



FREEDOM FROM RELIGION FOUNDATION

P.O. Box 750 • Madison WI 53701 • (608) 256-8900 • www.ffrf.org

August 3, 2010

**SENT VIA U.S. MAIL AND FAX
(225) 686-3052**

Mr. Bill Spear
Superintendent
Livingston Parish Public Schools
P.O. Box 1130
Livingston, LA 70754

COPY

Re: creationism in public schools

Dear Mr. Spear and Members of the Livingston Parish School Board:

I am writing on behalf of members of the Freedom From Religion Foundation (FFRF) who have expressed concern regarding the Livingston Parish School Board's deliberations over the possibility of importing creationism into the public school science curriculum. FFRF is a national nonprofit organization with more than 16,000 supporters across the country including members in Louisiana. Our purpose is to protect the constitutional principle of separation between state and church.

It is our understanding that at its meeting on Thursday, July 22, the Livingston Parish School Board ("Board") discussed the possibility of incorporating creationism into its science class curriculum. The discussion was prompted by Director of Curriculum Jan Benton, who stated that the Science Education Act, passed by the Louisiana Legislature in 2008, allows for the teaching of "critical thinking and creationism" in science classes.

The Establishment Clause in the First Amendment to the U.S. Constitution prohibits government sponsorship of religion. The Supreme Court has said time and again, that the "First Amendment mandates government neutrality between religion and religion, and between religion and nonreligion." *McCreary County, Ky. v. American Civil Liberties Union of Ky.*, 545 U.S. 844, 860 (2005); *See also*, e.g., *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Board of Ed. of Ewing*, 330 U.S. 1, 15-16 (1947). This constitutional mandate is stronger within the context of our public schools.

It is unconstitutional for a public school board to include creationism in the curriculum. *See Edwards v. Aguillard*, 482 U.S. 578 (1987); *See also*, *Kitzmiller v. Dover Area Sch. Dist.*, 400 F. Supp. 2d 707 (M.D. Pa. 2005) (holding as unconstitutional teaching of Intelligent Design); *Epperson v. Arkansas*, 393 U.S. 97, 106 (1968) ("[T]he First Amendment does not permit the State to require that teaching and learning must be tailored to the principles or prohibitions of any religious sect or dogma").

In the *Edwards v. Aguillard* case, the Supreme Court made an unambiguous ruling striking down the Louisiana Balanced Treatment for Creation-Science and Evolution-Science in Public School Instruction Act. 482 U.S. 578 (1987). In that case, the Court ruled that "the term 'creation science,' as contemplated by the legislature that adopted this Act, embodies the religious belief that a supernatural creator was responsible for the creation of humankind," *Id.* at 592, and that the purpose of the

legislative act was to promote a particular religious viewpoint. *Id.* at 593. As such, the legislative act and resulting attempts by school boards to incorporate creationism into public school science classes were ruled unconstitutional. The Court further held that “[t]he goal of providing a more comprehensive science curriculum is not furthered either by outlawing the teaching of evolution or by requiring the teaching of creation science.” *Id.* at 586. Thus, there can be no secular purpose behind legislation designed to get creationism into public school science classrooms.

The current Louisiana Science Education Act (“Act”) and the Board’s decision to consider teaching creationism would not fare any better from a constitutional standpoint than the act struck down in the *Edwards* case. It is clear, given the prior legal history of this issue in Louisiana and the wording of the current legislative act, that the Act was designed specifically to target the teaching of evolution and the origins of life as part of the science curriculum. Furthermore, it is equally clear from Board members’ reactions to the proposal that the Board’s goal in considering the addition of creationism to the school district science curriculum is fueled by religious motives. Board member David Tate’s comment asking “why can’t we get someone with religious beliefs to teach creationism” is particularly revealing. Due to the underlying religious motives, neither the Act nor the Board’s implementation of it would survive constitutional scrutiny.

Finally, the Board would do well to remember that even if Mr. Tate’s assertion is true that all members of the School Board believe in creationism, the Board represents the interests of a much more diverse population within Livingston Parish. It is wildly inappropriate for the beliefs of one school of religious thought to be pushed on a captive audience of public school students. Such a practice alienates those teachers and students who practice other religious faiths, those who are nonreligious, and those who believe that science and religion are compatible. Any Board member who feels passionately about the merits of creationism is free to teach that viewpoint to his/her own children or to ask that it be taught in his/her church. The public at large need not be involved.

We ask that the Board reject any proposal to inject religious dogma into the science curriculum under the guise of “critical thinking.” Dogmatic thought, in fact, is the opposite of critical thinking. We further request a response in writing at your earliest convenience regarding the steps that the Board has taken to ensure that the religious tenets of creationism are not adopted into Livingston Parish’s secular public schools.

Sincerely,

Rebecca S. Markert
Staff Attorney

cc: Mr. Keith Martin, School Board President

RSM:stg