Latino. We have 20 percent African American. We do, I believe, have a diverse district. And so the discussions we have are indicative of what America is all about. I feel that we are America in miniature.

The cultural information that's necessary on a daily basis, then, for students to be able to not only take in the concept, but to have the critical thinking process that's necessary, means that we have to constantly be training teachers, just as our teachers retire and our administrators retire. I had Charles and Buzz come up and talk to our teachers in Wicomico County, and they came up to New York as well. It's an ongoing process. You never get rid of the controversy, it's always there. And I could give you more specifics, but we'll talk about that later.

I just worked with two young boys who wanted to go to the Naval Academy. One of the questions on the interview is always, What's the difference between right and wrong? What would you do if your officer gave you an order that you thought was morally

unjustifiable? Couldn't you just do a course on those two questions? Think about that and think about what Professor Butler said last night about what we're trying to do is have students take the content, be able to apply and for them to think about what it is to be a human being. What is it that we're trying to do in the public schools when we turn out an educated person?

And the third C I always use is character, civic virtue, whatever you want to call it. What does it profit a man if he gaineth the whole world …? What about having the content and the critical thinking if spiritually, if in terms of faith or not having faith, a student has no process or purpose in his life to address the issues that are out there in our society? We spend a great deal of time on that. We do a lot of work on those issues. We are the only district that I know of on Long Island or in New York, or, indeed, so far in the U.S. – and I would be happy to hear of others – that not only has a national honor society but also has a service honor society.

So if a student doesn't care about himself, his school, his community, about supporting each other, you are missing something. We work with this from kindergarten on. We think that it is important for students to take their thinking skills, to take the content and apply them to their lives and their communities; we expect that from our students.

Is it difficult? Is it time consuming? Is it messy? Yes, just as when we were going to select a logo for the school system. We had contests. We involved parents. We involved students. You create a culture of the school, and you can get the trust of the community. You have to do a process, because if you don't have the trust – and I think this is the problem – when the controversial issues come along, then it does become a war rather than a process that we all come to the table. You involve the people who need to be involved. But you have to really take people through the process, and I understand why superintendents get concerned about this and administrators, because it is so time consuming.

Those are the three Cs.

Where we go from here? I would have some more to say about this later, but we have to look at the "No Child Left Behind Act." [http://thomas.loc.gov/cgi-bin/bdquery/z?d107:h.con.res.00289] I'm very much concerned about this. In New York we call it the "No Child Left Alone"; you have to be careful on how some of these things are implemented. There are 81 ways now that a public school can get on some kind of failure list. We had to sign off on so many different lists that we're accountable for. I found it almost insulting that on March 15th, every school superintendent had to sign off that, as a condition of receiving federal funds, etcetera, etcetera, we did not deny participation in constitutionally protected prayer in our public elementary school. I understand why they're doing this in terms of accountability, but do you realize that if people do not understand, if you haven't done the basics, if a teacher doesn't have the content background, I don't want him teaching about religions if he is not or she is not prepared.

I just got elected to the College Board, and I think it's interesting that now there's going to be a certification process in which you actually have to go through the College Board training to be an AP teacher. I just cut 20 positions out of my budget. My staff development has been cut. I have a wonderful community that supports our budget, but we're vying very often, in terms of electives, with so many federal mandates that are coming down, and so much unaccountability, that I think that it's going to scare administrators and school

superintendents even more. And that will be a shame, because I think the process and our students are worth the effort to make sure we do all the things that we have been talking about.

JENNIFER NORTON: I have a very different experience, of course. I'm the voice from the actual trench, being a public high school teacher in very financially embattled California, at the moment.

I want to briefly share when and how my life as a teacher intersected with these issues. It was very early in my teaching career, which is my second career. I began teaching in Northern California. I live up in the foothills. It's a very small rural community.

About three years after California passed what was then quite a revolutionary new set of state frameworks for the teaching of social studies – which included quantitatively more content about religion – our school district was struggling with the way to implement this framework effectively. I was sent as the lone representative from my school district – probably because I was the first-year teacher who couldn't really say no to this – to an early training that was put on by Charles and Buzz in Sacramento.

