

FREEDOM FROM RELIGION *foundation*

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SENT VIA EMAIL AND U.S. MAIL:
tlysiak@jagschools.org

Mr. Ted Lysiak
Superintendent
James A. Garfield Local School District
10235 SR 88
Garrettsville, OH 44231

Re: Unconstitutional Teaching of Creationism

Dear Superintendent Lysiak:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a serious constitutional violation occurring in James A. Garfield High School (GHS). We were contacted by a concerned local District family member. FFRF is a national nonprofit organization with more than 23,500 members across the country, including nearly 600 members in Ohio and a local chapter in Cleveland, Northern Ohio Freethought Society. Our purpose is to protect the constitutional principle of separation between state and church.

It is our understanding that GHS biology teacher Gregory Walker taught a lesson on creationism/"intelligent design" in January 2016, as a precursor to a unit on evolution. Walker purported to teach "only the science portion" of creationism (there is none), but in fact taught and endorsed religious beliefs. Walker introduced what he called the "creation model," which is based entirely on religious texts, then raised several unscientific criticisms of evolution. Additionally, Walker had at least four Latin crosses displayed in his room during this lesson. Images of these religious symbols are enclosed for your review. Taken together, Walker's students certainly understood that Walker endorsed creationism.

We are writing to request an immediate investigation into this matter. District teachers may not teach or promote religious beliefs on behalf of the District. We ask that Walker be prohibited from teaching creationism or displaying religious iconography in his classroom.

Creationism

Walker's lesson grossly misrepresented evolution and promoted religion. Here is a sample of statements Walker made to his class:

- "Intelligent Design—now, I can teach you certain things and there are certain things the government restricts me from saying or doing. I cannot put biblical verses up here, I cannot test you over theological principles."¹
- "Intelligent design is also, not sugarcoating it, the creation model. Creationism. Scientific creationism, there's a few different words for it. We're going to look at evidence that does not support evolution."

¹ Walker started the lesson by alluding to its religious roots, and implied that he would teach the religious aspects of creationism if he could. It appears that he was aware that teaching creationism was illegal.

- “From an intelligent design model, or the creation model perspective, the worldview is that things are getting worse. [...] [After your body dies], what are you converted to? Carbon! Heat! Its most simple form. Is that getting better? Is that getting more complex, or less complex? Less!”²
- (Discussing a video on Darwin’s finches) “Do you remember in the video where they showed that little cartoon, where the finches were eating the different types of foods? And they said every season that their beaks switched, and they called it evolution? What they didn’t tell you, of course they neglected it on purpose, is that those finches are mating and producing fertile offspring with each other! They’re the same species!”³
- “As a matter of fact, there has never been evidence of macroevolution. You can look at any fossil you want. There is no correlation, no go-between, from any organism to another. Ask any scientist.”⁴
- “Well, you have to take [evolution] on what? What do you have to take intelligent design on? Faith!”⁵
- “If you’re having trouble with whether you’re an evolutionist or a creationist, put it down to this: ask yourself, ‘are you here on purpose? Or are you here by chance?’ And if you think you’re here on purpose, then you probably sit on the intelligent design model side. If you think you’re a chance happening, then you’re probably on the evolutionist side.”⁶
- (Discussing radiometric dating) “What if you’re looking at uranium; its half-life is 437 million years [sic]! How do we think in 100 years that we know the half-life is 437 million years? You can’t!”⁷
- (Discussing the possibility of a biblical great flood) “There’s tons of stuff on human evolution, and why there are gaping holes in human evolution.”⁸

It is apparent that Walker not only promoted creationism, but also failed to teach science. Walker either does not understand the topic he is tasked with teaching, or has chosen to intentionally mislead his students. Instead of showing his students how evidence can be studied to understand modern biological diversity, Walker leveraged his students’ ignorance—the very thing he was hired to cure—to promote his religious perspective.

² Walker argued that because matter tends to become less complex over time, complex life could not have evolved from simpler life. This argument is long-since debunked, as the evolution of biological complexity is well understood today.

