



Oppose SB 733: The So-Called Louisiana Science Education Act

May 28, 2008

Dear Representative:

On behalf of its members in Louisiana, Americans United writes to **oppose SB 733**. This bill would attempt to introduce religion into science classrooms, would harm Louisiana's public-school students, and would lead to costly litigation. Louisiana's students deserve better.

SB 733 Is Another Attempt to Introduce Religion into Science Classrooms

This bill is an amended version of SB 561, which Senator Ben Nevers introduced at the behest of the Louisiana Family Forum (LFF).¹ The LFF'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 in Ouachita Parish, Louisiana School Board's recent adoption of a "science curriculum policy"³ that "opened the door to biblically inspired teachings in science class."⁴ In an interview about SB 561, Senator Nevers said that LFF

believe[s] that scientific data related to creationism should be discussed when dealing with Darwin's theory. This would allow the discussion of scientific facts I feel the students should know there are weaknesses and strengths in both scientific arguments.⁵

And though this bill, SB 733, differs slightly from SB 561, Senator Nevers confirmed that the changes "didn't change the intent of the bill."⁶

The Discovery Institute in Seattle, Washington, has joined LFF in promoting this misguided bill. For years, the Discovery Institute has advocated for teaching creationism in the science classroom. The Discovery Institute flogs the "intelligent design" notion, which was unequivocally declared both unscientific and religious in *Kitzmiller v. Dover Area School District*, 400 F. Supp. 2d 707 (M.D. Pa. 2005). Because courts have seen the previous efforts to undermine science education for what they were — attempts to bring religious

¹ *E.g.*, Sylvia Schon, "Bill Allows Teaching Creationism as Science," *Hammond Daily Star*, Apr. 6, 2008.

² www.lafamilyforum.org.

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

⁴ Bill Walsh, "Vitter Earmarked Federal Money for Creationist Group," *New Orleans Times-Picayune*, Sept. 23, 2007, at 1.

⁵ Schon, *supra*. Senator Nevers has said that newspapers misquoted him, but he never retracted this quote.

⁶ Will Sentell, "Evolution Talk Cut from Bill," *Baton Rouge Advocate*, Apr. 20, 2008, at A1.

beliefs into science class — and unambiguously rebuked them, the Discovery Institute and LFF are now peddling the deceptively named “Louisiana Science Education Act.”

As part of the marketing campaign for “intelligent design” creationism, these organizations advocate “critical thinking” and “objective discussion of scientific theories.” These phrases, like “scientific strengths and weaknesses of evolution,” “full range of scientific views,” and “academic freedom” are code phrases that the pro-creationist organizations use in their campaign.⁷ This campaign attempts to falsely cast scientific evolutionary theory as something that is controversial and advocate for teaching so-called evidence against evolution.

In *Kitzmiller*, the court examined the link between so-called evidence against evolution and “intelligent design” creationism.⁸ The court determined that these anti-evolution arguments “distort and misrepresent scientific knowledge.”⁹ As a result, the court prohibited the Dover Area School District not only from requiring teachers to refer to “intelligent design” in science class, but also from “denigrating or disparaging the scientific theory of evolution.”¹⁰ This bill tries to evade a similar fate by allowing teachers to supplement science textbooks with other instructional materials. Conveniently, LFF promotes 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.¹¹ 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.¹² This addenda, and others written by the same author are clearly among the “supplemental textbooks and other instructional materials” which the LFF believes will be allowed under this bill. Teachers misled by LFF and the Discovery Institute will present information to students that not only is non-science, but more importantly, is not constitutionally permissible.

⁷ See, e.g., Barbara Forrest, *Understanding the Intelligent Design Creationist Movement: Its True Nature and Goals* 19-22 (May 2007), available at [http://www.centerforinquiry.net/uploads/ attachments/intelligent-design.pdf](http://www.centerforinquiry.net/uploads/attachments/intelligent-design.pdf) (explaining creationist code words used by pro-creationists, some of which are contained in this bill); Eugenie C. Scott, *The Once and Future Intelligent Design, in Not in Our Classrooms: Why Intelligent Design is Wrong for Our Schools* 24-27 (Eugenie C. Scott & Glenn Branch, ed.) (2006) (explaining plans to introduce scientifically unsound critiques to disprove evolution in the classroom so that students will default to their religious beliefs in creation).