That was in 1993, and I've been involved with this project ever since then. I saw some ways that I could be helped to be a more effective social studies teacher because I was going to be able to gain a lot more knowledge about teaching about world religions. However, as it has evolved over the 10 years that I've been involved in this project, I have realized that teaching about religion is important and it comes up in obvious ways in history, in social studies curriculums.

But these issues are even bigger than that, and they intersect in many more ways than just teaching about religion in social studies classes. The other thing I've noticed is that every community is different. I happen to teach in an area of California that has virtually no diversity. I suppose you could characterize it as a white-flight community. We're outside of Sacramento. We have very little cultural religious diversity at all in our school district. We're one of the three counties in the state that votes overwhelmingly Republican and is about 96 percent self-identified white/Caucasian. You wouldn't necessarily expect to find that in California, but that's the reality of where I teach.

There are several ways these issues intersect with my life as a teacher, and especially as a teacher-trainer because I quickly became that inside and outside my district. Religion intersects with people's concerns about science curriculum, especially with biology issues. Religion intersects with people's very deep concerns about sex education curriculum. Religion is connected in social studies areas where you wouldn't really think there was a lot of religious content, like in the 6th grade curriculum in California they teach an early man unit, which is hugely controversial in our district because of people's religious beliefs about human origins. Religion connects with holiday activities, and in small communities, some of these traditions are so deeply held.

When you start to talk about and open up these doors, it isn't comfortable. I've written a couple of articles for our local newspaper. One of them was after 9/11, when there was a very inflammatory letter that was written to the local paper saying, This is all because we took prayer out of the schools. I couldn't just let that one lie there, so I wrote a guest commentary. For weeks afterwards I got phone calls and letters from minority members of

the community who thanked me for being brave enough to publish this article and being a voice for them, because being so in the minority in the community, they felt that they couldn't speak out about these issues.

Sometimes it is difficult and it is hard. I'm the religion person in the district, and people come to me when these issues arise on a weekly, if not daily, basis. Just the other day an English teacher came to me about a student's paper. In an A.P. English class, I think they were reading *Hamlet*, and they had a discussion about purgatory. One of the essay assignments was to analyze a character's feelings about purgatory. So one student, who had had no concept of purgatory – she'd never heard of it, which is why they had the discussion explaining it – she wrote an essay that was a rebuttal of the concept of purgatory, but it really didn't have anything to do with the assigned prompt. This teacher was very upset about this. "I can't give her a passing grade," she said. "This essay didn't conform to the assignment. What will I do?"

It has been interesting to me to see how these issues come out in our district. I would say the vast majority of parents, probably approaching 100 percent, have no intellectual or philosophical disagreement with their children learning about Hinduism and Islam and various world religions. The hardest part in the discussions is when we talk about Christianity, about their religion or religions around their religion, when the beliefs sound a little similar to what theirs are but maybe aren't the same.

I advised this teacher not to give the student a passing grade, but to give her another chance. Speak with the student, maybe speak with the parents and the student. I opined, and I'm not sure if this is true, but probably if the assignment had been dealing with a piece of Hindu literature or a character that was a Hindu and the assignment was to analyze this character's understanding of Hindu beliefs about reincarnation, the student, because that was a belief so distanced from her own beliefs, would not have had much of a problem fulfilling that assignment. But because this set of beliefs butted up against her own very strongly held beliefs, she couldn't distance herself from this religious set of understandings.

I have found that it is those more subtle ways that these issues come up on a daily basis. More and more teachers are being afforded the opportunity to get the kind of rudimentary knowledge that they need to fulfill their state mandates, to teach about the various world religions. But it's in these other ways, when students ask you what your faith beliefs are, when you open that door, that uncomfortable conversations are going to happen. This is why that teacher talked to Charles and said, My principal doesn't even want me to go there. You have to be willing to put up with those uncomfortable conversations or deal with them or understand or figure out how you're going to respond to them.

