

OPPOSE “ACADEMIC FREEDOM” BILLS

BILLS UNDERMINE SCIENCE EDUCATION & INVITE RELIGIOUS TEACHING INTO CLASSROOM

These Bills Are Another Attempt to Introduce Religion into Science Classrooms

“Academic Freedom” bills would permit teachers to teach “the full range of scientific views,” about, “strengths and weaknesses” of, or “evidence for and against” evolution, or even to “teach the controversy” or encourage “critical thinking” about evolution. Although seemingly innocuous, these phrases have been co-opted for decades by groups that promote teaching religious beliefs, such as creationism and “intelligent design,” in the classroom, and are used to discuss the alleged shortcomings of evolution.¹ But according to the National Academy of Sciences, evolution “is the only tested, comprehensive scientific explanation for the nature of the biological world today that is supported by overwhelming evidence and widely accepted in the scientific community;” thus, arguments that students should learn about “weaknesses in the science of evolution are unwarranted”² and will only harm students’ education. And in a 2005 case, a federal court held that “intelligent design” is religious and unscientific, finding that the so-called weaknesses in the theory of evolution “distort and misrepresent scientific knowledge” and had been clearly refuted by scientists.³ As a result, the court prohibited mentioning “intelligent design” in science class and “denigrating or disparaging the scientific theory of evolution.”⁴

These Bills Would Likely Result in Costly Litigation

These bills would likely result in lawsuits, because they would invite discussing religious beliefs in classrooms, which is unconstitutional. These bills are creationist ploys used to try to skirt the U.S. Constitution; however, repeated U.S. Supreme Court and lower federal court rulings have prohibited the teaching of creationism in public schools.⁵ Also, courts have said that evolution cannot be singled out, as these bill do, because by “singling out the one scientific theory that has historically been opposed by certain religious sects, the [State] sen[ds] the message that it ‘believes there is some problem peculiar to evolution.’”⁶

“Academic Freedom” Is a Red Herring

Academic freedom is one of the basic freedoms protected by the First Amendment, thus there are no laws that prohibit teachers from introducing relevant scientific information in the classroom.⁷ Such academic freedom rights, however, are not unlimited. First, “academic freedom” cannot be used as a shield to teach misleading, inaccurate, or outdated information. Second, “academic freedom” does not permit teachers to engage in unconstitutional actions. Thus, teachers do not have the right to present information about alleged weaknesses in evolution, because this information “distorts and misrepresents scientific knowledge,”⁸ undermining and denigrating evolution, which has been held unconstitutional by courts.

Religion Belongs in Homes, Not Science Classrooms

Science is a limited endeavor: It is “the search for natural causes to explain natural phenomena,” and it 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.”⁹ Rather, many people seek these answers in religion. Because “[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,” courts are “particularly vigilant in monitoring” whether religion is introduced into public schools.¹⁰

¹ The Discovery Institute, an organization that peddles “intelligent design,” is also promoting “academic freedom” bills. <http://www.academicfreedompetition.com>.

² Nat’l Acad. of Scis. & Inst. of Med., *Science, Evolution, & Creationism* 52–53 (2008).

³ *Kitzmilller v. Dover Area School District*, 400 F. Supp. 2d 707, 739–44 (M.D. Pa. 2005).

⁴ *Id.* at 766.

⁵ *Edwards v. Aguillard*, 482 U.S. 578 (1987); *Epperson v. Arkansas*, 393 U.S. 97 (1968); *Freiler v. Tangipahoa Parish Bd. of Educ.*, 185 F.3d 337 (5th Cir. 1999); *Pelozo v. Capistrano Unified Sch. Dist.*, 37 F.3d 517 (9th Cir. 1994); *Daniel v. Waters*, 515 F.2d 485 (6th Cir. 1975); *Kitzmilller v. Dover Area School District*, 400 F. Supp. 2d 707 (M.D. Pa. 2005); *Selman v. Cobb County Sch. Dist.*, 390 F. Supp. 2d 1286 (N.D. Ga. 2005), vacated and remanded on other grounds, 449 F.3d 1320 (11th Cir. 2006); *McLean v. Ark. Bd. of Educ.*, 529 F. Supp. 1255 (E.D. Ark. 1982).

⁶ *Kitzmilller*, 400 F. Supp. 2d at 732 (quoting *Selman*, 390 F. Supp. 2d at 1309); see also *Epperson*, 393 U.S. at 103; *Edwards*, 482 U.S. at 593.

⁷ See *Edwards*, 482 U.S. at 587.

⁸ *Kitzmilller*, 400 F. Supp. 2d at 743.

⁹ *Id.* at 735–36.

¹⁰ *Edwards*, 482 U.S. at 584.