

Court case hits attack on evolution in Pennsylvania

By Joseph Kay
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A major court case involving the attack on the teaching of evolution in schools began this week. Eleven parents of children in Dover, Pennsylvania are challenging the decision by the Dover School Board to require biology teachers to question the theory of evolution.

The school board's new policy, which was established in the fall of 2004, requires ninth grade biology teachers to read a statement saying that there are "gaps" in the theory of evolution "for which there is no evidence." The teachers are instructed to offer "intelligent design," a religious view, as an alternative to evolution and direct students to a book supporting intelligent design as a supplement to their regular biology text. The new policy was implemented over the objections of the teachers themselves.

This requirement is a transparent attempt, pushed by Christian fundamentalist members of the school board, to undermine the scientific explanation of the origins of life and the diversity of the natural world. It is part of a broader movement to promote the teaching of religion in schools, which has focused on an attack on biological evolution.

President Bush gave his support to this assault on the separation of church and state in August. Asked about the teaching of intelligent design, he said, "people ought to be exposed to different ideas."

The parents, who have brought the case with the support of the American Civil Liberties Union (ACLU), argue that the school board's requirements violate the Establishment Clause of the First Amendment of the US Constitution. This clause states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." The clause is the basis for the constitutional separation of church and state and

prohibits any government promotion of religious views, including the teaching of religion in public schools.

The complaint of the parents, filed on December 14, 2004, notes, "Intelligent design has been publicly promoted by an organization called the Discovery Institute and others as a means of challenging the scientific theory of evolution in public classrooms and replacing it with so called 'science' that is 'consonant with Christian and theistic convictions.'" The effect of the requirement "will be to compel public school science teachers to present to their students in biology class information that is inherently religious, not scientific, in nature," the complaint states.

The precedent for the parents' case is the 1987 Supreme Court decision in *Edwards v. Aguillard*, which held that a requirement that "creation science" be taught alongside evolution in public schools violated the Establishment Clause. The *Edwards* decision based itself on the 1971 case of *Lemon v. Kurtzman*, in which the Court gave three criteria for determining whether a policy violates the Establishment Clause: (1) it does not have a secular purpose; (2) its principal or primary effect advances or inhibits religion; or (3) it creates an excessive entanglement of the government with religion.

The intelligent design movement was set up in part as an attempt to get around the previous court decision. Rather than openly argue that creationism should be taught in public schools, intelligent design advocates instead argue that students should be instructed that there are "gaps" in the theory of evolution, that there is much debate in the scientific community about it.

According to an article in the *New York Times*, Eric Rothschild, the lawyer for the parents, "said that the board's own documents would show that the board members had initially discussed teaching

‘creationism’—one former member said he wanted the class time evenly split between creationism and evolution—and that they substituted the words ‘intelligent design’ only when they were made aware by lawyers of the constitutional problems involved.”

In fact, biological evolution is one of the most successful theoretical frameworks in all of science, and there is no controversy among biologists over its validity. Kenneth Miller, a professor at Brown University and co-author of the widely-used textbook *Biology*, noted on the stand on Monday, “To my knowledge, every single scientific society that has taken a position on this issue has taken a position against intelligent design and in favor of evolution.”

The underlying motivation of the intelligent design advocates is the same as that of the more open creationists: an attack on science and the promotion of religion, and specifically Christianity. The parents’ complaint notes, “In a public meeting of the defendant Dover Area School Board on June 7, 2004, School Board member William Buckingham, Chair of the Board’s Curriculum Committee, criticized the textbook *Biology* because it is ‘laced with Darwinism,’ and advocated the purchase of a biology book that includes theories of creation as part of the text.”

According to the complaint, Buckingham “also said there need not be any consideration for the beliefs of Hindus, Buddhists, Muslims or other competing faiths and views. ‘This country wasn’t founded on Muslim beliefs or evolution,’ he said. ‘This country was founded on Christianity and our students should be taught as such.’” Buckingham later stated that “nowhere in the Constitution does it call for a separation of church and state.”

The book promoted by the Dover School Board, *Of Pandas and People* by Percival Davis and Dean Kenyon, argues that the “weaknesses” in the theory of evolution necessitate the conclusion that “life itself owes its origin to a master intellect.” Philip Johnson, program director for the Discovery Institute’s Center for Science and Culture, is considered the father of the intelligent design movement. In 2003, he said that its strategy “has been to change the subject a bit so that we can get the issue of intelligent design, which really means the reality of God, before the academic world and into the schools.”

Johnson is the architect of the so-called “wedge” and

“teach the controversy” strategies. The aim of the Discovery Institute, the leading proponent of intelligent design, is to systematically and persistently call into question the theory of evolution. Intelligent design itself masquerades as an alternative scientific explanation, though in fact it has no scientific basis and is rejected by the overwhelming majority of biologists.

In a fundraising document leaked to the public, the Discovery Institute said that its aim was “nothing less than the overthrow of materialism and its cultural legacies.” Those thinkers most responsible for the materialist view, according to the document, were Charles Darwin, Karl Marx and Sigmund Freud.

The goals of the institute are not simply religious. The document also denounced materialism for spawning “a virulent strain of utopianism. Thinking they could engineer the perfect society through the application of scientific knowledge, materialist reformers advocated coercive government programs that falsely promised to create heaven on earth.” That is, the assault on science is bound up with hostility to social equality, the attacks on social programs and the promotion of a right-wing social agenda.

Testimony in the case is expected to last until early November, with a final decision by Federal District Court judge John Jones III in December. Whatever the decision, the case will likely be appealed to the Supreme Court.

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