In my classes, every year, when we get to that part of the discussion about the rise of Christianity, as we're reviewing some curriculum that they had learned in the 7th grade, we will discuss Christianity as it evolved. And I will always have students who will say, Well, there are Christians and there are Catholics, but Catholics aren't Christians. We have quite a large community of Latter Day Saints, and there are many other students who are taught in their homes that the Latter Day Saints are a cult. Students are quite willing to say these kinds of things in the classroom, and you have to be ready for them and ready for how you're going to moderate discussions like that, which aren't comfortable. In many ways it is much, much easier not to go there at all. I think that's why we're here.

In closing, it was very interesting to me that Professor Butler opened his discussion last night talking about how we shy away from this discussion about religion, even on an intellectual basis. At our dinner table, we had a wide-ranging conversation that was very interesting. I'm also very involved in Holocaust education, and we were talking about Holocaust survivors and how so many of them did not talk to their own children about that fundamental experience. Most of the survivors I've met and spoken to, and at this point it probably numbers more than 20, began to speak about their experiences as much older adults, and most of them in some form that had to do with education. They would speak to school groups.

Then we started to talk about Japanese Americans, and there's a large community of Japanese Americans who were interned. Again, the common thread was that they don't talk about it. Many of them, they just moved on with their lives, but many of them now will come into the schools and talk about that experience. Similarly, we went on from that thread of conversation to children that came here or their parents from Vietnam, Laos, Cambodia – again, not talking about those very formative and important and fundamental experiences in their lives. Maybe as Americans there's just something about the culture that just doesn't want to talk about these very personal things, but they're so deeply embedded and so important, like religion, and yet education is the door through which most of these issues are discussed. Obviously, we just have to keep that door open and open it wider.

MS. ROGERS: Thank you so much to both of you. I think there are going to be so many themes that we develop, but one of them is pain with a purpose. We keep talking about how all these things are so painful, yet they are important.

It's been a long time for us talking, and I want to make sure that we get questions. So let me go ahead and turn to you all now. If you can raise your hand and wait until a mic gets to you and say your name and fire off a question or a comment, that would be great. Just on the transcript issue, our traditional practice is to post transcripts of all sessions of the conference. That's our working operation, so unless anybody has a problem with that, we will post the transcripts on our Web site after the conference so you can get all that information there. That also makes it important that you do wait for a mic and speak into the mic and know that that will be a public document. Somebody want to fire off the first question?

MR. HAYNES: Or a comment about where you think we are; it could be where you think we are now at this point in our history.

MARVIN BERKOWITZ: I'm Marvin Berkowitz. I wanted to go back to one of Evelyn's C's, the critical thinking piece, because that was something that I've been reflecting on while I was reading Warren and Charles' book. I sense – perhaps I'm wrong – a tension between this notion of objective teaching and learning respectfully about each perspective and the critical thinking piece.

My area is moral development and moral reasoning and character education, and I hear in Evelyn's comments, particularly, a very rich perspective on how a district can take on the mandate to promote the moral side of children. Sizer and Sizer [*The Students are Watching: Schools and the Moral Contract,* by Theodore R. Sizer and Nancy Faust Sizer] talk about the notion that grappling in high schools is critical to the formation of character and the intellect of a whole person. And I don't know how you do this. Are we proposing

encapsulating religion and saying, Okay, you can grapple and be respectfully critical and you can disagree respectfully with each other all you want, except when we get to religion? That's one thing I hear. Is the Constitution telling us this one is out of bounds?

Then I'm hearing Evelyn and other educators say, No, the core of education and the core of good child development is giving children voice. Evelyn's done it very nicely in her community, in a microcosm. That's exactly what we promote doing with kids in schools, giving kids voice, making them feel empowered. We do surveys of kids in schools and ask them about a variety of their perspectives on the school. One of the things we find over and over is they sense they have no voice, no autonomy, and they're right – they don't. They have no voice of autonomy in schools.

This is really a question for all of you, from the constitutional and all the other points of view: Are we encapsulating religion and saying we treat it differently? You cannot respectfully critically disagree, or can you?

