

**WESTERN COLORADO ATHEISTS AND FREETHINKERS
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November 9, 2015

Tim Foster, President, and
Diana Bailey, BSN Program Director
Colorado Mesa University
1100 North Avenue
Grand Junction, CO 81501

Dear Ms. Bailey and President Foster,

I am Board Member at Large of Western Colorado Atheists and Freethinkers (WCAF), a group created in 2007 to advocate for the separation of church and state on the western slope, and for the rights of secular western slope residents.

Recently a group of CMU nursing students approached WCAF because they are greatly concerned about a plan to hand out Gideon Bibles to nursing program graduates at their pinning ceremony on December 11. The students told WCAF that while the entire nursing class was allowed to vote on some important details of the pinning ceremony, like the photography and location, none of them were given any choice about the Bible handout. Instead, the plan to hand out Bibles was simply listed on the voting sheet as a statement without the option to vote on, or discuss the issue.

We need to tell you that several members of CMU's 2015 graduating nursing class students are not followers of the Christian faith. These students, as well as others who aren't affiliated with any faith, feel the faculty's planned Bible giveaway is an improper endorsement by CMU of one religion over all others. They also point out that no other religious texts are being handed out other than the Gideon Bible (no Talmuds, Korans or Books of Mormon, for example), and the students dislike that they will be foisted into the uncomfortable situation of having to refuse to accept a Gideon Bible in front of their fellow students and instructors at the pinning ceremony.

Also, since CMU is a publicly-funded school, the students feel the planned Bible giveaway violates the separation of church and state embodied in the U.S. Constitution.

They are correct on this point, according to case law.

Several legal cases brought over Gideon Bible giveaways in public schools have clearly described the limits of such a program, and make it clear that by forcing this Bible giveaway upon students in a public school, CMU is violating U.S. law.

In *Berger v. Rensselaer School Corp* , 982 F.2d at 1165-66 (7th Cir.), cert. Denied. U.S. 113 S. Ct. 2344 (1993), the court ruled that the Gideons' practice of encouraging students to accept their Bibles, even if the Bibles are just stacked on a table nearby, violated the Establishment Clause. Although the students were not required to take a Bible, the court found the practice to be an unconstitutional governmental endorsement of religion. The court also noted that presenting Bibles to students in public schools conferred the stamp of school endorsement of that religion. The fact that CMU's Bible distribution is foisted upon nursing students during their school graduation ceremony could lead a reasonable student to believe that the school endorses this one particular religion over all others, and over non-religion.

State-funded institutions may neither prefer nor prohibit religious exercise, but rather they **must remain neutral**. The U.S. Supreme Court, in *Lynch v. Donnelly*, 465 U.S., at 688 (1984) (O'Connor, J., concurring), stated "School sponsorship of a religious message is impermissible because it sends the ancillary message to members of the audience who are non-adherents 'that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community.'"

The court has ruled that the Gideons can freely hand out their Bibles as long as they stand on a public sidewalk, well off school grounds.

The students who approached WCAF listed three very clear goals that would satisfy them in regard to dealing with this situation:

1) They want to remain anonymous, out of fear of retribution and hindrance of their further career ambitions locally;

2) They want their entire nursing class of 31 students to be able to vote anonymously on whether to have religious materials available outside the pinning ceremony (with "outside" defined as a private room or outdoors).

- If the majority of the class votes yes, then religious material of ALL types

and including information about atheism, shall be allowed to be present.

- If the majority of the class votes no, then presentation of religious material will be banned, including the Gideon's Bible distribution.

3) They want to make it known to faculty that the Bible giveaway violates the law, and they want assurance that future nursing class students will not be put in the same uncomfortable position of having to deal with this issue or be made to feel bullied into accepting it.

WCAF would like to resolve the nursing students' concern about the planned Bible giveaway by dealing directly with CMU about it before we take any further steps. Beyond that, if the nurses who approached us about this problem are not satisfied with your proposed resolution, or feel they have incurred any harassment because they have approached us and sought our help, we will seek further assistance with this issue from the American Civil Liberties Union and the Freedom From Religion Foundation.

We would like to resolve this problem well before the pinning ceremony, so we request a response to this letter before November 19, 2015.

For all future communication, please communicate directly with WCAF to avoid violating student privacy and inflicting public ridicule and potential retribution on the concerned students. For simplicity's sake, please contact me directly with your response.

We look forward to working with you on behalf of the RN-BSN nursing students to resolve this matter as quickly and easily as possible.

Sincerely,

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cc: Vee Stanley, Gideons International representative, Grand Junction