the philosophy of big government and little freedom that this Committee has just rejected.

We need Justices who trust Americans much and government little. We need Justices who readily embrace freedom and rarely embrace government power. Judge Breyer embraces government power too readily and freedom—especially religious freedom—far too rarely.

HOME SCHOOL LEGAL DEFENSE ASSOCIATION,
Paeonian Springs, VA, July 22, 1994.

Hon. JOSEPH BIDEN,
221 S.R.O.B, Washington, DC.

DEAR SENATOR BIDEN: Thank you for the opportunity to provide you with more information regarding my concerns about Judge Breyer. You will recall that I questioned Judge Breyer's failure to follow the fact stipulation approved by the lower court that all the instruction in this school was religious in nature. All subjects are taught from a Christian perspective.

You asked me for more information on how math and other subjects can be taught from a religious perspective and for information on the history of constitutional litigation relative to textbooks. I am happy to supply you with the additional information you requested.

1. Federal cases repeatedly state that academic textbooks can be too religious for Establishment Clause purposes.

The Establishment Clause has consistently been interpreted to prohibit the use of tax money for textbooks or instruction in religious schools, even where the texts or instruction were in secular subjects like math. See, e.g., *Flast* v. *Cohen,* 392 U.S. 83 (1968) (taxpayers had standing to sue to stop the teaching of reading and arithmetic in religious schools); *Rhode Island Fed. of Teachers* v. *Norberg,* 479 F.Supp. 1364 (R.I. 1079) (tax deductions for secular textbooks by parochial school families violates the Establishment Clause because the government would have to inspect the books to eliminate those with religious content and supervise the schools to make sure that the books were not used in the course of religious instruction), *Public Funds for Public Schools* v. *Marburger,* 358 F.Supp. 29 (N.J. 1973) (reimbursing parents for cost of "secular, nonideological textbooks" violates the Establishment Clause because the government would have to inspect the books to verify that there was no religious content and monitor instruction to ensure that they were not used for religious purposes).

2. Christian teaching of secular subjects (including math) can be quite religious. Consider this Christian Teacher's Manual:

"The Christian approach to teaching arithmetic begins with knowing and teaching the students that the universe has structure and order because it was created by a rational, orderly God. In arithmetic the students study one aspect of the order of the real world and indirectly begin to know more about the God Who has given them the world they live in. In the arithmetic processes the students are not creating truth but learning truth; they are, in a sense, thinking God's thoughts after Him. The students will find exactness, preciseness, and completeness in the subject matter of mathematics, just as would be expected in God's world."

A Beka Mathematics 5 Teacher's Guide, Introduction [attached as Appendix A]. Or consider this, from the Spring, 1968 issue of the The Christian Teacher:

"A Christian school that is content only with the teaching of manipulatory skills of arithmetic, algebra, and geometry blinds the student's perception to all but a fraction of the glory of God reflected in the unique mirror of mathematics."

Even the methods of teaching reflect a distinctively Christian emphasis, as shown in this Teacher's Guide:

"We are unabashed advocates of traditional arithmetic, partly because the students learn something that can be built upon, but also because it accords with out Christian viewpoints on education. Only from a Christian perspective can the basic rationale, the intrinsic reasonableness of traditional elementary arithmetic be seen and appreciated. Traditional arithmetic will not succeed unless it is taught with the conviction that something more than arbitrary processes derived from arbitrary principles is at issue. The elementary student does not need to "understand" 2+2=4 in order to learn it and use it; he will learn the abstract principles later. But the elementary student does need to see his multiplication tables as part of the truth and order that Good has built into reality. From the Christina perspective, 2+2=4 takes on cosmic significance, as does every fact of mathematics, however particular! Traditional elementary arithmetic is Christian elementary arithmetic."

A Beka Mathematics 5 Teacher's Guide, Introduction, *supra.*

3. Government officials have repeatedly attempted to interfere with religiously-motivated parental choices in academics.

In South San Francisco, lawyers threatened to sue a Christian home-schooling family which operated under the supervision of a local public school. The family had chosen religious texts for their public school "Independent Study Program." Because the family was not a member of HSLDA, we do not know whether they were able to continue using their religious books.

Government officials have also objected to the religiously-motivated teaching methodology outlined above. In Bourne, Massachusetts, for example, Assistant Superintendent Gail Roe examined the A Beka mathematics textbook chosen by a home schooling family. Dr. Roe objected to the traditional teaching methods used in the textbook, saying, "This operates at the very lowest level of learning!" (It is worth noting that the textbooks she criticized are among the most popular texts used in Christian home and private schools, and that these home and private schools routinely outscore public schools on standardized tests.)

Under the same Massachusetts law at issue in *New Life,* this home-schooling family could be prosecuted for criminal truancy unless they received approval in advance from the local school. Dr. Roe used the power of her position to threaten this family with prosecution unless they changed their educational choices. With the help of HSLDA, the family was able to continue to use the religious math textbooks which they had chosen.

On a grander scale, Congress is currently weighing legislation which would mandate the new secular approaches. The House version of the *Improving America's Schools Act,* says at H.R. 6 § 1001(c)(5):

"The disproven theory that children must first learn basic skills before engaging in more complex tasks continues to dominate strategies for classroom instruction, resulting in emphasis on repetitive drill and practice at the expense of content-rich instruction, accelerated curricula, and effective teaching to high standards."

This language, as originally written, would have put the federal government on record as being against the traditional methodology chosen by religious educators who believe in moral and mathematical absolutes. Only a massive outcry by private, religious, and home educators, kept this provision of H.R. 6 from being mandated for all schoolchildren in America.

Conclusion.—As you can see, the thrust of my comments were quite accurate although I did not have all the relevant information at my fingertips when you asked me the question. I appreciate the opportunity to supplement this information, and ask that it be placed in the record to demonstrate that I answered your public request.

Thank you so much for the courtesy to allow me to testify before your committee.

Very truly yours,

MICHAEL P. FARRIS, ESQ./CG,

Enclosures: Introduction to *A Beka Teachers' Manual for Mathematics 5.*

[APPENDIX A]

To the Teacher: The Christian Approach to Teaching Arithmetic

The Christian approach to teaching arithmetic begins with knowing and teaching the students that the universe has structure and order because it was created by a rational, orderly God. In arithmetic the students study one aspect of the order of the real world and indirectly begin to now more about the God Who has given them the world they live in. In the arithmetic processes the students are not creating truth but learning truth; they are, in a sense, thinking God's thoughts after Him. The students will find exactness, preciseness, and completeness in the subject matter of mathematics, just as would be expected in God's world.

As the content of the arithmetic curriculum and the textbook has reason and order to it, so must the arithmetic class itself be taught according to an organized, reasonable plan. A daily class should include oral drill, the teaching of new material, practice of new material, and review of basic facts, All four areas need to be completed in 60 minutes or less time each day. The teacher must have classroom habits and procedures that will produce an orderly classroom conducive to good learning.

Elementary arithmetic, quite naturally, begins with the most elementary, basic mathematical processes of arithmetic. Students learn best when they proceed from the particular to the general, from the concrete to the abstract. Elementary arithmetic properly emphasizes the facts of addition, subtraction, multiplication, and division that accord with the child's stage of mental development and have immediate