MR. HAYNES: I think you can. I think you have to, but I think there are a couple of caveats. Religion is different, for historic reasons and for constitutional reasons. But having said that, we ask teachers in various subjects, social studies, for example, to teach about political differences. We don't have a Republican school, except maybe in your district – (laughter) – and we don't have a Democratic school. In some ways, religion is like the other topics in that we ask teachers to handle where people are divided and different, and we try to prepare them to handle those controversies.

First of all, one has to think about age appropriateness. I do think in the younger grades when we talk about teaching about religions, we are talking more about the shared common understandings within these religions of the basic practices and beliefs. I think the older students are going to get more into some of the differences within and between religions, and I think that is where the challenge does come for the critical thinking.

In saying the teacher must be neutral among religions and between religion and non-religion does not mean that the teacher doesn't encourage inquiry, looking at these issues and investigating them. The teacher does not have to ask the students to be neutral but, rather, ask the students to think about what they're learning. I think that that would be similar to other subjects except that the teacher needs to be more cautious, perhaps than even with politics, though I think the teacher needs to be cautious there as well. Constitutionally, the teacher has to be much more careful when it comes to religion, although, professionally, there are lots of topics about which we ask teachers not to take sides and still encourage critical thinking.

For the kids in discussions, I think a very effective way to handle this – I'm interested in Jennifer's response to this on the ground – is for teachers to take the opportunity at the beginning of each year to say, Let's let the students in on this conversation, let's talk about the civil ground rules for how we're going to address our differences, religious or otherwise. When teachers are proactive about setting up a specific framework in the classroom, getting the students to develop their own civic ground rules for how you differ when you debate and when you engage, they have lively discussions in which students disagree about religion, about politics and so forth. But most of the time it's civil, and most of the time teachers and students find that they have created a public square that is very unlike this one, one which is more civil and respectful. But it does take that work. As Evelyn suggested, waiting until the issue has become a conflict, waiting until the Mormon student says something about the

Catholics, and then trying to deal with it is very difficult, if not impossible. I think it really is a civic character education issue in the beginning of the year, to create the culture in the classroom that allows differences to be discussed with respect and dignity.

And I don't know, Jennifer, whether you find that works?

MS. NORTON: Yes. When you talked about empowering, what I think, fundamentally, is that when you do decide to engage in that conversation, you have automatically empowered these kids, because you have acknowledged that they have a faith life that transcends their school life. You are acknowledging them as a whole person. Over the years I've learned how to do this in a neutral way. Take, for example, students' understanding of the Bible. As Evelyn pointed out, you can't teach literature without intersecting with a lot of biblical allusions. There are many, many students who don't grow up with any understanding of the Bible, but you can draw on other students' understandings of the Bible to help educate those who don't have that background. When you do that, you have pulled something out of their life that is not normally acknowledged in a public school and given that some validity and some power and some strength and said, You have some valuable knowledge that you can share in this discussion around that issue.

I understand what you're saying, especially with these issues that students feel very strongly about, like when they learn about some other faith's belief that so disagrees with their understandings of the world and their worldview. They should be allowed to express that disagreement, and I think there are some assignments or some class discussions where that might be valid. As a teacher, you have to figure out where that's appropriate and where that's not appropriate. Especially in the older high school years, you can moderate a discussion like that in certain classes where it's academically appropriate. I certainly think that's possible, but you also have to be so careful not to allow it to degenerate into some kind of brawl over religious beliefs. I think you do have to be really careful with that one.

MS. HOLMAN: And she has to be supported by the administration, by the district. I once had two administrators who were conservative Christians who really were very much concerned about some items and sometimes bordered on proselytizing, and we had to do some work with the administrators to show them the way. And we had to work with the community so that it was helpful to its teachers. Teachers need to be able to go to fellow teachers, but they have to look for leadership from the district and for curriculum answers. So it's one thing for it to be on paper and another thing for it to be implemented. It's one thing for the federal government to get all these 70 school superintendents on Long Island saying, "Oh, no, we don't abridge anyone's freedom." It's another thing to see the reality.

