

SUBJECT: Displaying or reading from certain historical texts in public schools

COMMITTEE: Public Education — committee substitute recommended

VOTE: 8 ayes — Grusendorf, Oliveira, Branch, Dawson, Eissler, Griggs, Hochberg, Madden
0 nays
1 absent — Dutton

WITNESSES: For — MerryLynn Gerstenschlager, Texas Eagle Forum
Against — None

DIGEST: CSHB 575 would amend Chapter 28 of the Education Code to specify that an educator in Texas public schools may read from or display historical texts, including the national motto, the national anthem, the pledge of allegiance, the preamble to the Texas Constitution, the Declaration of Independence, the Mayflower Compact, writings, speeches, documents or proclamations of the original signers of the Declaration of Independence or U.S. presidents, published Supreme Court decisions, and laws or resolutions passed by the U.S. Congress or the Texas Legislature.

The bill would take effect September 1, 2003.

SUPPORTERS SAY: CSHB 575 would make it clear to Texas teachers that they could use historical documents to teach in public schools, even if these documents contained a reference to a deity, such as our national motto, “In God We Trust.” Some teachers have raised concerns about the legality of posting or reading from documents that contain such references in the wake of recent court decisions in Kentucky, regarding the display of historical documents in public places, and from the 9th U.S. Circuit Court of Appeals, which held that the words “under God” make the use of the Pledge of Allegiance in public schools unconstitutional.

CSHB 575 would not create any new rights nor require that any or all of the listed texts be read or displayed. It simply would eliminate any confusion that has arisen as a result of decisions in other states.

**OPPONENTS
SAY:**

CSHB 575 is not needed because most courts are in agreement that it is not unconstitutional for a teacher to read from or display the texts listed in the bill. Specifying approved texts in statute just to eliminate confusion about their legality could require the Legislature to change the list repeatedly in response to each new court decision affecting jurisdictions other than Texas.

**OTHER
OPPONENTS
SAY:**

CSHB 575 seeks to clear up confusion about the specific texts listed in the bill, but it also could raise questions about the legality of reading from or displaying documents that are not included in the list. Further, by listing documents that tend to contain references to a deity, CSHB 575 might exacerbate the problem it is intended to solve by inviting constitutional challenges regarding the separation of church and state in public education.

NOTES:

The committee substitute changed a reference in the bill as introduced from “the Founding Fathers” to “the original signers of the United States Declaration of Independence.” CSHB 575 also restated that the provisions of the bill would apply to any “laws or resolutions” passed by the United States Congress or Texas Legislature.