

FINDING COMMON GROUND

A GUIDE TO
RELIGIOUS LIBERTY
IN PUBLIC SCHOOLS

WRITTEN AND EDITED BY
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AND
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ABOUT THE AUTHORS



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Charles C. Haynes is senior scholar at the First Amendment Center. He is best known for helping schools and communities throughout the United States find common ground on First Amendment issues in public schools.

During the past decade, Haynes has been a principal organizer and drafter of a series of consensus guidelines on religious liberty in public education, endorsed by a broad range of major religious and educational organizations. In January 2000, the U.S. Department of Education distributed three of these guides to every public school in the United States.

Haynes is the author of numerous books and articles, including *Religious Liberty and the Public Schools* (Phi Delta Kappa Educational Foundation, 2001) and *Religion in American History: What to Teach and How* (ASCD, 1990). He is co-author of *Taking Religion Seriously Across the Curriculum* (ASCD, 1998) and *Religion in American Public Life: Living With Our Deepest Differences* (W. W. Norton and Co., 2001). His bi-monthly column *Inside the First Amendment* appears in newspapers nationwide.

An educator for 20 years, Haynes served as executive director of First Liberty Institute at George Mason University in Fairfax, Va., and taught on the college and secondary levels. He presently serves on the board of directors of the Character Education Partnership and the Council for Spiritual and Ethical Education.

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Oliver Thomas is a lawyer, minister, author and school board member. He has written and lectured extensively on the subject of religion and public education and has consulted with hundreds of school districts.

Mr. Thomas has been involved in litigation at every level of state and federal courts including the United States Supreme Court. His clients have included the National Council of Churches and the Baptist Joint Committee.



In addition to representing numerous Evangelical groups, Mr. Thomas co-authored the A.C.L.U. handbook on church-state law. Before returning to his native Tennessee, Mr. Thomas taught at Georgetown University Law Center. He has lectured at such law schools as Harvard and Regent University.

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This guide is designed to provide general information on the subject of religious expression and practices in schools. It is printed with the understanding that the authors are not rendering legal or other professional services. If the reader has specific legal questions, the services of a qualified, licensed attorney should be sought.

FOREWORD

By John Seigenthaler

Founder, First Amendment Center

It has been seven years since the Freedom Forum First Amendment Center initially published *Finding Common Ground*, the landmark guide urging educators to begin taking religious liberty and teaching about religion seriously in public schools.

This new and updated edition is designed to further assist school officials, parents and teachers in keeping pace with evolving law, changing trends and emerging challenges that touch on religious liberty and public education.

Charles Haynes, who created this innovative concept, wrote the original guide convinced that educators had universally misinterpreted U. S. Supreme Court opinions and had effectively stripped religion from text books and classroom discussions. At the time this guide first was published, culture wars over religion in the schools raged in many communities. School board meetings, Parent-Teacher Association gatherings and federal courtrooms often were the battlegrounds.

Many school administrators and teachers worried that *Finding Common Ground* was a radical, even a dangerous idea. They feared that Haynes' vision was naïve and if put into practice would fly in the face of court rulings. They were concerned that it would invite lawsuits and incite further controversy.

In fact, teaching *about* religion was an eminently rational and timely idea. In no sense was it radical. Fears that it would stimulate lawsuits were groundless. Concerns that it would drive people apart were wrongheaded. In fact, once in place the program actually helped resolve many community conflicts, both legal and ideological. In action, Haynes' initiative comported perfectly with a stream of Supreme Court decisions dating back almost four decades to an opinion crafted by Justice Tom Clark.

"A person cannot be fully educated," he wrote for the court in 1963, "without understanding the role of religion in history, culture and politics The law, constitutional or otherwise, is no impediment to the realization of this aim."