JOE LOCONTE: Joe Loconte with the Heritage Foundation [http://www.heritage.org]. I think probably everybody would agree that we don't want public schools to engage in religious discussions in any way that would undermine the religious beliefs or commitments of children, right? So what I'm wondering for you guys there in the public schools, is there an age level or a grade level at which it's simply inappropriate to try to raise these issues about religious faith or engage in discussions of comparative religion, for example, where the kids just don't have the critical faculties to really evaluate it and discuss it, and could potentially undermine their religious views, whatever their religious views are? Is there an age level or a grade level that's just inappropriate to even go down that road, from your experience?

MS. NORTON: I am a high school teacher, but, instinctively, I would say from the youngest grades you can certainly create, as Charles was saying, a classroom climate where it's clear to the students that everyone's worldview and conscience is going to be respected in the classroom, without explicitly talking about religion.

I know Evelyn keeps saying – I just need to address this – that you need the support of your district. I will say that our district did send me to this training originally because we were having huge culture war issues over this, and over the past 10 years they have been very proactive in dealing with these issues. That's why teachers come to me as the religion person in the district, because I am the person who has, at various times over the last 10 years, done teacher training at every level, including with the school board and the administrators. So they come to me because they know I have the resources.

But, yes, I think that's a very important piece. At the younger levels, for instance, it was a little difficult in our district when we started to address the December dilemma issues because we had an elementary school in one of the towns that got small, little, live Christmas trees for every classroom from the fire department. It was a tradition in the community. And when we eventually got around to stopping that practice, lots of people were very upset. My own son came home and complained that my work was taking Christmas away. His teacher had chosen to do a "Holidays Around the World" project instead of anything Christmas-y. In the end, everyone agreed that the alternate assignment was much more valid academically and more inclusive of all the children in the class, and the students even had some fun with it and learned something.

We do become more explicit about teaching about different religions in the late elementary years, around fifth and sixth grade. When we look at world cultures, we look at the rise of Christianity and the rise of Islam and so on. Obviously then you have to address it explicitly from middle school on.

MS. HOLMAN: There are things that are age appropriate. I had a teacher who wanted to use *Schindler's List* for middle school. That's too young. But when *Schindler's List* first came out, I was in Wicomico County. It's an R-rated film, and there was a policy that we never took a student to an R-rated film. But Steven Spielberg was willing to show it free to the schools. The other districts on the Eastern Shore chose not to allow their students to do it, but we referred it to our committee and the 11th and 12th graders came in and said, If we're not mature enough to go to *Schindler's List* and you can't prepare us to discuss it, then you've failed in educating us. So there's a danger in educating your students, and you see that when you hear your words coming back to you. (Laughter) So when we took them, we did a few days of preparation. Any student who went to *Schindler's List* had to come back afterwards for the discussion, so they had a chance to really talk about their feelings.

All of this content has to be age appropriate. We had a teacher who wanted to teach *Grendel* in the 9th grade. The students don't read *Beowulf* in our curriculum until the 10th grade. Why in the world would we allow a teacher to do *Grendel* in the 9th grade? Yet some of the teachers were saying, Academic freedom. We looked at it, referred it to the committee, and, in the end, the seniors used it; we did not use it at a younger level.

I think you have to be very careful and work through that process and educate your people. I also think you have to have a group that deals with complaints about textbooks or complaints about someone wanting to take a child to an R-rated movie. And, of course, we

always get the parents' permission and make sure parents are informed. But you should already have a base of trust and a process so that you're protecting the teachers when they make some of these decisions and, sometimes, protecting the new teachers or the young teachers from themselves.

MR. HAYNES: I would only add, Joe, that I think a lot depends on the word "undermine" in your question. If we mean by that that exposure to religions other than one's own at an early age undermines one's faith, then I don't think the public schools can meet that standard of undermine. In public education or in any school, we're in the business of educating, and I think this really is a K-12 issue. Without the building blocks of understanding something at least about religion early on, we really have a difficult time in the later grades addressing religion in a critical thinking way, as Marvin suggested. We really have a difficult time if there's no foundation. When religion is addressed as it naturally would come up, in terms of who's in our community and so forth in the early discussions about what different families do, that lays the foundation. If religion is not brought up then, that sends a message that it doesn't count or it doesn't matter or it doesn't exist, and, of course, that's not the case. So I think for all kinds of good educational reasons one has to teach something about religions very early on, but in limited and careful ways, in age appropriate ways.

