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Twenty Years Later

I have reviewed this completed senior honors thesis with this student and certify that it is a project commensurate with honors level undergraduate research in this field.

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General Assessment - please provide a short paragraph that highlights the most significant features of the project.

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Twenty Years Later

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Introduction

Though the United States itself is a relatively young country, religion in American society has a problematic history. The religious fabric of the United States reflects the complexity and diversity of America's citizens; for centuries, immigrants have sought refuge in a nation that prizes tolerance and freedom of conscious. This fabric is comprised of interwoven threads of different traditions, histories, and goals for the future. The creation of this fabric marks the evolution of society based on religious principles to a nation that values the separation of church and state.

It might be said that the issue of religion is most volatile in the domain of public education. In the last century alone, conflicts have arisen surrounding school prayer, religious instruction, and the teaching of evolution, just to name a few. These conflicts were resolved only after reaching the United States Supreme Court. While the particular issues have been adjudicated, the emotions and convictions surrounding them still remain fervent.

This study will explore the apparent tension between the First Amendment's Free Exercise Clause and the Establishment Clause. In order to do this, the religious tradition of the United States will be briefly examined. To understand analyze current conflicts, it is important to understand the legacy that has been inherited. Next, this conflict, in the context of public schools, namely textbook selection and the influence of Christian fundamentalists and, in particular, the events concerning and leading up to the textbook controversy in Hawkins County, Tennessee will be evaluated. The following questions will be explored:

- When this tension arises, whose interests should prevail—those claiming that their free exercise provision is being infringed upon, or the government, which cannot “establish” religion?
- How far should school administrators go to protect the religious freedoms of religious sects?
- How do outside influences affect citizen mobilization in situations where religious freedoms are being ostensibly violated?

Finally, this paper will seek to suggest the implications of current statutes and controlling precedents upon the instruction of religious tolerance in post-September 11 American society.

Religion and American Political Culture

A Tradition of Religious Liberty

Religion has played an integral role in both the foundation and development of American society. Immigrants, from the very first settlers to current new arrivals, have brought their traditions along with them. Religious foundations provide the framework by which many individuals base their lives. As society grows ever more diverse, potential conflicts between various traditions become more apparent. In order to understand present tension, the foundation upon which American society was established must first be examined.

Though the Protestant Reformation had occurred a century before, seventeenth-century Europe found itself unable to cope with its effects.¹ Neither Catholics nor Protestants had a problem with the entanglement of government and religion; they differed only on which tradition should be the norm; in order to necessitate “religious uniformity” seventeenth-century Europeans “tortured, maimed, and murdered individuals, fought wars, and displaced populations.”² Looking for somewhere to practice their beliefs without the risk of torture, religious minorities began to colonize the New World. The initial North American settlements were established during a powerfully religious stage in Western history. As a result, most of the settlers were Christians.³ By 1642, an estimated twenty thousand Puritans had fled England, most of whom flocked to present-day New England. Once there, the Puritans “organized themselves top to bottom to create the kind of society they believed the Scriptures required.”⁴ Laws were often

¹ James H. Hutson, *Religion and the Founding of the American Republic*. (Washington: Library of Congress, 1998), 3.

² Hutson, 3.

³ James Hitchcock, *What is Secular Humanism? Why Humanism Became Secular and How It Is Changing Our World* (Michigan: Servant Books, 1982), 49.

⁴ Hutson, 7.

built on Biblical principles and magistrates were expected to “use the full power of the states to promote the agenda of the church.”⁵

Puritans were not the only religious groups to colonize what would eventually become the United States of America. By 1658, Jews that had been persecuted in Dutch-controlled Brazil had begun to migrate to New England, while Quakers settled Pennsylvania.⁶ One noteworthy Quaker, William Penn, was ostracized for his belief that true religious freedom was embodied in the separation of church and government (though definitely not government and morality⁷). Furthermore, German Lutherans and English Roman Catholics also escaped persecution and established communities.⁸ English Protestants settled most of the Atlantic coast, while French Catholics established communities in the Mississippi Valley, and Spanish Catholics settled Florida, the Southwest, and California.⁹

As the Founders were influenced by Enlightenment ideals, colonial sentiments reflected the belief in the preeminence of natural law, the idea of certain undeniable rights, the value of a written constitution, and rule by popular consent.¹⁰ Several states recognized religious freedom prior to the ratification of the United States Constitution; the Pennsylvania Declaration of Rights of 1776, for example, barred mandatory attendance at worship services.¹¹ The New York Constitution of 1777 assured its citizens the right to exercise their religious beliefs freely, without prejudice.¹² By 1787, it was

⁵ Hutson, 7.

⁶ Hutson 8.

⁷ Hutson, 11.

⁸ Hutson, 11.

⁹ Hitchcock, 49.

¹⁰ Arlin M. Adams and Charles J. Emmerich, *A Nation Dedicated to Religious Liberty: The Constitutional Heritage of the Religion Clauses* (Pennsylvania: The University of Pennsylvania Press, 1990), 8.

¹¹ Adams, 9.

¹² Adams, 9.

clear that the Articles of Confederation were not going to be strong enough to sustain the new country. When the new Constitution was sent to state ratifying conventions, the only reference to religion found in its text was in Article VI, which prevented the use of religious oaths as a qualification to hold state or federal office.¹³ After much debate, the present text of the First Amendment was agreed upon, though the Framers varied on their perceptions of the role of religion and the state.¹⁴ The text suggests, at least on its face, that while “the Framers intended the clauses to prohibit preferential treatment for a particular religion...” they did not intend for the state to sustain religion in general.¹⁵

The American “experience” has often been described as being exceptional; it is exceptional in that the Founders were able to form a new government that fosters plurality while promoting certain universal values. One of these values is religious freedom. The formation of the American system has been described as a “radical new experiment—a nation whose basic structure guaranteed freedom of worship for all inhabitants and forbade any union of church and state.”¹⁶ Furthermore, nowhere else in the world during the eighteenth century was religious freedom allowed and were citizens “free from the obligation to support a church whose teachings they might find unacceptable.”¹⁷ Though the freedom of religion is a widely-held value, the practice of religion and its role within society reflects an ambiguity with regard to the Founding Fathers: they sought to protect religious freedom and allow it to thrive, but some were also suspicious of religion as an institution.¹⁸ Thomas Jefferson, for one, wanted “to

¹³ Adams, 13.

¹⁴ Adams, 19.