What had been misunderstood by many educators (and still is misapprehended by too many) was that while Supreme Court rulings barred school-sponsored prayer and religious indoctrination, they had by no means banned teaching *about* religion. The court had decreed that school districts and teachers must be neutral in classroom discussions about religion. Proselytizing or promoting one denomination or faith over others violated the constitutional wall between church and state, the court consistently held. No teacher could encourage students to change religious denominations – or to accept one faith over another.

But Justice Clark understood 40 years ago that it was impossible for any student to be enlightened about world or American history, political science, government, art, law or many other subjects without learning about religion. His thesis remains valid. *Finding Common Ground* has given it vitality and viability by offering specific guidelines for classroom instruction.

So why a new edition of this guide? Neither the law nor school enrollment has been static. Change has been a constant in public education, as courts have ruled, for example, that if a tax-supported school permits extracurricular programs and practices of a secular nature, religious programs and practices must also be given fair and similar treatment. Students, the courts have decreed, are allowed to talk to their fellow students about their own religious beliefs so long as they are not harassing. They are allowed to write about their faith in school essays so long as the work conforms to teacher assignments. As Haynes points out, this offers new challenges and new opportunities for public schools.

There also are challenges and opportunities as school administrators seek to adjust to student populations that are more religiously diverse than at any time in the nation's history. In this new edition of his guide, Haynes provides a reliable compass to direct educators in creating an environment and implementing policies that will make all students—those of every religious faith or none—more comfortable and more welcome in a changing educational climate.

In light of the international unrest and national upheaval that has followed the September 11, 2001 terrorist actions in New York, Washington and elsewhere, it seems worth repeating here the first three paragraphs of the foreword I wrote to the original edition of *Finding Common Ground*:

Almost weekly now, U. S. citizens read in newspapers or see on television reports of 'Muslim terrorist' threats or attacks aimed at some 'enemy of Islam.'

The news-media drumbeat has led many of us to the false impression that the Muslim faith is a religion built on a foundation of violence and fanaticism. Nowhere have most of us been taught about the history of Islam or what Muslims today actually believe. We know little about the vision of Muhammad in 610 that began with the revelations known as the Qur'an, accepted by millions of Muslims throughout the world as the word of Allah or God. We are unaware that it is from this experience that the faith of Islam had its beginning.

More than 1300 years later American school children, who read and hear about the growing influence of the Islamic world on our lives, learn very little about the Prophet Muhammad or the religious traditions of Muslims.

If those words had modest meaning in November 1994—and I think they did—they should have bell-ringing resonance since the tragedy that befell the nation that violent

Tuesday morning. It no longer is a question of whether schools *should* teach children about Islam. They *must* teach them—and about other religions as well. It is a responsibility, a duty.

In the days following the terrorist-inspired tragedies, students everywhere came to school with questions about what they had seen and heard and read in the news media. How could a U.S. public school teacher respond to those questions without mentioning religion? Or without putting in context religious extremism by a small group of fanatics? Or without explaining that the Islamic faith of all but a few extremist Muslims would reject the taking of innocent life—any innocent life anywhere?

It is sad but certain that many teachers were forced to deal with those questions from a background of ignorance. Some, no doubt, found themselves answering students' questions by relying mostly on what they had learned from the media.

There were, fortunately, noteworthy exceptions to that drill. In hundreds of schools from California and Utah to New York and New Jersey, teachers whose school systems had embraced the *Finding Common Ground* concept were equipped with answers that were grounded in study and discussion of world religions, including the faith of Muslims. It is probable that many youngsters who had shared in that study and discussion actually were able to help their parents better understand the Islamic religion in the aftermath of the terrorist attacks.

For too long public schools have lived with an unfair reputation of being secular bastions hostile to religion. Religious parents, aware of that public school image, sometimes have opted to send their children to private denominational institutions.

Public schools that now embrace the *Finding Common Ground* model offer students of all faiths and none a unique, enriching academic experience. Seven years ago, it seemed to Charles Haynes that teaching students to understand our deepest religious differences was a way to help save public education. Today, teaching those same lessons may help save far more.

