

REMOVE UNCONSTITUTIONAL “CREATION SCIENCE” EARMARK FROM LABOR/HHS/EDUCATION APPROPRIATIONS REPORT

Dear Senator:

We, the undersigned religious, civil rights, education, science, and advocacy organizations write to urge you to remove an earmark from the Fiscal Year 2008 Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Bill’s Committee Report. The Fund for Improvement of Education, under Title III, contains an earmark for uses that, if funded, would be blatantly unconstitutional. The earmark would fund curriculum that promotes teaching creationism in the science classroom, even though uniformly prohibited by federal courts.

The requested funding would go to the Louisiana Family Forum (LFF) “to develop a plan to promote better science education.” According to *The New Orleans Times-Picayune*, the earmark “will pay for a report suggesting ‘improvements’ in science education in Louisiana, the development and distribution of educational materials and an evaluation of the effectiveness of the Ouachita Parish [Louisiana] School Board’s 2006 [science curriculum] policy.”¹

The Louisiana Family Forum’s mission is to “persuasively present biblical principles in centers of influence,” including schools.² One way the LFF seeks to accomplish its mission is by advocating for teaching creationism in the science classroom. For instance, the LFF played a leading role last year in Ouachita Parish, Louisiana School Board’s adoption of a “science curriculum policy”³ that “opened the door to biblically inspired teachings in science class.”⁴ The policy uses a creationist ploy — “teaching the controversy” — that allows teachers to point out the alleged “weaknesses” of evolutionary theory. This is despite the fact that courts have consistently held this tactic to be unconstitutional and that “the scientific consensus around evolution is overwhelming.”⁵ Constitutional and scientific issues aside, underwriting LFF’s study of this questionable “science curriculum policy” for which it has already been a vigorous advocate is a dubious use of federal funding, to say the least.

¹ Bill Walsh, *Vitter Earmarked Federal Money for Creationist Group*, *New Orleans Times-Picayune*, Sept. 23, 2007, at 1.

² www.lafamilyforum.org.

³ http://www.opsb.net/downloads/forms/Ouachita_Parish_Science_Curriculum_Policy.pdf.

⁴ Walsh, *supra*.

⁵ *Science and Creationism: A View from the National Academy of Sciences* (2d ed. 1999), <http://www.nap.edu/html/creationism/appendix.html>.

Another LFF strategy in its quest to bring creationism to science class is promoting creationist “addenda” (deceptively called “evolution addenda”) that public-school teachers can use to supplement state-approved science textbooks. One such addendum, published by the LFF as a “Fact Sheet,” promotes discredited arguments from both the young-earth and intelligent-design creationist movements.⁶ Among other constitutional problems, the addendum substitutes biblical explanations for scientific ones by attributing the “billions of fossils” on Earth to “violent floods in the past” and by questioning whether chemical origins of life happened “accidentally” or “by purely natural processes.” Moreover, alluding to supernatural explanations undermines modern scientific methodology, in which scientists seek natural rather than supernatural explanations.⁷

This addendum was written by Dr. Charles H. Voss, a retired electrical engineering professor and close ally of the LFF. Voss is also vice president of the young-earth creationist Origins Resource Association (ORA), which is devoted to bringing creationism into science classes.⁸ Voss has written similar, equally problematic, addenda for Louisiana’s state-approved biology textbooks. They are available at his website, TextAddOns.com, to which the LFF posts a link. He authored an ORA “pamphlet outlining Scriptural and scientific arguments showing that God did NOT use evolution as His method of creating.”⁹ His addenda are clearly among the “improvements” in science education and “educational materials” for which the LFF advocates — and for which the U.S. Constitution forbids taxpayer funds to be spent. There is no doubt that the LFF’s intent is to bring creationism into science classrooms with federal taxpayer dollars.

The federal courts, including the U.S. Supreme Court, have consistently and repeatedly held that creationism in all its variations (“creation science,” “young-earth creationism,” “intelligent design,” and other anti-evolution doctrines) cannot be taught in the public schools. In *Epperson v. Arkansas*,¹⁰ the Supreme Court struck down a state statute prohibiting the teaching of evolution in public schools, explaining that “the First Amendment does not permit the State to require that teaching and learning must be tailored to the principles or prohibitions of any [religion].”¹¹ Subsequently, in *Edwards v. Aguillard*,¹² the Supreme Court invalidated a Louisiana statute requiring the “balanced treatment” of evolution and “creation science” in the public schools. The Court declared the law unconstitutional because its “preeminent purpose . . . was clearly to advance the religious viewpoint that a supernatural being created humankind.”¹³

⁶ www.lafamilyforum.org/site100-01/1001014/docs/origin~1.pdf.

⁷ *Science and Creationism*, www.nap.edu/html/creationism/evidence.html.

⁸ <http://originsresource.org/>.

⁹ <http://originsresource.org/pubs/didgod.pdf>.

¹⁰ 393 U.S. 97 (1968).

¹¹ *Id.* at 106.

¹² 482 U.S. 578 (1987).

¹³ *Id.* at 591.

