

Newsweek

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## Keeping God Out of the Classroom

**BYLINE:** LARRY MARTZ with ANN MCDANIEL in Washington and bureau reports**SECTION:** NATIONAL AFFAIRS; Pg. 23**LENGTH:** 1103 words**HIGHLIGHT:** A new high court ruling

To Bill Keith, it was purely outrageous. The government, in the person of a substitute teacher, was trying to indoctrinate his son with beliefs Keith detested. He vowed to change the system, and did: elected a state senator in Louisiana, he got a law passed that required the state's public-school teachers to tell their students both sides of the issue. But that triumphantly American story came to a paradoxical conclusion last week when the Supreme Court struck down the law. The problem, the court said, was that Keith's law, requiring that any science lessons about evolution should also teach the theory of "creation-science," was only a subterfuge to bring the Bible back to class and thus a violation of the First Amendment.

Few issues that come before the high court are more vexing than those where church and state are entangled. And few have more explosive potential in grassroots politics -- particularly in the Bible belt, where a rigid fundamentalist creed collides head-on with the demands of a pluralistic democracy. These are hard cases: for a believer in the literal truth of every Biblical word, the theory of evolution is not just another point of view, it is sacrilege. Does the government have the right to force children to swallow it? Last week's ruling, by a convincing 7-2 majority, was the clearest rebuff to the fundamentalists since the 1968 decision that finally overturned state laws banning any teaching of evolution at all. But even as civil libertarians hailed the death knell of the creationism movement, they had to concede that the case provided only mixed portents for two more cases pitting fundamentalists against "secular humanism."

Changing strategy: In the Louisiana case, the fundamentalist forces had seemed on the best legal ground since the famous "monkey trial" of 1925, when biology teacher John Scopes was convicted of teaching evolution in Tennessee. That outcome was overturned on a technicality, but Clarence Darrow's humiliating grilling of the fundamentalist William Jennings Bryan effectively beat back the anti-evolution cause for years. In the 1970s, however, the fundamentalists developed a new strategy; to establish the Biblical account of creation as a respectable scientific theory and demand equal time for its teaching. By one count there are some 700 scientists with respectable academic credentials (out of a total of 480,000 U.S. earth and life scientist) who give credence to creation-science, the general theory that complex life forms did not evolve but appeared "abruptly." The first state law demanding equal time for this notion, in Arkansas, was struck down by a federal court as a transparent promotion of religion. But in Louisiana Keith's bill was carefully tailored to omit religious overtones, and it had a specific secular purpose: to promote academic freedom by ensuring that all sides are taught.

That clause aimed to satisfy a key point in previous Supreme Court rulings. But writing for the majority, Justice William J. Brennan Jr. found that the secular purpose was nothing but a "sham." Based on the bills' legislative history, Brennan said the real goal of the law "was clearly to advance the religious viewpoint that a super-

natural being created humankind." Justice Antonin Scalia, in a dissent joint by Chief Justice William H. Rehnquist, vigorously opposed this "visceral" judgment of the legislators' motives and argued that the citizens of Louisiana were entitled to provide their students "whatever scientific evidence there may be against evolution."

The decision didn't prohibit anyone from teaching creationism, provided the aim was to give comprehensive instruction about scientific theories. And in a concurring opinion, Justices Sandra Day O'Connor and Lewis F. Powell Jr. underlined that "schoolchildren can and should properly be informed of all aspects of this nation's religious heritage" in order to understand both history and current events. But such instruction, the majority agreed, should stop short of trying to promote a specific religious belief.

Civil libertarians, who had made the case a crusade of sorts, were predictably delighted with the ruling. Steve Shapiro of the American Civil Liberties Union hailed it as "a legal end to the creationism movement." Mainstream Protestants also welcomed the decision; the Rev. James Stovall, executive director of the Louisiana Interchurch Conference, called it "a day of victory and celebration." On the religious right, however, the Rev. Pat Robertson was "outraged." Patrick McGuigan, director of the judicial-reform project at the Free Congress Foundation, denounced the court's "permeating antireligious bias" and said the fundamentalists would have to find another test case to establish some "wobble room" for creationism. But like several other opponents, McGuigan predicted glumly that one result of the ruling would be a continued exodus of fundamentalist children from the public school.

Secret creed: It was harder to see any clear portent for two other major cases working their way toward the Supreme court. In Alabama a group of 600 parents is arguing that the values underlying public-school instruction in Mobile County amount to an undeclared religion that they call secular humanism, and they want more than 40 textbooks banned as promoting that creed. Some of their backers found comfort in Brennan's observation that classrooms shouldn't be used to push religious views that conflict with a student's private beliefs. But most observers doubted that the concept of secular humanism as a religion would stand up and pointed to Brennan's statement that the First Amendment doesn't mean classes "must be tailored to the principles or prohibitions of any religious sect or dogma." The second case, in Tennessee, was even more difficult: there a group of parents, objecting to the assignment of books including "Anne Frank: The Diary of a Young Girl" and "The Wizard of Oz," demands that their children be excused from classes. A federal judge has agreed.

In reality, the high court's decisions are all but impossible to enforce in the nation's hundreds of thousands of classrooms; there are surely prayers being said in many of them and lessons being taught that might horrify Justice Brennan. But the recent rulings set a tone that matters, particularly in freeing publishers to include controversial material in textbooks. In the next few years kids will be learning a lot more specifically about evolution -- and as Steve Shapiro remarked, "Somewhere in heaven, John Scopes is smiling."

**LANGUAGE: ENGLISH**

**GRAPHIC:** Pictures 1 and 2, A 'visceral' ruling: Scalia said Brennan and the majority went too far, KEN HEINEN; Picture 3, An exodus from public education? Boys attending a Bible-belt Christian school, TONY BULLARD

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From: Schlankey, Margaret L <m.schlankey@austin.utexas.edu>  
Date: Wed, May 16, 2012 at 1:57 PM  
Subject: Newsweek article  
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Hello Ms. Sharin:  
Please find the article you requested, "Keeping God out of the Classroom," attached.  
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