September 28, 1948

Mr. Harold B. Clifford
Superintendent of School
Boothbay Harbor, Maine

Dear Mr. Clifford,

I received your letter of September 22nd, enclosing a copy of a letter which the school board had received from Frank G. Hughes, dated September 11, 1948. You state that you feel I might be interested at least to read the letter which Mr. Hughes sent you and you request me to return the letter. You further ask me to write as specific an opinion as possible regarding this matter.

The statute does not require the Attorney General's Department to render written opinions to members of local school boards and municipal officers. Opinions relating to school matters are made to the Commissioner of Education, who represents the State in educational matters; and if you wish an opinion on the interpretation of Section 127 of Chapter 37, R. S. 1944, I suggest that you get in touch with Commissioner Ladd and request him to ask for an opinion from this office. I contacted Mr. Ladd's office yesterday, but he was out of town and will not return until tomorrow morning.

I will say this much, however, in regard to the Illinois case to which Mr. Hughes refers in his letter to the school board. In the case of McCollum vs. Board of Education, Champaign County, Illinois, the local board of education in that district had agreed to the giving of religious instruction in the schools under a "released time" arrangement whereby pupils whose parents signed "request cards" were permitted to attend religious instruction courses conducted during regular school hours in the school building by outside teachers furnished by a religious council representing the various faiths, subject to the approval and supervision of the superintendent of schools. Attendance records were kept and reported to the school authorities in the same way as for other classes, and pupils not attending the religious instruction classes were required to continue their regular secular studies.

The United States Supreme Court held, in an opinion by Justice Black, that this arrangement was in violation of the constitutional principle of separation of church and State, as expressed in the First Amendment, and accordingly the State Courts below had acted erroneously in refusing relief to the complainant parent and taxpayer against the continued use of school buildings for such religious instruction.

Our statute relating to the reading of the Bible in the public schools does not provide for religious instruction in the schools, and the legislature that enacted this statute provided that there shall be no denominational or sectarian comment or teaching, and each student shall give respectful attention and shall be free in his own forms of worship. No theological doctrines are taught in our public schools, and the creed of no sect is affirmed or denied. The truth or falsehood of the book in which the scholars are required to read is not asserted. No interference by way of instruction with the views of the scholars, whether derived from the parents or the school authorities, is shown. The Bible is used merely as a book in which instruction in reading is given and is no more an interference with religious beliefs than would the reading of the mythology of Greece and Rome be an affirmation of the pagan creeds. The Bible is used merely as a reading book and for the information contained in it, and not for religious instruction. If students in our public schools were prohibited from reading the Bible, they would be ignorant of its contents. The vote of the school board to continue reading the Bible in the schools of Boothbay, Southport and Edgecomb was proper, as all laws on our statute books are presumed to be constitutional until declared otherwise by a court of competent jurisdiction.

As per your request, I return herewith the letter which Mr. Hughes sent to the school board.

Very truly yours,

Ralph W. Farris
Attorney General

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