¹⁵ Adams, 19.

¹⁶ Hitchcock, 50.

¹⁷ Hitchcock, 50.

¹⁸ Hitchcock, 51.

confine religion to narrow spheres of a largely private life, out of a fear that public manifestations of religion would lead to strife and possible bloodshed.”¹⁹ Perhaps of reflecting only suspicion, this view also reiterates or at least presupposes the importance society places upon tolerance.

The Role of Religion in the Development of American Political Culture

The influence of religion upon the American Revolution and subsequent formation of the United States is undeniable. The extent of the role religion played, however, is debatable. Theologians and philosophers that lived through the Reformation in Europe affected the Founding Fathers.²⁰ In particular, Martin Luther and John Calvin advanced the idea, eventually embraced by the American Founders, that God had created two spheres—“a heavenly one where the church exercised spiritual authority and an earthly one where the civil magistrates exercised temporal authority.”²¹ Erasmus, Thomas More, John Milton, Roger Williams, and William Penn all contributed to the idea that governmental management of religion “corrupted faith” and “coercion of conscience destroyed true piety.”²² Though religious in nature and in practice, the actual role of religion in early America is in some ways vague. For example, the Declaration of Independence acknowledges God, but the Constitution does not.

When considering religion’s part in the development of American political culture, certain effects are easily discernable while others are not. It is easy to see religion in church-state issues, for example, while the affect of religion on values and ideals—though certainly existent—is not so readily apparent. Religion, material concerns, and

¹⁹ Hitchcock, 51.

²⁰ Adams, 3.

²¹ Adams, 3.

²² Adams, 3.

secular ideas have all contributed to the development of “national political ideals.”²³ The American “experiment”—while certainly new—was not an isolated occurrence. Its foundation reflects the “commitment of the settlers and their descendants to the particular form of Christianity that emerged from the Protestant Reformation.”²⁴ The settlers were able to construct a society where the “Protestant images of God, humanity, and the church became the core assumptions of everyday thought.”²⁵ Religion has played a role in most of the major events in American history. By 1865, “religious influence in American life was pervasive...both abolitionists and slave owners appealed to the Scriptures” to justify their positions.²⁶ The line of reasoning that led to Prohibition had religious undertones. The Civil Rights movement was largely religious in “inspiration and leadership.”²⁷ In fact, appeals to religious convictions were shown to be highly effectual in “persuading people to reexamine their prejudices.”²⁸

Religion has played various roles in American life. During the 1980s, a religious movement closely aligned with the New Political Right emerged as a powerful force in American politics. This group described itself as being “anti-evolution,” “pro-life,” “pro-family,” and “pro-school prayer.”²⁹ Nationally, Christian fundamentalist groups have lobbied Congress for the passage of legislation supporting school prayer and tax credits for private schools, and even gained the support of President Reagan in an attempt to

²³ Kenneth D. Wald, *Religion and Politics in the United States*. 2d ed. (Washington, D.C.: Congressional Quarterly Press, 1992), 41.

²⁴ Wald, 42.

²⁵ Wald, 43.

²⁶ Hitchcock, 53.

²⁷ Hitchcock, 56.

²⁸ Hitchcock, 56.

²⁹ Eugene F. Provenzo, Jr. *Religious Fundamentalism and American Education: The Battle for the Public Schools*. (New York: State University of New York Press, 1990), xi.

include Creationism in biology instruction.³⁰ In fact, religion played an important role in the election and presidency of Ronald Reagan. According to one scholar, Reagan was able to use the presidency “to serve a grand purpose: to help spark the ‘spiritual revival’ he had always envisioned, in America and around the world.”³¹ President Reagan’s personal emphasis on religion and the often-coinciding issue positions of the Christian fundamentalist movement, thus, facilitated the movement’s rise to influence in many areas, but particularly in the arena of public education.

³⁰ Provenzo, xi.

³¹ Paul Kengor, Ph.D., *God and Ronald Reagan: a spiritual life*. (New York: Reagan Press, 2004)

Religion and the First Amendment

The First Amendment

The First Amendment to the United States Constitution reads, in part, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...”³² Many questions arise as to the scope of the First Amendment. Indeed, the language is ambiguous. While the “establishment” of religion is prohibited, “establishment” is not defined. Does establishment mean the support of a state-sponsored Church, as seen in England, or does the ban apply to all forms of government sponsorship, including tax breaks, subsidies, and monetary aid? Furthermore, the scope of “free exercise” is not enumerated. May practitioners violate local ordinances or state and federal statutes in order to exercise this right?

In adjudicating First Amendment claims, judges often turn to historical analysis in hopes of discerning the framers’ intent with regard to the scope of the religion clauses.³³ Yet with incomplete records and conflicting accounts, it is difficult to determine accurately the framers’ purpose for the religion clauses. Consequently, “the Court is often criticized for inaccurate historical analysis.”³⁴ For Justice Joseph Story, for example, the intent was not complete separation, as he felt that “support of the Christian religion was distinguished from forcing the consciences of men or punishing them for worshipping differently.”³⁵ On the other hand, as American society has modernized and become more pluralistic, interpretation of the religion clauses has changed. In Justice Douglas’s

³² *United States Constitution*

³³ Karen T. White, “The Court-Created Conflict of the First Amendment: Marginalizing Religion and Undermining the Law.” *Florida Journal of Law and Public Policy*. Vol. 6 (Spring, 1994), 181 at 184

³⁴ White, 185

³⁵ White, 185

opinion in *Zorach v. Clauson*³⁶ he contended that, necessarily, the separation of church and state is “complete and unequivocal.”³⁷

Inherent in the so-called “religion clauses” is a tension between the former, the Establishment Clause, and the latter, the Free Exercise Clause. The Constitutional proscription against the establishment of religion conflicts, in some circumstances, with individuals’ rights to free exercise. Disputes have come to be settled in the judicial arena; consequently, the United States Supreme Court has “exacerbated the problem by adopting interpretations of the establishment and free exercise clauses which suggest that those two proscriptions are often in direct conflict with each other.”³⁸ In fact, many of the issues presented to the Supreme Court during the last half of the twentieth century have “pitted the free exercise claims of one party against a government entity, which defended by claiming that accommodation would be an impermissible establishment of religion.”³⁹ Since *Everson v. Board of Education*⁴⁰ the Court has considered non-establishment and free exercise as completely distinct and independent clauses; regardless of whether they are considered one clause or two, the “original purpose of the provisions was to secure religious liberty.”⁴¹ This situation occurs in particular, though not exclusively, in the case of Christian Fundamentalists, those Christians who believe in a literalist interpretation of the Bible and the inerrancy of God’s Word. By not including Christian beliefs and ideals

³⁶ 343 U.S. 306 (1952)

³⁷ 343 U.S. 306 (1952) at 312

³⁸ Roald Mykkeltvedt, “Tension Between the Religion Clauses of the First Amendment: *Mozert v. Hawkins County Public Schools*,” *Tennessee Law Review*, Vol. 56 (1989), 694.