Other courts have similarly invalidated public schools' attempts to teach thinly disguised religious beliefs regarding the origins of life.¹⁴ Most recently, the court in *Kitzmiller v. Dover*, joined by local, national, and international media, recognized that the school board in Dover disserved the students, parents, and teachers in the community by dragging them into a “legal maelstrom, with its utter waste of monetary and personal resources.”¹⁵

Federal funding of the LFF's efforts to introduce creationism in public-school science classrooms will similarly harm the religious liberty of students and their families. As the Supreme Court has explained, the “preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere,” for “religious beliefs and religious expression are too precious to be either proscribed or prescribed by the State.”¹⁶ Parents — not schools — have the right to direct the religious upbringing of their children. Our nation is becoming more and more religiously diverse and Louisiana's students and their families reflect this diversity. One specific religion's view of the origins of life should not be taught to the exclusion of others. Doing so sends the message to those who disagree “that they are outsiders, not full members of the [school] community, and an accompanying message to adherents that they are insiders, favored members of the [school] community.”¹⁷

Finally, federal funding of the LFF will weaken rather than strengthen science education. “Creationism, intelligent design, and other claims of supernatural intervention in the origin of life or of species are not science because they are not testable by the methods of science.”¹⁸ Including these religious ideas in science classes “compromises the objectives of public education”¹⁹ and negatively affects students. Teaching creationism “threaten[s] . . . students' understanding of the biological, physical, and geological sciences” and “deprive[s] students of the education they need to be informed and productive citizens in an increasingly technological, global community.”²⁰ The scientific literacy of students is at risk, which in turn puts our nation's competitiveness and ability to continue to achieve major advances in technology and public health at risk.

¹⁴ See *Freiler v. Tangipahoa Parish Bd. of Educ.*, 185 F.3d 337, 348 (5th Cir. 1999) (striking down an oral disclaimer casting doubt on evolution and referring to “biblical” alternatives), *cert. denied*, 530 U.S. 1251 (2000); *Pelozo v. Capistrano Unified Sch. Dist.*, 37 F.3d 517, 522 (9th Cir. 1994) (holding that a science teacher was properly required by his school district to teach evolution and refrain from discussing his religious views); *Daniel v. Waters*, 515 F.2d 485, 491 (6th Cir. 1975) (striking down statute requiring schools teaching evolution to devote equal time to other theories, including Biblical account of creation); *Kitzmiller v. Dover Area Sch. Dist.*, 400 F. Supp. 2d 707 (M.D. Pa. 2005) (holding that intelligent design, an “untestable alternative hypothesis grounded in religion” cannot be taught alongside evolution in the science classroom, nor can evolutionary theory, “well-established scientific propositions,” be misrepresented); *Selman v. Cobb County Sch. Dist.*, 390 F. Supp. 2d 1286, 1312 (N.D. Ga. 2005) (striking down a textbook disclaimer sticker telling students that evolution is “just a theory”), *vacated and remanded by* 449 F.3d 1320 (11th Cir. 2006); *McLean v. Ark. Bd. of Educ.*, 529 F. Supp. 1255, 1258-64 (E.D. Ark. 1982) (holding that teaching creation science in public schools unconstitutionally advances religion).

¹⁵ *Kitzmiller*, 400 F. Supp. 2d at 765.

¹⁶ *Lee v. Weisman*, 505 U.S. 577, 589 (1992).

¹⁷ *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309-310 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (O'Connor, J. concurring)).

¹⁸ *Science and Creationism*, <http://books.nap.edu/html/creationism/conclusion.html>.

¹⁹ *Id.*

²⁰ Am. Assoc. for Advancement of Sci., *Statement on the Teaching of Evolution* (Feb. 16, 2006), http://archives.aaas.org/docs/resolutions.php?doc_id=443.

Not only would granting federal funding for the LFF's program be unconstitutional, it also would be bad policy that would infringe upon students' religious freedom and undermine their education in the important discipline of science.

We urge you to remove this harmful and unconstitutional earmark.

Sincerely,

American Association of School Administrators
American Association of University Women
American Civil Liberties Union
American Humanist Association
American Institute of Biological Sciences
American Jewish Committee
American Jewish Congress
Americans for Religious Liberty
Americans United for Separation of Church and State
Anti-Defamation League
Baptist Joint Committee for Religious Liberty
Biological Sciences Curriculum Study
Center for Inquiry
Colorado Evolution Response Team
Disciples Justice Action Network
Equal Partners in Faith
Jewish Council for Public Affairs
Kansas Citizens for Science
National Center for Science Education
National Council of Jewish Women
National Education Association
National Science Teachers Association
Oklahomans for Excellence in Science Education
Organization of Biological Field Stations
Protestant Justice Action
Secular Coalition for America
Sikh Council on Religion and Education
Society for the Study of Amphibians and Reptiles
Society for the Study of Evolution
Texas Faith Network
Texas Freedom Network
The Herpetologist's League
The Interfaith Alliance
Union for Reform Judaism
Unitarian Universalist Association of Congregations
Women of Reform Judaism