FREEDOM FROM RELIGION *foundation*

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

February 21, 2018

SENT VIA EMAIL & U.S. MAIL: kgenerette@horrycountyschools.net

Mr. Kenneth Generette
Staff Attorney
Horry County Schools
PO Box 260005
Conway, SC 29528

Re: Unconstitutional School Promotion of Creationism

Dear Mr. Generette:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding serious constitutional violations within Horry County Schools. As you are aware, we wrote to Horry County Schools regarding an elementary school's endorsement of a religious activity this past fall. We have yet to receive a response to those concerns. I am writing today because another parent contacted us to report that an elementary school event included religious content.

A parent reports that Ocean Bay Elementary School hosted a Science Night for students on January 30 that included creationism instruction. We understand that the school organized and sponsored the event. The Bay Breeze newsletter promoted the event saying it featured "Paleontologist Scott Campbell." Campbell, who does not appear to possess any relevant degrees related to the field of paleontology, seeks to evangelize and teach young-earth creationism.

A parent reports that Campbell's presentation was full of young-earth creationism talking points. Genesis Project International posted on Facebook, "We we're (sic) blessed with the opportunity to share the creation message in several public schools in the Myrtle Beach area. It was a joy to present the truth of God's design in an environment so often dominated by an evolutionary worldview." Please see the enclosed image.

Genesis Project International says of its program:

> From an early age, curiosity and a thirst for knowledge revealed a surprising lack of information on dinosaurs and other scientific topics from a Biblical world view. Personal evangelism and public ministry also revealed how a lack of answers to questions on these topics were turning

others away from Christ. After several years of intense research, Scott assembled a presentation covering all the major topics relating to the creation/evolution issue.[1]

We understand that the organization formally did business as "Creation kids crusades."

We request assurances that Scott Campbell and Genesis Project International will not be allowed to present at any school-sponsored programs going forward.

Teaching creationism or any of its offshoots in a public school is unlawful. 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);
- *Peloza 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 instruction 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).

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[1] genesisprojectinternational.com/about.html.

Representing unconstitutional religious instruction as science does a great disservice to the scientific literacy of Horry Public Schools students. No controversy exists in the scientific community regarding the fact of evolution, and the teaching of "alternative theories" as part of a school program is not only inappropriate and dishonest, it is unconstitutional. Time and again courts have exposed these alternative theories as an attempt to foist religious beliefs onto vulnerable schoolchildren, often after a costly legal battle.

It is legally insignificant that students and parents were not required to attend this after-school event. Courts have summarily rejected arguments that voluntariness excuses a constitutional violation. *See generally Lee v. Weisman*, 505 U.S. 577, 596 (1992) ("It is a tenet of the First Amendment that the State cannot require one of its citizens to forfeit his or her rights and benefits as the price of resisting conformance to state-sponsored religious practice."); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203, 288 (1963) (Brennan, J., concurring) ("Thus, the short, and to me sufficient, answer is that the availability of excusal or exemption simply has no relevance to the establishment question"); *Mellen v. Bunting*, 327 F.3d 355, 372 (4th Cir. 2003) ("VMI cannot avoid Establishment Clause problems by simply asserting that a cadet's attendance at supper or his or her participation in the supper prayer are 'voluntary.'").

We urge Horry County Schools to take immediate corrective action. We request specific assurances that school administrators will not allow Scott Campbell to present at any school-sponsored programs. We also again request assurances that school staff members will cease promoting and organizing prayer events, such as See You at the Flagpole. Please contact me at your earliest convenience.

Sincerely,

Patrick Elliott
Senior Counsel

Enclosure

Genesis Project International added 2 new photos.
February 6 at 6:19am ·

We we're blessed with the opportunity to share the creation message in several public schools in the Myrtle Beach area. It was a joy to present the truth of God's design in an environment so often dominated by an evolutionary worldview. Contact us today to find out how we can share the message of creation in your church or school.

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