

# NEWS AND COMMENTS

## CREATION IN THE COURTS

Creationists are continuing the legal battle over the teaching of creation. State legislatures have been presented with bills requesting that creation be included as a valid theory of origins in the science classes of public schools.

In California, the conflict has been centered around the State Board of Education's science framework, which contains the guidelines for textbook selection, teacher training, and curriculum development. Whereas the 1970 framework required science textbooks to present a less biased view of origins, the 1977 framework treats evolution as the accepted theory about the development of life forms. Furthermore, it states that religious and philosophical theories about the origin of life "are not within the realm of science," because they can be neither proved nor disproved. After futile attempts to have the State Board of Education revise the guidelines to allow equal treatment of alternative views of origins, the Creation-Science Research Center (CSRC) of San Diego sought a preliminary injunction to block the guidelines from going into effect as planned in the fall of 1981. Joining the CSRC in this legal action against the State Board of Education and State Superintendent Wilson Riles were Congressman William Dannemeyer and former Assemblyman Mike Antonovich.

At the court hearing on 6 August 1979, there were no witnesses; instead, lawyers produced signed statements and presented oral arguments. Richard Turner, representing the CSRC, maintained that the new guidelines presented evolution as a fact. For example, one passage states that some evidence "indicates that all living organisms on earth have a common ancestor from which they have diverged by evolution during about three billion years." Turner further contended that "when you're talking about origins, you're talking about religion," and that by excluding all other theories except evolution, the State is promoting the religion of secular humanism — an infringement on the constitutional rights of freedom of speech and freedom of religion.

Representing the State Board of Education, Deputy Attorney General Robert Tyler accused the CSRC of "attempting to ... have a religious doctrine taught on an equal footing with science." He defended the guidelines, saying that evolution "says nothing about whether there is a God or there is not a God," because it is merely presented as a theory of development, not origins.

On the following day, Superior Court Judge W.A. White ruled in favor of the State Board of Education, saying that the teaching of evolution “contains no disparagement of the creationists’ view.” Though Judge White’s decision was disappointing to the plaintiffs, they do not plan to give up their efforts to have creation presented in the science classes. The next step will be an appeal to the State Supreme Court.

Unfortunately, even if a favorable ruling is eventually granted, the struggle over the theories of evolution and creation will continue. Legal support for the teaching of creation does not guarantee its receiving fair and equal treatment in the science classrooms of the public schools. While legal action might provide one way of ensuring the inclusion of alternative theories of origins, other methods should be pursued with equal, if not greater, vigor. Perhaps those who desire creation to be accepted as a valid scientific theory should make more effort to become known as practicing scientists. Also needed are adequately prepared, pedagogically acceptable science textbooks that present objective evaluations of different theories of origins.

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