³⁹ White, 182

⁴⁰ 330 U.S. 1 (1947)

⁴¹ White, 187

in the certain areas, especially in the arena of public education, Christian Fundamentalists contend that their right to free exercise of religion is being infringed.⁴²

What is Secular Humanism?

In the most rigid sense, a “humanist” is a person who is interested in the humanities.⁴³ Humanism is “an alternative to traditional religious faith.”⁴⁴ Unlike other systems of thought, adherents to humanism do not require the presence of a supernatural either for answers or for the promise of an afterlife. According to Morain, humanists do not think that people “need the promise of a heaven after death to be just and kind to others.”⁴⁵ Though humanists do not require a belief in the supernatural, they do not agree as to whether individuals may have a religious encounter that does not involve some aspect of the supernatural.⁴⁶ The approach to the physical worlds described by humanists is, in their opinions, more important than the conclusions that may be drawn from any inquiry; likewise, it is stressed that one remain “open-minded” and frequently “suspend judgment”.⁴⁷

Though no exact definition of humanism exists, and humanists themselves disagree as to a comprehensive definition, there are some points of general agreement:

1. Humans are, in every respect, a part of nature. They are a natural product of evolutionary processes.
2. We humans, like all other living things, must rely upon ourselves, upon one another, and upon nature. There is no evidence that we receive support or guidance from any immaterial power with whom we might imagine we commune.

⁴² See *Thomas v. Review Bd.*, 450 U.S. 707 (1981), which held that the denial of unemployment benefits infringed upon petitioner’s First Amendment right to free exercise and that accommodation would not contravene the Establishment Clause. Also see *Zobrest v. Catalina Foothills School District*, 113 S. Ct. 2462 (1993), which held that a state employed sign language interpreter in a religious school does not violate the Establishment Clause

⁴³ Hitchcock, 8.

⁴⁴ Lloyd and Mary Morain, *Humanism as the Next Step*. (New York: Humanist Press, 1998), i.

⁴⁵ Morain, 3.

⁴⁶ Morain, 9.

⁴⁷ Morain, 26.

3. We are able to meet the challenges of life in constantly more satisfying ways provided we are able to make fuller use of our capacities.
4. The meaning of life is that which we give to it. Happiness and self-fulfillment for oneself and others are richly sufficient life goals.
5. Moral codes are made by humans. Values and ideals grow out of the experience of various cultures, societies, and individuals.
6. The supreme value is the individual human being. Each person, of whatever race or condition, merits equal concern and opportunity. Laws, governments, and other institutions exist for the service of men and women, and are justifiable only as they contribute to human well-being.⁴⁸

Of particular concern to Christian Fundamentalists, as is reflected in conflicts over public school decisions, is the belief of humanism that contends that morals are relative; they are assessed with regard to their repercussions rather than some transcending value system.⁴⁹

To humanists, man represents the peak of the evolution and depends upon only himself to survive.⁵⁰

To add the adjective “secular” to the term “humanist” means, in simplest terms, that the ideology is completely contemporaneous. In Hitchcock’s words, “to call someone secular means that he is completely time-bound, totally a child of his age, a creature of history, with no vision of eternity.”⁵¹ Secular humanists deal with the present and are not concerned with the future.

It is not hard to see where just one conflict with other religions, namely Christianity may arise. After all, its main focus is on the afterlife and where each individual is destined to spend eternity. While Christianity and humanism certainly do not always coincide, they are not necessarily mutually exclusive. According to Hitchcock, Christians are humanists in the sense that they cannot submit to any ideal that debases humanity, thus renouncing the “goodness” of God’s creation.⁵²

⁴⁸ Morain, 28-29.

⁴⁹ Morain, 34.

⁵⁰ Hitchcock, 10.

⁵¹ Hitchcock, 10-11.

⁵² Hitchcock, 9.

Is Secular Humanism a Religion?

As previously articulated, secular humanism and fundamentalist Christianity often conflict, especially in the context of public schools. In this situation, state-sponsored schools are presented with the problem of educating its students to be good citizens and exhibit “moral” behavior without running afoul of the First Amendment. In order to determine whether secular humanist ideals reflected in school curricula, it must first be determined whether the philosophy is considered to be a religion in the sense that Constitutional protection warrants. The founders of humanism signed a document entitled “The Humanist Manifesto”—a document that describes the philosophy as religious humanism based on science.⁵³ Humanists do not necessarily deny the existence of God; they do, however, reject the notion that any belief in God can have any useful consequence.⁵⁴ The Supreme Court first acknowledged secular humanism as a religion in *Torcaso v. Watkins*.⁵⁵ Writing for the Court, Justice Black remarked, “Among the religions in this country...are Buddhism, Ethical Culture, Secular Humanism and others.”⁵⁶ Since secular humanism is considered to be a religion, schools must be careful not to prescribe its philosophies or prefer it, just as it cannot prefer Christianity or any other more traditional religion. To do so would violate the First Amendment.

⁵³ “Humanist Manifesto” (1933) available online. <<http://www.jcn.com/manifestos.html>> Accessed 19 April 2004

⁵⁴ Hitchcock, 11.

⁵⁵ 367 U.S. 488 (1961)

⁵⁶ 367 U.S. 488 (1961), n11 at 495

The Hawkins County Textbook Controversy

Genesis: the Hawkins County Textbook Controversy

Though the foundation of American society was based on a Protestant Christian tradition, the face of American culture is growing ever more diverse. As a result, government and subsequently public schools face a complicated situation. As the latter institution is charged with contributing to the development of a responsible citizenry, it must do so in a way that does not unconstitutionally burden its students' First Amendment rights. In the 1980s, this tension between government interest and individual rights revealed itself in the form of textbook controversies that surfaced in many public schools. Systems in places like West Virginia, Alabama, and Tennessee found themselves defending approved textbook against charges that the books promoted secular humanism.

