



Nikolas Nartowicz
State Policy Counsel

(202) 466-3234
(202) 898-0955 (fax)
americansunited@au.org

1310 L Street NW
Suite 200
Washington, DC 20005

March 16, 2020

The Honorable Steve Dickerson
Chair
State and Local Government Committee
Tennessee Senate
774 Cordell Hull Building
Nashville, TN 37243

The Honorable Richard Briggs
Vice-Chair
State and Local Government Committee
Tennessee Senate
774 Cordell Hull Building
Nashville, TN 37243

Re: Oppose SB 2696 – Designating the Bible as the Official State Book Trivializes the Bible and is Unconstitutional

Dear Chair Dickerson and Vice-Chair Briggs:

On behalf of the Tennessee chapter, members, and supporters of Americans United for Separation of Church and State, I urge you to oppose SB 2696, which would designate the Bible as the official state book. In 2016, then-Governor Haslam vetoed an identical bill because it “trivializes the Bible, which I believe is a sacred text” and would violate both the U.S. and Tennessee Constitutions.¹ The legislature should reject this bill for the same reasons.

SB 2696 Trivializes the Bible and is Divisive

This bill should be rejected because designating the Bible as the official state book is offensive not only to the many Tennesseans who do not subscribe to Christianity but also to many who do. As Governor Haslam wrote in his 2016 veto letter, “[i]f we believe that the Bible is the inspired word of God, then we shouldn’t be recognizing it only as a book of historical and economic significance.”² He also said, “[o]ur founders recognized that when the church and state were combined, it was the church that suffered in the long run.” The U.S. Supreme Court has also explained, “religion is too personal, too sacred, too holy, to permit”³ it to be used by the government.

Furthermore, the bill is divisive because the Bible does not hold religious meaning for Muslims, Hindus, Buddhists, Sikhs, or those who practice other religions or no religion at all. Designating the Bible as the official state book would send a message to non-believers that they “are outsiders, not full members of the . . . community, and an accompanying

¹ Letter to Beth Harwell, Speaker of the House, April 14, 2016, available at <http://content-static.tennessean.com/PDFs/HaslamVetoLetter.pdf>.

² *Id.*

³ *Engel v. Vitale*, 370 U.S. 421, 432 (1962); *see also Lee v. Weisman*, 505 U.S. 577, 589 (1992) (“[R]eligious beliefs and religious expression are too precious to be either proscribed or prescribed by the State.”).

message to adherents [particularly Christians] that they are insiders, favored members of the . . . community.”⁴ SB 2696 would run contrary to the fundamental American value of religious liberty, which ensures that all members of our religiously diverse population are welcomed and treated equally.

SB 2696 Would Violate the U.S. and Tennessee Constitutions

Both the United States and Tennessee Constitutions prohibit the government from conveying a message that a particular religious belief is favored or preferred⁵ or that religious belief is favored over nonbelief.⁶ Officially designating the Bible, a specifically Christian religious text, as the official state book would place the State’s seal of approval on the Bible and undoubtedly demonstrate the State’s preference for Christianity. Indeed, the U.S. Supreme Court and lower federal courts have consistently recognized that the Bible is, fundamentally, a religious text, so the government may not require or encourage citizens to read or venerate it.⁷ Furthermore, Attorney General Herbert Slatery stated in his opinion on the previous bill that it would violate the Tennessee Constitution “even more definitively than it would violate the federal Establishment Clause” because the state constitutional protections against government endorsement of religion are “substantially stronger” than federal protections.⁸

The First Amendment of the United States Constitution also requires that legislation have a “secular legislative purpose.”⁹ But statements from the sponsor of the House companion bill, HB 2778, make it clear this bill does in fact have a religious purpose. During floor debate, Representative Sexton said, “we have taken God out of our country, and it’s time for us to put him back. It’s time for us to put the Word back where it belongs.” These statements make clear that Representative Sexton’s true aim is to promote Christianity and put God “back” into the country.

Conclusion

An official symbol of the State of Tennessee should represent all Tennesseans, not merely those in the majority or those who adhere to a particular religion. And a state symbol should never endorse a particular religion. Accordingly, we urge you to oppose SB 2696.

⁴ *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309-10 (2000).

⁵ *See Cnty. of Allegheny v. ACLU*, 492 U.S. 573, 593-94 (1989); Tenn. Const. art. I, § 3.

⁶ *See McCreary Cnty. v. ACLU of Kentucky*, 545 U.S. 844, 860 (quoting *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968)).

⁷ *See, e.g., Sch. Dist. v. Schempp*, 374 U.S. 203, 223-25 (1963); *Staley v. Harris Cnty.*, 332 F. Supp. 2d 1030, 1037 (S.D. Tex. 2004) (striking down permanent Bible display because purpose of display is to encourage people to read the Bible), *aff’d*, 461 F.3d 504 (5th Cir. 2006), *appeal dismissed as moot*, 485 F.3d 305 (5th Cir. 2007) (en banc) (retaining district-court opinion).

⁸ [Constitutionality of Legislation Designating The Holy Bible as the Official State Book](#), Op. Att’y Gen. No. 15-34 (2015).

⁹ *Lemon v. Kurtzman*, 403 U.S. 602, 612 (1971). *See also Stone v. Graham*, 449 U.S. 39 (1980) (holding that an “avowed” secular purpose is not sufficient to avoid conflict with the First Amendment).

Sincerely,

A handwritten signature in black ink, appearing to read "Nikolas Nartowicz". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Nikolas Nartowicz
State Policy Counsel

cc: Members of the Senate State and Local Government Committee