Evolution in the Public Schools and the Courts

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Major topics:

1. The history of teaching
2. The “evolution” of approaches that believers in divine creation have used to teach in a biblical alternative, or to water down the teaching of biological evolution, or to eliminate it altogether
3. Description of current assaults on the teaching of biological evolution

Background: The legal concept of jurisdiction

Jurisdictional issues: each of the 50 states has its own court hierarchy, with district courts, courts of appeal, and supreme courts. A state court decision is only in that state.

US Constitution: First Amendment: establishment clause and the free exercise clause; 14th Amendment: applicable to the states

**Tennessee v. John Thomas Scopes**:

TN state court, 1925 “the Scopes Monkey Trial”

TN enacted a law that made it “unlawful for any teacher in any of the universities, normal and all..”. Statement on Academic Freedom: ACLU 1924 Dayton

JTS: he was charged for violating the law 24 years old, high school biology teacher. ACLU volunteered to defend Scopes. Clarence Darrow vs William Jennings Bryan (prestigious) WJB: Science is a magnificent material force, but it is not a teacher of morals. It can perfect machinery, but it adds no moral restraints to protect society from the misuse of the machine. Another pied piper (cartoon). Penalty of $100. Book: summer for the gods: well told this story; Play: “Inherit the wind; this trial only effective in TN.

Evolution following the Scopes Trial

1. Prohibiting the teaching of evolution
2. Attacking secular humanism as a religion
3. Equal time for the genesis account
4. Required teaching of both creation science and evolution
5. Balanced treatment for creation science and evolution (teach both or either)
6. Required teaching of Intelligent Design
7. Next?

**Epperson v. Arkansas** (U.S SC, 1968) the most important:

In 1928, Arkansas passed legislation that it is unlawful for any teacher to teach the theory or doctrine that mankind ascended or descended from a lower order of animals.

Little Rock in Arkansas, Susan Epperson sued because the textbook is “unlawful.”

Ruling in the Arkansas county court: the Arkansas law is unconstitutional

Ruling in the Arkansas SC: the Arkansas is a valid practice

Ruling in the SC: the Arkansas law is unconstitutional, decision made implied nationwide.

Creationist groups

* The Creation Research Society
* The Institute for Creation Research
* Creation Ministries International
* Creation Science Ministries, which changed its name in 1995 to Answers in Genesis

**Willoughby v. Stever**: by teaching evolution is creating a religion, U.S. District Court, D.C. Circuit 1973

In 1973, TN passed legislation: any biology textbook

Danial v. Waters: US District Court 1975

The TN law was “a clearly defined preferential position for the..

**“Creation Science”**

* It means the scientific evidences for creation and inferences from those evidences
* Indicate: sudden creation of the universe, energy, life from nothing
* The insufficiency of mutation and natural selection in bringing about the development of all living kinds from a single organism
* Changes only with fixed limits of originally created kinds of plants and animals

Creation Science in Arkansas: AK passed a law in 1981 that required the teaching of Creation Science along with evolution in AK public schools

**McLean v. Arkansas Board of Education:**

Creation Science is religion, not science

Balanced Treatment in Louisiana

**Aguillard et al v. Edwards et al**: U.S. District Court

The DC rules that the actual purpose of the statue. Ruled 7 to 2 in SC court; 2: Justice Scalia and Justice Rehnquist. The ppl of louisiana are quite entitled to have whatever scientific evidence there may be against evolution presented in their schools.

**Intelligent Design**

* It is a scientific theory that proposes that some aspects of life are best explained as the result of design, and that the strong appearance of design in life is real and not just apparent. Michael Behe
* The “Irreducibly Complex” Bacterial Flagellum

Dover, PA; dragonfly textbook, panda textbook: Intelligent design means that various forms of life began abruptly thru an intelligent agency with their distinctive features already intact - fish with scales, birds with feathers, beak and wings, etc. Of Pandas and people

Creation means that various forms of life began abruptly… intelligent design is substituted creation

**Kitzmiller et al. v. Dover Area School District**: US DC 2005: Monkey Girl; The devil in dover; a lot of science testimony; Discovery demand; ruled that Intelligent design is not science, and it granted.. This decision is not appealed.

Irreducible complexity, a key concept in Intelligent Design. Michael Behe. The Creationists.

What’s the next evolutionary step?

Current attacks on Science Education

Legislation introduced in 2019 map

South Dakota ID Bill:

Senate Bill 112 no school board or school admin may prohibit a teacher in public or nonpublic school from providing instruction on ID or other related topic

The Battle over Textbooks in Texas, 12/18/2013 Texas is the second biggest purchaser of textbooks

Threats: “Balance” controversial theories and concepts:

* Louisiana Science Education Act, 2008; cannot promote discrimination for or against a particular set of religious beliefs
* Antiscience Bill introduced in Virginia
* Antiscience Bill introduced in Oklahoma, 2014
* Ohio
* Kentucky House Bill 397 (2010)

Bills Affecting Instructional Materials

Bills attacking the NGSS, Connecticut and Iowa

Anti-indoctrination Bills

Anti-evolution legislation in MI, 2014

Florida House Bill 989 became law in 2017

No clever and catchy new ideas similar to IN have come along the years. However, responding to a national survey, 22% of high school biology teachers reported receiving explicit community pressure against teaching evolution.

What can we do?

* Be willing to raise your voice (write a letter; as a parent, educator,
* Other suggestions from NCSE
  + Parents schools

2005 Assembly Bill 1143

Science instruction: the school board shall ensure that any material presented as science within the school curriculum

11%-20% of ppl believe all species have the same origin

Appeal to fairness