During late August 1983, a not-uncommon controversy began to develop in an unexpected location—Hawkins County, Tennessee. Located in Upper East Tennessee, Hawkins County is fairly homogenous; not only are its citizens mostly Caucasian, they are also mostly Protestant. In fact, at the time of the controversy, over three-fourths of the population identified themselves as Southern Baptist.⁵⁷ Vicki Frost might have been seen as fairly typical; having left the workforce to raise a family, she was routinely involved in the education of her four children.⁵⁸ Frost was also a “born-again” fundamentalist Christian—she sought to shield her family from anything that, in her opinion, was contrary to Biblical scripture, including Santa Claus, the Easter Bunny, and Sesame

⁵⁷ Bernard Quinn, et al. *Churches and Church Membership in the United States 1980*. (Atlanta: Glenmary Research Center, 1982).

⁵⁸ Stephen Bates. *Battleground: One Mother's Crusade, the Religious Right, and the Struggle for Control of Our Classrooms*. (New York: Poseidon Press, 1993), 16.

Street.⁵⁹ The trouble in Hawkins County began when Frost's daughter Rebecca, a sixth-grader at Church Hill Elementary, asked for help with her reading homework.⁶⁰

Acts: Citizen Mobilization and Outside Influence

Textbook controversies had been occurring across the country by the mid-1980s. In 1961, Mel and Norma Gabler experienced a situation similar to that Vicki Frost faced in 1983—inspecting their children's schoolbooks, "they were appalled to find that the books endorsed one-world government, played down American accomplishments, and disregarded Christianity."⁶¹ They began addressing their concerns in the media and to the Texas state textbook committee.⁶² Like Tennessee, Texas is one of many states that adopt textbooks on a statewide basis rather than the district level; local school systems then chose textbooks from an approved selection.⁶³ The Gablers' influence with the Texas textbook committee was soon realized by book publishers—after their objections caused the committee to either reject or request extensive revisions, the companies began to submit texts that "already reflected the Gablers' well-known views."⁶⁴ Considering that Texas accounts for nearly ten percent⁶⁵ of national textbook sales, this fact is significant. They began to produce lists of books and textbook reviews to interested parents.⁶⁶

The Gablers, along with parents like Vicki Frost, object to the alleged elements of secular humanism found in modern textbooks. Some of the Gablers' objections (similar to those eventually raised by Vicki Frost and her cohorts) include the contention that

⁵⁹ Bates, 17.

⁶⁰ Bates, 16.

⁶¹ Bates, 25.

⁶² Bates, 25.

⁶³ Bates, 26.

⁶⁴ Bates, 27.

⁶⁵ Bates, 26.

⁶⁶ Bates, 27.

“new math...could ‘destroy the students’ belief in absolutes’ and thereby undermine his religious faith....”⁶⁷ The Gablers noted that humanists consider man the source of values and morals, not God.⁶⁸ Furthermore, they warned that parents “...often cannot notice his change from your value system until the process has been completed and THE DAMAGE IS DONE.”⁶⁹ Americans have long recognized the important role that public schools play in the development of its children—academically, socially, and ethically. In fact, Justice Powell wrote in the majority opinion for *Ambach v. Norwick*⁷⁰ that public education “fulfills a most fundamental obligation of government to its constituency”⁷¹ and that “the importance of public schools in the preparation of individuals for participation as citizens, and in the preservation of the values on which our society rests, long has been recognized by our decisions.”⁷² Performing this role—preparing children to become citizens and safeguarding societal values—provides the backdrop for conflict between the state, which is constitutionally prohibited from establishing religion and parents, whose value system are often religiously-based. Public schools are allowed to teach “civic virtues, including honesty, good citizenship, sportsmanship, courage, respect for the rights and freedoms of others, respect for persons and their property, civility, the dual virtues of moral conviction and tolerance and hard work...however, these may not be taught as religious tenets.”⁷³ The coincidence that many religions also promote these principles does not automatically preclude them from the public school classroom.⁷⁴

⁶⁷ Bates, 27 (quoting the Gablers).

⁶⁸ Bates, 27.

⁶⁹ Gabler review, cited in Bates, 27. Emphasis in original.

⁷⁰ 99 S. Ct. 1589 (1979)

⁷¹ 99 S. Ct. 1594 (citing Foley, *supra* at 297).

⁷² 99 S. Ct. 1594

⁷³ Richard S. Myers. “Reflections on the Teaching of Civic Virtue in the Public School.” *University of Detroit Mercy Law Review*. (74 U. Det. Mercy L. Rev. 63, Fall 1996) 65.

⁷⁴ Myers, 65.

Prior to Rebecca Frost's homework troubles, Mrs. Frost and a trusted friend, Jennie Wilson, had been discussing secular humanism and "other threats to Christian truth."⁷⁵ Garnering information from radio programs and publications by authors such as Tim LaHaye, neither Frost nor Wilson ever believed that Hawkins County would be faced with the problems faced by other less-isolated and more cosmopolitan areas.⁷⁶ As a result of her studies and from discussions with Jennie Wilson, Frost felt that Rebecca's textbook, the Holt reader *Riders on the Earth* appeared to advocate things contrary to her Christian principles.⁷⁷ She then took her concerns to Superintendent of Schools, Bill Snodgrass.⁷⁸ After this initial meeting, Frost and Wilson decided to elicit more support by urging other parents to examine the books; on September 1, 1983, over one hundred parents, children, faculty, and administrators gathered at Church Hill Middle School to discuss the books and Frost's objections.⁷⁹ This initial meeting launched a controversy that would prove to divide the community and instill harsh sentiments still not forgotten twenty years later.

Initially, the Hawkins County textbook controversy was just that—a group of concerned parents sought answers to their questions from local officials. Soon, however, outside national forces became involved. One might say external factors had already influenced the concerned parents, although the influence was one-sided; the influence was a result only of Frost and Wilson's research, not any direct involvement by the

⁷⁵ Bates, 18.

⁷⁶ Bates, 19.

⁷⁷ Bates, 19.

⁷⁸ Bates, 21.

⁷⁹ Bates, 21-22.