⁸ *Kitzmiller*, 400 F. Supp. 2d at 735-46.

⁹ *Id.* at 743.

¹⁰ *Id.* at 766.

¹¹ www.lafamilyforum.org/site100-01/1001014/docs/origin~1.pdf. 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. <http://originsresource.org/>. 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.” <http://originsresource.org/pubs/didgod.pdf>.

¹² See National Academy of Sciences, *Science Evolution, and Creationism* 10, 39, 43, 53, www.nap.edu/html/creationism/index.html.

Though the bill’s proponents may claim laudatory goals of improving science education and protecting teachers and students, they are simply attempting to execute a portion of LFF’s and the Discovery Institute’s plan to bring religion into public-school science classrooms. Ultimately, the Discovery Institute’s goal is to “replace science as currently practiced with ‘theistic and Christian science.’”¹³ If this bill becomes law, Louisiana will be an accomplice to these efforts, and as a result, impair science education for Louisiana’s students.

SB 733 Would Result in Costly Litigation

The result of this bill will inevitably be litigation, because it would invite discussion of religious beliefs in the science classroom. The Discovery Institute strategy embodied in this bill is verbal subterfuge developed in an attempt to skirt the U.S. Constitution and federal court rulings prohibiting the teaching of creationism in public schools. The federal courts, including the U.S. Supreme Court, have consistently and repeatedly held that creationism in all its variations (“creation science,” “intelligent design,” and other anti-evolution tactics) cannot be taught in public schools. In *Epperson v. Arkansas*,¹⁴ 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].”¹⁵ Subsequently, in *Edwards v. Aguillard*,¹⁶ 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.”¹⁷ Other courts have similarly invalidated public schools’ attempts to teach thinly disguised religious beliefs regarding the origins of life.¹⁸

Louisiana Would Be the Only State to Approve This Ill-Advised Legislation

This bill is similar to other so-called academic freedom bills introduced in legislatures around the country. Florida debated two versions of the bill, but did not pass the measure before the legislature adjourned for the year. Similarly, Missouri and Alabama also adjourned before passing an “academic freedom” bill. The bill in Michigan will probably not even be heard in committee and the bill in South Carolina was introduced simply for show as it was too late in the

¹³ *Kitzmilller*, 400 F. Supp. 2d at 737; *see also id.* at 735-38 (explaining that scientific explanations, such as evolution, must be based on natural, observable data and that in order for “intelligent design” to be accepted within the scientific community, the very definition of “science” will have to be altered to allow consideration of supernatural forces).

¹⁴ 393 U.S. 97 (1968).

¹⁵ *Id.* at 106.

¹⁶ 482 U.S. 578 (1987).

¹⁷ *Id.* at 591.

¹⁸ *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); *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); *Kitzmilller*, 400 F. Supp. 2d at 765-66 (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*, 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).

session to advance legislation. Louisiana should not be first in the nation to take this step backwards. Louisiana's students deserve better.

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."¹⁹ Please don't let this happen in Louisiana. We, therefore, urge you to **oppose SB 733**.

If you have any questions about Americans United's opposition to SB 733, please contact me at (202) 466-3234, extension 242, or sher@au.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dena S. Sher', with a long horizontal flourish extending to the right.

Dena S. Sher
State Legislative Counsel

¹⁹ *Kitzmiller*, 400 F. Supp. 2d at 765. As a consequence of their actions, all eight members of the school board facing reelection after the trial were defeated by candidates who supported teaching evolutionary theory in Dover's science classes. *E.g.*, Jill Lawrence, "'Intelligent Design' Backers Lose in Pennsylvania," *USA Today*, Nov. 9, 2005, at 4A.