That, I think, is the "undermine" question: It could be undermining at any point if it's done poorly, inaccurately or if it's done in a way that somehow denigrates or imposes religion. So in that sense, undermining could come about at any grade level. But undermining in terms of exposure, if someone would say, "I don't want my kids exposed to any discussion of anything about religion at least until high school because it might undermine my faith," they may not be able to stay in a public school setting. That may not be a good place for their educational experience, because, if we do it right, that is the mission of public education. I've found that when parents understand this, they are happy to get on board for the most part, as Jennifer said about her community. I think there is general understanding that education involves learning about various religions, differences and so forth, even at an early age.

I think most parents have the big question, How are you going to do it? Are your teachers prepared? As I think Evelyn said earlier, if they are not prepared, if they don't know how to do it, then let's not do it, let's not embark on something unless we're going to do it well. And if we don't do it well, then I think we undermine it.

BOB MILLER: I'm Bob Miller. I do the legislative work for the Christian Science Church at Congress [http://www.tfccs.com/index.jhtml;jsessionid=REXES0DXNGX1LKGL4L2SFEQ]. I realize I'm speaking to an enlightened crowd, and I'm not an educator, but I have spoken to classes about religion in my job. As much as I like what you say, I keep hearing you say, You must be careful, you must be careful, you must be careful. And my question to you is, for a non-educator to evaluate or have a gauge on what you're saying, what are you risking? What is the threat to the teacher?

MS. ROGERS: Thank you. Before any of our answers, let's get one more question, from this lady over here. Then we'll let anybody finish with quick answers so we get to lunch.

NICKI BENNETT: I'm Nicki Bennett. I teach in South Virginia County, about 50 miles south of here. And in the state of Virginia we have SOLs [standards of learning]. I teach world geography to 10th graders, and part of the SOLs is to teach some religions. We teach Christianity, Judaism and Islam with the Arab world region. And then we have Shintoism, Taoism, Confucianism, Buddhism and Hinduism with the Far East region. We have very minimal guidelines in the SOLs for exactly what we're supposed to teach about these religions.

So my concern is that because of the SOLs, I have certain things that I have to teach about these religions, but because of the historical as well as the religious realities, I tend to spend more time and have to spend more time on Christianity, Islam and Judaism rather than the Far Eastern or Asian religions. We are now becoming a more diverse area, and some of my students may be Hindu or Buddhist. I don't know how they are going to feel when they're sitting in my classroom and I am not giving their religions their just dues.

I don't know what I need to do personally, but also I think that possibly the state of Virginia needs to address some of these issues when they come up with the guidelines for the teachers to follow in reference to the religion issue. Do you have suggestions?

MS. HOLMAN: It's a tough one, yes. In New York, every time you teach the Holocaust, you're supposed to teach the Irish famine. Pataki brought that in. With a strong Irish Catholic population, do you think that was a political decision? I'll leave that up to you. But there's never enough time. There's never enough time to teach the grammar and diagramming sentences that people want us to, and then the other literature. Talk to any English teacher. I'm always appalled at the lack of time, that a student doesn't know who wrote *Dr. Jekyll and Mr. Hyde*, but they're going to see it on Broadway.

So do your best, talk to your committee, if that exists, and talk to your students. We have so many different nationalities. We have a Bible club. We have a Koran club. We have so much, but I'm sure there are students who are in the same situation. But we seek, when we're teaching other religions, to talk about why we're doing it, and I think that that sense of caring about each individual student will permeate.

MS. NORTON: Yes, I wanted to respond to Bob's question, what does a teacher risk. The immediate response that came to my mind is, the trust of the community. It's the biggest thing that you risk if you are not perceived as a fair, objective and neutral broker of information in the classroom. And in my community obviously that's huge and it was huge across the nation. In my estimation that's what sparked the entire backlash against public education following the *Schempp* decision, going into all of the challenges to public education that came mostly from the conservative Christian community. Much of it was justified, because there was a sense that the education community was saying to parents, We're the experts; hand your kids over to us; we have all the answers. And the parents were left out of the equation.