Gablers or any other group. This soon changed, however, when Vicki Frost personally contacted the Gablers, in Longview, Texas.⁸⁰

From a contemporary standpoint, it is difficult if not impossible to discern what might have happened had national organizations not gotten involved. This influenced citizen mobilization to an incredible degree; after Frost's conversation with Mel Gabler, she was sent "...a brochure called *Humanism in Textbooks*, a page of instructions on "How Should Objections Be Made to Textbooks?" and a sheaf of other papers."⁸¹ After voicing their objections unsuccessfully to the entire board of education for the first time⁸² the protestors formed a citizen group called "Citizens Organized for Better Schools" with parent Bob Mozert at the helm.⁸³ COBS, as it was known, "aimed to put the public back in public education."⁸⁴ An advertisement that appeared in the Rogersville Review on September 22, 1983 enumerated the beliefs of the organization; the beliefs included "teaching love of God and country, allowing daily prayer or silent meditation, prohibiting teaching of evolution as fact, prohibiting the teaching of secular humanism and "other false religions," teaching "factual truth with moral value," restoring "the dignity and conviction of education," and treating children as "unique and individually special" rather than "as a computerized statistic."⁸⁵ COBS only met three times; over the course of these meetings the attendance increased from twelve, to fifty, and then finally to around one hundred people.⁸⁶ The organization initially formed to protest textbooks; however,

⁸⁰ Bates, 28.

⁸¹ Bates, 28.

⁸² David W Dellinger. "My Way or the Highway: The Hawkins County Textbook Controversy." A dissertation presented for the Doctor of Education Degree. (Knoxville: The University of Tennessee, May 1991), 164.

⁸³ Bates, 68.

⁸⁴ Bates, 68.

⁸⁵ Dellinger, 173 quoting *The Rogersville Review* (Rogersville, Tennessee: 22 September 1983).

⁸⁶ Dellinger, 177

during this series of meetings, the vision of the organization grew to encompass other issues such as the pledge of allegiance, the need for a dress code⁸⁷ and even sex education at Volunteer High School.⁸⁸ As word of their complaints got out, and opposition grew, the COBS limited their objections to the textbooks once again. While COBS saw its participation and mobilization as an effort to take part in the decision-making processes that affected their children, the actual effect of their campaign was to intensify the school board's defensiveness; as a result of force from "other sources...local sensitivities" were aggravated.

The school board was not the only interest adverse to the COBS claims. Indeed, the reputation of the community was also at stake. Nestled in the foothills of the Appalachian Mountains, Hawkins County citizens are proud of their community and not likely to allow criticism to go unnoticed. Stephen Bates quotes Church Hill Elementary principal Jean Price saying, "a few local people, controlled by outside sources," were trying "to impose their beliefs on all."⁸⁹ Price went on to "apologize for the adverse, undue, and often untrue publicity that Church Hill Elementary School is getting."⁹⁰ In response to COBS, a rival organization, Citizens Advocating the Right to Education (CARE) was created.⁹¹ Unlike COBS, which had no formal structure and no formal leadership other than its "director" Bob Mozert, one of the CARE founders—Reece Gibson—sought to professionalize the organization by crafting a set of bylaws; these bylaws sought to, among other things, "Defend the Public Education System of America" and "promote every child's right to an education, free from...censorship by a fanatical

⁸⁷ Bates, 69.

⁸⁸ Bates, 83.

⁸⁹ Bates, 131.

⁹⁰ Bates, 131.

⁹¹ Bates, 131.

majority.”⁹² In addition to the bylaws, a board of directors was also created; five hundred and fifty people signed membership applications, and Gibson was named president.⁹³ CARE was not involved in the legal aspects of the controversy—they merely sought to fight for the support of public opinion by writing letters and appearing on local and national media.⁹⁴

The citizen mobilization resulting from this controversy is arguably unprecedented, at least for eastern Hawkins County. Outside influences played a huge role in educating the citizens as to what each side was apparently dealing with and in the national organizations’ opinions, the best way to deal with the problems faced. As previously mentioned, COBS gained much of their information, especially initially, from the Gablers’ textbook reviews. After consulting Kingsport attorney Les Bailey, they contacted Sam Ericsson, director of the Christian Legal Society’s Center for Law and Religious Freedom.⁹⁵ Perhaps most significantly, COBS became affiliated with Concerned Women for America (CWA), a conservative, Washington-based organization spearheaded by Beverly LaHaye.⁹⁶ CWA eventually supplied Michael Farris, an attorney who represented the parent-plaintiffs at the subsequent trial.⁹⁷

COBS was not alone in securing help from outside sources; before CARE was even officially founded, its eventual members began writing letters in search of help.⁹⁸ They found that help in the form of People for the American Way (PAW), an anti-censorship organization founded by Norman Lear, Barbara Jordan, Father Theodore

⁹² Bates, 132.

⁹³ Dellinger, 220.

⁹⁴ Dellinger, 220

⁹⁵ Bates, 94.

⁹⁶ Bates, 95.

⁹⁷ Bates, 95.

⁹⁸ Bates, 129.

Hesburgh and Andrew Heiskell.⁹⁹ Church Hill Elementary principal Jean Price met with Barbara Parker of PAW shortly after the first CARE meeting.¹⁰⁰ Parker met with several CARE members; she provided, among other things, a film entitled *Life and Liberty...For All Who Believe*—the film, according to Bates, warns of a “powerful, wealthy movement with one dangerous goal: to mix religion with partisan politics so they can force—and I mean force—their narrow doctrine on all of us.”¹⁰¹ Parker also informed the CARE members of the national influence the Gablers had been able to acquire.¹⁰²

As previously mentioned, the COBS agenda mutated more than once. Its complaints were narrow, then widespread, and then were narrowed again. Initially, the “members” sought accommodation for their children. Depending upon the school in question, children were offered varying levels of accommodation—that is, they were provided with alternate reading materials and were not subjected to instruction under the Holt series.¹⁰³ Accommodation, according to one scholar, marks an attempt to “bridge what was soon to become an ever-widening gulf” in Hawkins County.¹⁰⁴ At Church Hill Middle, where accommodation began, the students were permitted to study in the library with an alternative text.¹⁰⁵ At Mount Carmel Elementary, however, only one student was granted accommodation; third-grader Sam Couch was excused from the classroom during certain selections.¹⁰⁶ Though the alternative reading instruction was being practiced, arguably successfully, in two schools, it is questionable whether it could have been

⁹⁹ People for the American Way available online.

<<http://www.pfaw.org/pfaw/general/default.aspx?oid=2859>> accessed 14 April 2004

¹⁰⁰ Bates, 145

¹⁰¹ Bates, 145

¹⁰² Bates, 146.

¹⁰³ Dellinger, 169.

