

# FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

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**SENT VIA EMAIL & U.S. MAIL: [yolandaca@hickmanmills.org](mailto:yolandaca@hickmanmills.org)**

Dr. Yolanda Cargile  
Superintendent  
Hickman Mills C-1 School District  
5401 E. 103rd St.  
Kansas City, MO 6412

Re: Unconstitutional Teaching of Creationism

Dear Superintendent Cargile:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a serious constitutional violation occurring at Smith-Hale Middle School. FFRF is a national nonprofit organization with 30,000 members across the country, including members in Missouri. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It is our understanding that [REDACTED] a 7th grade science teacher at Smith-Hale Middle School has been teaching creationism. We understand that one of his unit tests included questions intended to cast doubt upon evolution and our current understanding of the age of the earth:

- 1) Transitional forms have been found in the fossil record for all animals (his accepted answer: false)
- 2) Catastrophe supports sudden species appearance and a younger earth (his accepted answer: true)
- 3) There is no evidence that dinosaurs and humans may have coexisted (his accepted answer: false)

Each of these questions provides support for creationist beliefs over the currently accepted scientific standards.

Teaching creationism or any of its offshoots, such as intelligent design, in a public school is unlawful, because creationism is not based in fact. Courts have routinely found that such teachings are religious, despite many new and imaginative labels given to the alternatives. The Supreme Court struck down teaching of “scientific creationism” in public schools. *Edwards v. Aguillard*, 482 U.S. 578 (1987). Federal courts consistently reject creationism and its ilk in the public schools:

- *Epperson v. Arkansas*, 393 U.S. 97 (1968) (holding that school officials may not prohibit the teaching of evolution);
- *Freiler v. Tangipahoa Parish Bd. of Educ.*, 201 F.3d 602 (5th Cir. 2000) (holding that reading a disclaimer before teaching evolution violates the Establishment Clause);
- *Pelozo v. Capistrano Unified Sch. Dist.*, 37 F.3d 517 (9th Cir. 1994) (holding school’s prohibition on teaching creationism valid because permitting a teacher “to discuss his religious beliefs with students during school time on school grounds would violate the Establishment Clause.”);
- *Webster v. New Lenox Sch. Dist. No. 122*, 917 F.2d 1004 (7th Cir. 1990) (holding school board’s prohibition on teaching “creation science” valid because the board had a responsibility to ensure that the teacher was not “injecting religious advocacy into the classroom.”);

- *Kitzmiller v. Dover Area Sch. Dist.*, 400 F. Supp. 2d 707 (M.D. Pa 2005) (holding that a policy requiring students to hear a statement that intelligent design is alternative to Darwin's theory of evolution violates the Establishment Clause);
- *McLean v. Arkansas Bd. of Ed.*, 529 F. Supp. 1255 (D.C. Ark., 1982) (striking down a state statute mandating "balanced treatment for creation science and evolution science" because it violated the Establishment Clause).

Every attempt to smuggle religion into science classrooms by means of "alternative theories" has failed. Any theory that "depends upon 'supernatural intervention,' which cannot be explained by natural causes, or be proven through empirical investigation, and is therefore neither testable nor falsifiable" is "simply not science." *Dover*, 400 F. Supp. 2d at 717 (quoting *McLean*, 529 F. Supp. at 1267). Creationism, intelligent design, and other claims of supernatural intervention in the origin of life or of species subordinate observed data to statements based on authority, revelation, or religious belief. Documentation offered in support of these claims is typically limited to the special publications of their advocates. These publications do not offer hypotheses subject to change in light of new data, new interpretations, or demonstration of error. This contrasts with science, where any hypothesis or theory always remains subject to the possibility of rejection or modification in the light of new knowledge. *Id.* at 737.

Evolution, like gravity, is a scientific fact. Teaching that there is a scientific controversy about the validity of evolution is akin to teaching astrology with astronomy or alchemy beside chemistry. Representing unconstitutional discarded misconceptions as scientific facts does a great disservice to the scientific literacy of Smith-Hale Middle School students. No controversy exists in the scientific community regarding the fact of evolution, and the teaching of alternative theories or a controversy is not only inappropriate and dishonest, it is unconstitutional. Time and again courts exposed these alternative theories as an attempt to foist religious beliefs onto vulnerable schoolchildren, often after a costly legal battle.

It is wildly inappropriate for the beliefs of one school of religious thought to be pushed on a captive audience of public school students. Such a practice alienates those who practice other religious faiths, those who are nonreligious, and those who believe that science and religion are compatible. The District has a constitutional obligation to ensure that "teachers do not inculcate religion" and are not "injecting religious advocacy into the classroom." *Lemon v. Kurtzman*, 403 U.S. 602, 619 (1971); *Webster*, 917 F.2d at 1007.

We urge you to conduct an immediate investigation and to take appropriate corrective action regarding this unconstitutional conduct by [REDACTED]. The District must inform instructors that teaching religious creation theories in the classroom and/or using materials that promote such religious views is plainly unconstitutional in a public school. Please inform us in writing of the actions that you are taking to remedy this constitutional concern so that we may inform our complainant.

Sincerely,



Christopher Line  
 Patrick O'Reiley Legal Fellow  
 Freedom From Religion Foundation