



Amrita Singh
State Legislative Counsel

(202) 466-3234 x226
(202) 898-0955 (fax)
americansunited@au.org

1301 K Street, NW
Suite 850, East Tower
Washington, DC 20005

February 5, 2014

Chair Deb Soholt
Senate Education Committee
PO Box 1146
Sioux Falls, SD 57101-1146

Vice-Chair Ryan Maher
Senate Education Committee
PO Box 237
Isabel, SD 57633-0237

Re: Oppose SB 112 – An Unconstitutional Bill That Will Allow the Teaching of Intelligent Design in South Dakota Public Schools

Dear Chair Soholt and Vice-Chair Maher:

On behalf of its South Dakota members, Americans United for Separation of Church and State strongly urges you to **oppose SB 112**, a bill that would allow teachers in public school to “provide instruction on intelligent design or other related topics.” This bill is clearly unconstitutional, as it allows the teaching of intelligent design in public school science classrooms, which the federal courts have made clear violates the Establishment Clause.

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*,¹ 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].”² Subsequently, in *Edwards v. Aguillard*,³ 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.”⁴

These Supreme Court cases extend to the teaching of intelligent design, which SB 112 calls for. In *Kitzmiller v. Dover Area School District*,⁵ the court ruled that “intelligent design” is “nothing less than the progeny of creationism.”⁶ The court explained that intelligent design is not science and can not “uncouple itself from its creationist, and thus religious, antecedents.”⁷ As a result, the court prohibited the Dover Area School District from requiring teachers to refer to “intelligent design” in

¹ 393 U.S. 97 (1968).

² *Id.* at 106.

³ 482 U.S. 578 (1987).

⁴ *Id.* at 591.

⁵ 400 F. Supp. 2d 707, 765 (M.D. Pa. 2005). Americans United served as co-counsel in this case.

⁶ *Id.* at 721.

⁷ *Id.* at 765.

science class.”⁸ In the same way that teaching intelligent design in *Dover* was unconstitutional, so too would teaching intelligent design in South Dakota be unconstitutional.

Indeed, teaching intelligent design is an attempt to discredit the valid scientific theory of evolution. But evolution “is the only tested, comprehensive scientific explanation for the nature of the biological world today supported by overwhelming evidence and widely accepted in the scientific community.”⁹ Science education policies, like SB 112, which allow the teaching of non-science, allow creationists to continue to make non-scientific attacks against evolution.

Prohibiting the teaching of intelligent design in public school science classrooms is not anti-religious. Science is “limited to the search for natural causes to explain natural phenomena.”¹⁰ The goals of science are narrow: Science cannot provide “‘ultimate’ explanations for the existence or characteristics of the natural world . . . [and it] does not consider issues of ‘meaning’ and ‘purpose’ in the world.”¹¹ Instead, many people seek these important answers in religion. But, families—not the government—get to decide what religious beliefs they will teach to their children. Some families attending the school may adhere to religions that believe in intelligent design, but, for many, disparaging evolution in order to promote creationism conflicts with their beliefs. As the Supreme Court explained: “[f]amilies entrust public schools with the education of their children, but condition their trust on the understanding that the classroom will not purposely be used to advance religious views that may conflict with the private beliefs of the student and his or her family.” Therefore, the courts are “particularly vigilant in monitoring” whether religious beliefs are taught in public schools and the schools may not teach intelligent design as science.¹²

Because teaching intelligent design in a public school science classroom is unconstitutional, we oppose SB 112.

Sincerely,



Amrita Singh
State Legislative Counsel

⁸ *Id.* at 766.

⁹ Nat’l Acad. of Scis. & Inst. of Med., *Science, Evolution, & Creationism* 53 (2008) (emphasis added), available at http://www.nap.edu/catalog.php?record_id=11876#toc.

¹⁰ *Kitzmiller*, 400 F. Supp. at 735–36.

¹¹ *Id.* at 735.

¹² *Edwards v. Aguillard*, 482 U.S. 578, 584 (1987).