¹⁰⁴ Dellinger, 171.

¹⁰⁵ Dellinger, 169.

¹⁰⁶ Dellinger, 172.

successful on a larger, more long-term scale. This is witnessed by COBS ever-changing agenda; according to one local resident interviewed by Dellinger, “I don’t know how far they would have carried it....”¹⁰⁷ Another resident attributed the subsequent revocation of the accommodation to the increased list of complaints that COBS presented to the school board during the 13 October meeting, saying, “...I think it would have been allowed to continue except for one thing...Next time the school board met, they showed up again, and this time they had another list of demands...just a whole bunch of your typical right-wing demands...it became obvious that what we had was not some local parents that was concerned with the textbooks and their children.”¹⁰⁸

Problems with accommodation began fairly quickly; principals had no guidelines by which to base their decision as to whether to grant alternative methods of instruction.¹⁰⁹ With no policy to follow, principals were often left on their own. Even after granting accommodation, the question remained as to what the alternative measure would be. Another objection to accommodation, noted by Carters Valley Elementary principal Archie McMillan, was “complications”—not having an adequate number of employees and “isolation” of the children were cited as obstacles.¹¹⁰ Coupled with growing hostility by the board members towards the book protestors and the changing complaints, Superintendent Snodgrass began to realize that accommodation could not continue.¹¹¹

¹⁰⁷ Foster Payne, quoted in Dellinger, 172.

¹⁰⁸ Harold Osborn, quoted in Dellinger, 181.

¹⁰⁹ Dellinger, 181

¹¹⁰ Dellinger, 187

¹¹¹ Dellinger, 184.

Judges: The Controversy Goes to Trial

After the accommodations were stopped, the conflict proceeded to court. The first hearing was held on December 9, 1983.¹¹² Of nine initial complaints filed in United States District Court for the Eastern District of Tennessee, Judge Hull dismissed eight in response to a motion filed by the defendants on February 24, 1984.¹¹³ Only the fifth complaint, charging that the Holt series teaches “one does not need to believe in God in a specific way but that any type of faith in the supernatural is an acceptable method of salvation” was to be decided.¹¹⁴ This accusation, if valid, would violate the plaintiffs’ right to free exercise of religion guaranteed by the First Amendment. In his opinion, Judge Hull cited *Williams v. Board of Education*,¹¹⁵ a case in which parents of public school children challenged the constitutionality of a group of textbooks—textbooks that in their opinion contained “both religious and anti-religious materials, matter offensive to Christian morals, matter which invades personal and familial morals, matter which defames the nation and which attacks civic virtue, and matter which suggests and encourages the use of bad English.”¹¹⁶ The Williams court “concluded that the matters were genuinely offensive to the beliefs of the plaintiffs, but that, as a matter of law, there was nothing in the defendant’s conduct that constituted inhibition or prohibition of the free exercise of religion.”¹¹⁷ Thus, as Judge Hull concluded, mere exposure to “morally offensive value systems” or exposure to different religious perspectives is not prohibited by the First Amendment.¹¹⁸ The only remaining complaint was dismissed on March 15,

¹¹² Dellinger, 235

¹¹³ *Mozert v. Hawkins County Public Schools, et al.* 579 F. Supp 1051 (1984)

¹¹⁴ 579 F. Supp. 1051 (1984)

¹¹⁵ 388 F. Supp. 93 (1975)

¹¹⁶ 388 F. Supp. at 95.

¹¹⁷ 579 F. Supp at 1053

¹¹⁸ 579 F. Supp. at 1053.

1984.¹¹⁹ Again writing for the district court, Judge Hull noted that the books attempt to “instill in the readers a tolerance for man’s diversity”—a philosophy that “offends the plaintiffs who believe that Jesus Christ is the only means of salvation.”¹²⁰ Drawing upon the Williams court ruling, Judge Hull asserted that what is guaranteed by the First Amendment is that the “state schools will be neutral on the subject” of religion, “neither advocating a particular religious belief nor expressing hostility to any or all religions.”¹²¹ Summary judgment was granted in favor of the defendants.

The ruling obviously not in favor of the parent-protestors, they accordingly filed an appeal with the United States Court of Appeals for the Sixth Circuit.¹²² The Court of Appeals ruled that there had been insufficient finding of fact in the first phase; therefore, the case was remanded for further fact finding and to determine “whether appellees infringed on appellants’ free exercise rights.”¹²³ Writing for the court, Judge Weick held that the district court had erroneously granted summary judgment, as there were issues that were not sufficiently resolved.¹²⁴ When fundamental rights, like the freedom of religion, are burdened, courts approach their analysis of the alleged violation with strict scrutiny. That is, if it is determined that there is a burden, the government must assert a compelling state interest and the means by which the government attempts to achieve this end must be narrowly tailored to that end. Furthermore, the means must be the least restrictive by which the goal may be achieved.¹²⁵ The asserted state interest in this situation is teaching reading; the school board contended that this interest is indeed

¹¹⁹ *Mozert v. Hawkins County Public Schools, et al.* 582 F. Supp 201 (1984)

¹²⁰ 582 F. Supp 201 (1984) at 202

¹²¹ 582 F. Supp. at 203

¹²² *Mozert v. Hawkins County Public Schools, et al.* 765 F. 2d 75 (1985)

¹²³ 765 F. 2d 75 (1985) at 78

¹²⁴ 765 F. 2d at 78.

¹²⁵ 765 F. 2d at 78.

compelling and would justify the burden on certain individuals.¹²⁶ The school board further contended that accommodation would violate the Establishment Clause, as it would be, in its opinion, implicitly endorsing the protestors' religion by providing alternative instruction.¹²⁷

The next phase of the Hawkins County textbook controversy, or "Scopes II" as it is sometimes called, was further adjudication by the District Court. Applying the two-step analysis articulated by the Sixth Circuit Court of Appeals, Judge Hull, agreed that, because they were required "to either read the offensive texts or give up their free public education" the rights of the plaintiffs' children were being burdened.¹²⁸ Regarding the second step, a means/ends analysis, Judge Hull concluded that the burden was unconstitutional—though the state's goal in educating its children is compelling, it may be achieved by less restrictive means. Judge Hull referred to the board's approval of other textbook series as well as the peripheral nature of the justifications of uniformity and administrative convenience (in the form of number of teachers and manpower needed to provide accommodations). The court continued to hold that relief for the plaintiffs should be given in the form of an opt-out program; a program that, contrary to the defendants' claims, would not "contravene the Establishment Clause."¹²⁹

The school board soon appealed Judge Hull's ruling. The case then returned to the Sixth Circuit Court of Appeals. The question to be decided was "whether a governmental requirement that a person be exposed to ideas he or she finds objectionable on religious grounds constitutes a burden on the free exercise of that person's religion as forbidden by

¹²⁶ 765 F. 2d at 78.

