

OPINIONS  
of the  
ATTORNEY-GENERAL  
of  
TENNESSEE

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FROM SEPTEMBER, 1926, to DECEMBER, 1930.

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L. D. SMITH, Attorney-General  
and Reporter

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made unlawful for either the County Superintendent or the County Board of Education to issue a warrant to a teacher who holds no certificate.

I think that this furnishes a complete answer to the two questions set out in your letter above referred to.

### SCHOOL CURRICULUM—TEACHING THE BIBLE.

October 15, 1928.

Very many things have conspired to remind me recently of a request which you made for an opinion more than a year ago. It was an old subject at that time with you. It called for an interpretation of Art. 1, Sec. 3 of the Constitution of Tennessee, occasioned by the fact that the State Board of Education had been asked by some teachers to include the Bible in the regular high school course and to allow credit toward graduation for the study of the Bible. You had submitted the question to Attorney-General Thompson, who, you stated, had made a study of the question, but had rendered no opinion.

At the time of your request of me, it seems that the high school at McLemoresville, and possibly some other points, had made application for the recognition of Bible study, and at that time, your request for opinion was as follows:

"I would be glad to have your advice as to the position I should take under the section of the Constitution referred to above in answering letters and acting on applications to include the Bible as one of the permissible subjects to be taught in the public high schools."

I have no doubt, and it is my clear opinion and judgment, that neither the spirit nor the letter of the Constitution referred to would be violated by any State authorities by including the Bible in the regular course of study, either in the grammar school, high school or university.

The language of the constitutional provision may be properly called to your attention at this point:

"That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience; that no man can of right, be compelled to attend, erect, or support any place of worship, or to maintain any minister against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given, by law, to any religious establishment or mode of worship."

It is true that the Bible contains a system of religion, and that there are some people in the land who do not embrace it.

Under that provision of the Constitution it is a person's right to worship God as he pleases, or not worship him at all; and no man can be compelled to attend or support any place of worship, or to maintain any minister, against his consent. Teaching the Bible in school is none of these things; it compels nobody's faith nor obedience, and calls for no action of the conscience. It does not establish any religious mode of worship, or promote any particular establishment for that purpose.

The Bible is a wonderful storehouse of knowledge; it is a work of literary art; not a phase of human life but is within its teachings. It is true that a study of it has a tendency to create a faith in God as the Supreme Being, and that it portrays Jesus Christ as having been the Son of God, and clothed with all God's powers with respect to everything on earth and in Heaven. Whether it is a wholesome book for children to study is a matter of discretion with the school authorities. To put it in the course of study and permit the thousands of children to become acquainted with its principles, cannot possibly, in my opinion, constitute an offense against this clause of the Constitution.

There are similar provisions in the Federal Constitution (First Amendment), and for the same reasons are not offended against by the proposal to have the Bible studied and taught in the schools.

### DIVERSION OF SINKING FUND ACCUMULATED TO PAY HIGHWAYS BONDS TO SCHOOL PURPOSES.

October 16, 1928.

This acknowledges receipt of your letter of the 13th inst., relative to the above entitled subject.

You state that Wayne County, under the authority conferred by Chapter 173, Public Acts of 1919, has at different times issued bonds in the aggregate of \$200,000, and that the funds arising from the sale of these bonds were expended on State and Federal aid roads by the State Highway Department so as that Wayne County is entitled to be reimbursed by the State under the provisions of Chapter 23, Public Acts of 1927, to the extent of the \$200,000 thus contributed by the County, together with the interest thereon, beginning July 1, 1928.

You further state that prior to the passage of Chapter 23, Public Acts of 1927, providing for such reimbursement, Wayne County had, by resolution of the County Court, levied and collected a Sinking Fund, for the purpose of paying the interest and retiring these bonds, to the extent of about \$20,000, which is now in the hands of the Trustee of Wayne County.