If you're not careful, you end up violating the consciences of students in your classroom, if you're not careful about being very inclusive. And this is why I try to tell elementary teachers when they're planning their December activities, There are many faith communities that don't make waves. They'll just exempt their children out of these activities. But why should they have to do that? What is being said to those children when the rest of the class is having a party or cutting out chains for the Christmas tree, and they have to go off

to the library and read by themselves? I think that's what you risk. And it will have repercussions somewhere down the line. If not from those parents who are willing to put up with that kind of a situation, then somewhere down the line the repercussions will come.

MS. HOLMAN: But you can only lose the trust if you have it. And you have to establish that trust first, as a teacher, as a school district, as a school.

MS. ROGERS: I was just smiling as Jennifer gave her very eloquent answer because I'm sitting here as a lawyer saying, What do you risk? Lawsuits! Lawsuits! (Laughter)

MS. NORTON: Or your job.

MS. ROGERS: But of course trust in the community and these things, that's the right answer.

One thing about your SOL question: It is the role of these different groups, many of whom are represented here, to pressure the political system to define the SOLs that then come to you. And I hope we get to a discuss of that later in the conference.

MR. HAYNES: I think your question is really one that we hope to address throughout the conference. It's a big question, and the only thing to say, I think, at this point would be that this has really raised the stakes here. Your question is really about whether or not there is a future for this conversation. There doesn't seem to be much room to really be creative in the curriculum. We need to say this is what we need to include that's missing, this is what is educationally important because of the pressures you're talking about. I think we need to address that head on. There are state leaders here, there are certification folks, there are teachers. I think that it would be interesting to hear what people think of some of the ways to address these barriers, because there is no way an individual teacher, however well meaning, has much scope in many settings to be inclusive, creative, fair-minded and so forth given those pressures. So that's one thing to say.

I think the other thing to say is that in the larger sense, when we talk about whose religion gets in and how much we say, I think we need to think about how the First Amendment answer and the educational answer should be framed. We will not be able to give equal time in the curriculum, but we will try, I think, to be as fair as possible, to at least hear the major voices and maybe some of the minor ones. But clearly, with all of the different religious expressions in this world, it's impossible to include them all. But can we make a good faith effort to say this is what a good education should be? Can we say, in this subject, for this grade level, this is what students need to be well educated, as best we can say it should be? That should really be what states think about when they decide about religions and about how much and how little and where it goes. They should really think about what is educationally important.

Unfortunately, since teaching about religions is not seen as that educationally important, when people are making these decisions, it's often an afterthought or on the margins. It has to be on the table, at least for discussion, so we don't put teachers in the bind of, I have just this much time, so I have to teach these and not these. I think those decisions have to be made more fairly, but that takes saying that this is something that needs to be on the agenda.

The other thing I would say about Bob's good question is really to echo Jennifer and to say it in another way. I think that when teachers – Buzz and I like to put it this way – go into that classroom, they put on their First Amendment hat. They represent "we the people." They represent the guiding principles of our nation, who we are. They are state employees, but I really rarely say that. I really want teachers to think of themselves as not representing a particular religion or political party. They have those affiliations, and they have the freedom to express those. But when they go into that classroom, they're putting on that First Amendment hat, and they are there for all of us.

So what is the danger if they're not careful? The danger is that they really undermine our arrangement, our liberty, our religious liberty and our constitutional agreement with one another. They can undermine it by how they fail to live up to the principles of the First Amendment. I think that more than anything else, we need teachers to be proud of that role, to take that role on and to see themselves as representing these guiding principles of liberty of conscience, of religious liberty for every single student and parent. I think if we recover that mission for teachers and education in our schools, in our public schools, I do think we will rebuild trust where it's been lost. I do think more parents will see public schools as being the honest broker protecting their rights and will believe that their worldviews will somewhere be attended to. But teachers have to be helped to see that that is who they are when they teach. And that's so deeply important for who we are as a people.

MS. ROGERS: With that, thank you so much to the panelists and to everyone.

(Applause and end of panel.)