¹²⁷ 765 F. 2d at 78.

¹²⁸ *Mozert v. Hawkins County Public Schools, et al.* 647 F. Supp. 1194 (1987) at 1200

¹²⁹ 647 F. Supp. (1987) 1203

the First Amendment.”¹³⁰ Finding that exposure does not violate the First Amendment, the Judge Weick, writing for the court, enumerated several distinct rationales for the verdict. First, he distinguished the precedents relied upon by the District Court, as there was no “profession or denial of religious belief” involved in Hawkins County as there was in the other situations.¹³¹ Instead, Judge Weick cited the decision in another case, *Grove v. Meade School District No. 354*¹³² in saying that governmental actions “that merely offend or cast doubt on religious beliefs do not on that account violate free exercise. An actual burden on the profession or exercise of religion is required.”¹³³ The decision of the lower court was thus reversed, and the controversy came to an end, at least legally, when the United States Supreme Court denied the plaintiff’s request for a writ of certiorari on February 22, 1988.¹³⁴

Revelations: Conclusions

Though the religion clauses in the First Amendment appear to conflict, they are not necessarily diametrically opposed. Using a balancing test, courts are able to weigh the interests of the individual against the needs of the state. In the Hawkins County controversy, the state-sponsored school system was able to avoid any Establishment Clause violation because it neither required the students to profess their religious beliefs nor compelled them to behave in a manner contradictory to their beliefs; mere exposure to philosophies incongruous to their own religious ideals is not unconstitutional.

¹³⁰ *Mozert v. Hawkins County Public Schools, et al.* 827 F. 2d 1058 (1987) at 1063.

¹³¹ 827 F. 2d (1987) at 1066

¹³² 753 F. 2d. 1528 (1985)

¹³³ 753 F. 2d 1542 (1985) quoted in *Hawkins County Public Schools, et al.* 827 F. 2d 1068

¹³⁴ *Mozert v. Hawkins County Public Schools, et al.* 484 U.S. 1066

Outside influences often transform local conflict into larger and more emotional controversies. In Hawkins County, where distrust of outsiders is often rampant, this was particularly true during the textbook controversy of the mid-1980s. Right-wing groups such as Concerned Women for America and the Gablers textbook reviews provided research and manpower for the protestors. As a result, the school system and eventually the community-at-large felt as if it were under attack; looking to national organizations for help in dealing with the controversy, the situation quickly mushroomed to the point to which feelings are still charged, twenty years later.

School administrators are often left with the difficult task of determining how to approach parental complaints of textbooks and curricular decisions. Often, policy is not articulated before a problem occurs. The extent to which administrators should accommodate religious sects is largely relative; that is, the characteristics of each situation, including but not limited to the values of the community, affect the decisions that are made. Education in America has been historically controlled on the local-level—as a result, communities are able to make decisions based partly on their values and culture. These decisions, however, cannot be made without proper regard to the values protected by the United States Constitution. A cross-organization statement regarding religion in public schools has said, “Schools enjoy substantial discretion to excuse individual students from lessons which are objectionable to that student or to his or her parent on the basis of religion. Schools can exercise that authority in way which would defuse many conflicts over curriculum contact.”¹³⁵ Whatever the decision, certain rights,

¹³⁵ ACLU, et al., “Religion in the Public Schools: A Joint Statement of Current Law.” 5 November 1996. Available online <<http://www.ed.gov/speeches/04-1995/prayer.html>> Accessed 1 April 2004.

including those guaranteed religious freedoms, must be safeguarded, and only burdened with compelling justification and in the least restrictive means.

Teaching Tolerance after September 11

Teaching tolerance or advancing religion?

The events of September 11, 2001 decidedly changed the landscape of the lives of Americans nationwide. The first foreign attack on domestic soil since the attack on Pearl Harbor during World War II, the tragedy brought the violence and fear that so many other nations are accustomed to facing to America's front porch. Of the many aspects of society that were changed by this event, education is arguably one of the most important. Schools are charged with teaching civic virtue—especially as public education's role the upbringing of children increases, certain values must be instilled.

These values, such as cooperation, honesty, respect, tolerance, and good citizenship are shared with many religious traditions. It is not hard to see how the instruction of such value might appear to violate the Constitution's prohibition against excessive state entanglement with religion. In *Everson v. Board of Education*¹³⁶ Justice Jackson wrote, "the public school is organized on the premise that secular education can be isolated from all religious teaching..."¹³⁷ The line between secular education and religious teaching is often blurred when teaching about a particular religion; teaching "tolerance" in the wake of September 11, then becomes trickier than one might initially assume.

Though America is often described as a "melting pot" many areas of the country remain mostly homogenous. Certain communities in the South and Midwest, particularly along the "Bible Belt" are not inevitably exposed to cultures and traditions completely unlike their own. Consequently, it has fallen upon educators to teach tolerance of other customs to their students. Melissa Baker, a teacher in New York, was quoted in the

¹³⁶ 330 U.S. 1 (1947)

¹³⁷ 330 U.S. at 23. (J. Jackson, dissenting)

Social Science Docket as saying, “Multicultural education was under attack long before the tragic events of September 11, 2001...A commitment to multicultural education is more important now than ever. Students need to learn that cultural differences do not make us enemies.”¹³⁸ Another teacher, Jaw Kreutzberger, also of New York, said, “Our goal, that students become knowledgeable and respectful of differences between ethnicities and cultures in the United States...is vital for the successful interaction between ethnic groups and the breakdown of the barriers that separate people and nations.”¹³⁹ The state’s goal in promoting a responsible citizenry, however necessary or noble, must not run afoul of the First Amendment.

The aftermath of the tragic events of September 11, 2001 marks an incredibly important turning point in American education. At no other time since World War II has the American public witnessed a need so great for spirituality and understanding. In fact, a study released on September 19, 2001 by the Pew Research Center for People and the Press found that sixty-nine percent of Americans stated they had prayed more since the attacks than before.¹⁴⁰ Though public education has traditionally been controlled at the local level, federal involvement increased with the January 8, 2002 enactment of President Bush’s *No Child Left Behind Act of 2001*. While President Bush has failed to demonstratively link his domestic priority of reforming education with the international battle against terrorism, the need to fight intolerance and misunderstanding by beginning in public schools is readily apparent.

¹³⁸ Alan Singer, ed. “Teachers Respond to ‘Defending Multicultural Education’” *Social Science Docket*. (Summer-Fall 2002), 6.

¹³⁹ Singer, 7.

¹⁴⁰ The Pew Research Center for People and the Press, “American Psyche Reeling From Terror Attacks.” 19 September 2001. Available online <<http://people-press.org/reports/display.php3?PageID=29>> Accessed 26 April 2004.

The role of religion in public schools has long been a contentious subject. The Supreme Court held in *Abington Township v. Schemp*¹⁴¹ that while devotional religion cannot be taught, religion, “when presented objectively as part of a secular program of education...” is constitutionally acceptable.¹⁴² The need for this aspect of education is particularly evident post-September 11. While many school systems benefit from a diverse student body, many other systems are fairly homogenous. According to one teacher, whose school district is comprised of mostly conservative Caucasians, “Teaching about religion is important, because it sheds light on issues that are bigger than history or social studies.”¹⁴³ Evelyn Holman, superintendent of New York’s Bay Shore District on Long Island says, “The bottom line is, we want students to respect each other.”¹⁴⁴ Fostering respect and tolerance are acceptable goals; however, just how these goals should be achieved is more complicated.

The area of constitutional law dealing with religion and public schools is, at best, complicated and often elusive. Educators face the difficulty of distinguishing between government-supported religious expression that is proscribed by the Constitution and individual religious expression that is safeguarded. Debate still continues today despite the release of guidelines by the Education Department in 1995. These guidelines stipulated that public schools “may not provide religious instruction, but they may teach about religion, including the Bible or other scripture: the history of religion, comparative

¹⁴¹ 374 U.S. 203 (1963)

¹⁴² 374 U.S. 203 (1963) at 225

¹⁴³ First Amendment Center and The Pew Forum on Religion and Public Life, “Teaching about Religion in Public Schools: Where do we go from here?” May 2003. 8.

¹⁴⁴ First Amendment Center and The Pew Forum on Religion and Public Life, “Teaching about Religion in Public Schools: Where do we go from here?” May 2003. 7.

religion, the Bible (or other scripture)-as-literature, and the role of religion in the history of the United States and other countries all are permissible public school subjects.¹⁴⁵

Potential conflict with the First Amendment lies in the teaching of tolerance in the form of teaching about a particular religion. As it is possible for students in certain parts of the country to not know a Muslim, it is important for the student to learn to tolerate others' cultures and not associate all members of a particular group with the often negative images seen on television. One current conflict surrounds a role-playing exercise designed to teach seventh-grade students in the Excelsior School near Oakland, California about Islam. A group of parents allege that the exercise violates the First Amendment's Establishment Clause. California courts will not try the case until late 2004.¹⁴⁶ In adjudicating such disputes, certain tests already developed would be applied to balance the interest of the government with the rights of the individual. Cases in which the Establishment Clause is in question are often, though not always, adjudicated by applying the two-pronged test articulated by the Supreme Court in *Lemon v. Kurtzman*.¹⁴⁷ This test, developed to protect First Amendment rights, requires that the government's purpose is primarily secular. Further more, the effect of the action must be neutral and the entanglement between church and state must be minimal. Advancing tolerance and good citizenship is an accepted interest that is primarily secular. So long as the means by which this goal is advanced neutrally and with little or no state entanglement, the mere teaching of tolerance in the form of instruction of the history or basic tenets of a particular religion would arguably stand up to judicial scrutiny. The other religious clause—free exercise—

¹⁴⁵ The Pew Forum on Religion and Public Life, "Religion and Public Schools." Available online <<http://pewforum.org/religion-schools/>> Accessed 27 April 2004.

¹⁴⁶ The Pew Forum on Religion and Public Life, "Religion and Public Schools." Available online <<http://pewforum.org/religion-schools/>> Accessed 27 April 2004.

¹⁴⁷ 430 U.S. 602 (1971)

is less likely to be a viable basis for a claim against a diversity or tolerance education program because courts have repeatedly held that mere exposure to contrary ideas does not guarantee an unconstitutional governmental action.¹⁴⁸

¹⁴⁸ see *Williams v. Board of Education of the County of Kanawha* 388 F. Supp 93 (1975)

Conclusion

The religious tradition of the United States began as something fairly homogenous. Though many of the initial settlers were seeking religious freedom, the religion they sought to exercise freely was linked to the Christian tradition. Christianity in particular played an important role in the development of many institutions established by the Founding Fathers, as they were, in varying degrees, affected by the religious mores of the time. In terms of public education, groups such as the Puritans and Quakers contributed to the development and maintenance of public schools for a large part of American history.

Local communities have traditionally controlled public education. This allows communities to adjust their decision-making to local values within the confines of the United States Constitution. As morals, or at least values, often differ according to geography, this allow communities to develop citizenry and educate their young in accordance to local values. While there are certainly advantages to localized control of education, problems often arise in the form of claims that the First Amendment is being violated by government action. The lack of resources can cause the local conflict to escalate and receive national attention.

The phenomenon of escalation was particularly apparent in the controversy surrounding the use of the Holt reading series in Hawkins County, Tennessee during the mid-1980s. Though the incident began locally, it quickly ballooned into a national conflict, with groups on both sides of the political spectrum becoming involved. The aftershocks of the national involvement are still felt in Hawkins County as the deep emotional sentiments stemming from the “outside attack” still reverberate.

School administrators, particularly in Hawkins County, though also elsewhere, are faced with many problems when dealing with claims of burdened religious freedom. Many times officials lack articulated protocol and must improvise policy as the situation is presented. Administrators may adapt their policies and practices as they see fit, so long as no religion is preferred and the rights of individuals are not unconstitutionally burdened.

The textbook controversies of the 1980s have interesting implications for post-September 11 American society. As schools are charged with contributing to the development of a responsible citizenry, they must promote tolerance and diversity. As part of teaching about religions traditionally underrepresented in America, such as Islam, educators potentially face the risk of being met with claims of unconstitutionality of such curricula. Courts will likely continue to balance the compelling state interest in promoting diversity and understanding against the rights of individuals.