³ Walker implied that speciation lacks evidentiary support because an organism’s characteristics may change over a small number of generations without a change of species. This argument ignores (among other things) the fact that speciation requires a large number of generations.

⁴ Walker’s statement that “any scientist” would agree that there is no evidence that species change over time is simply false. Vestigial organs, for example, are strong evidence that speciation has occurred. Walker also leaves the realm of science education by adopting the unscientific term “macroevolution.”

⁵ Walker admitted that intelligent design, the topic of his lesson, is based on faith, and simultaneously mischaracterized evolution (and science in general) as being faith-based.

⁶ Walker leveraged his students’ belief that they are not “a chance happening” to encourage them to believe in creationism. It is completely unscientific to suggest that students should evaluate scientific claims based on their own existential intuition, rather than on evidence.

⁷ Walker asked a reasonable question, but omitted the answer, instead switching topics after incorrectly declaring that “you can’t” reliably measure a long half-life. Scientists have confirmed that radioactive isotopes decay at a predictable rate, and can accurately calculate even very long half-lives due to the extraordinarily large number of atoms in a relatively small sample of any isotope.

⁸ Toward the end of the lesson, Walker made his bias clear by discussing a religious myth (the biblical “great flood”) as though it were scientifically or historically relevant, and stating that “there are gaping holes in human evolution,” which is simply false.

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 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. Ark. 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 with chemistry. Representing unconstitutional, discarded misconceptions as scientific facts does a great disservice to the scientific literacy of GHS 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.

Latin crosses

Besides teaching creationism and misconstruing evolution, Walker’s display of Latin crosses is an unconstitutional endorsement of Christianity. Courts have continually held that school districts may not display religious messages or iconography in public schools. *See, e.g., Stone v. Graham*, 449 U.S. 39 (1980) (ruling that the Ten Commandments may not be displayed on classroom walls); *Lee v. York Cnty.*, 484 F.3d 689 (4th Cir. 2007) (ruling that a teacher may be barred from

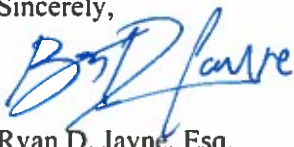
displaying religious messages on classroom bulletin boards); *Washegesic v. Bloomingdale Pub. Schs.*, 33 F.3d 679 (6th Cir. 1994) (ruling that a picture of Jesus may not be displayed in a public school).

The religious significance of the Latin cross is unambiguous and indisputable. “The Latin cross . . . is the principal symbol of Christianity around the world, and display of the cross alone could not reasonably be taken to have any secular point.” *Capitol Square Review and Advisory Bd. v. Pinette*, 515 U.S. 753, 792 (1995) (Souter, J., concurring). An overwhelming majority of federal courts agree that the Latin cross universally represents the Christian religion, and only the Christian religion. *See, e.g., Separation of Church and State Comm. v. City of Eugene*, 93 F.3d 617, 620 (9th Cir. 1996) (“There is no question that the Latin cross is a symbol of Christianity, and that its placement on public land . . . violates the Establishment Clause”); *Harris v. City of Zion*, 927 F.2d 1401, 1412 (7th Cir. 1991) (“a Latin cross . . . endorses or promotes a particular religious faith. It expresses an unambiguous choice in favor of Christianity.”), *cert. denied*, 505 U.S. 1218 (1992); *ACLU of Ill. v. City of St. Charles*, 794 F.2d 265, 271 (7th Cir. 1986) (“When prominently displayed . . . the cross dramatically conveys a message of governmental support for Christianity, whatever the intentions of those responsible for the display may be. Such a display is not only religious but sectarian.”), *cert. denied*, 479 U.S. 961 (1986).

Between Walker’s religious instruction and display of Latin crosses, the appearance that Walker endorsed Christianity during his biology class is undeniable. It is wildly inappropriate for a science teacher to push his religious beliefs 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 request that you to conduct an immediate investigation and take appropriate disciplinary and corrective action regarding this unconstitutional conduct. The District must inform instructors that teaching religious creation theories in the classroom is plainly unconstitutional in a public school. Additionally, please ensure that Walker will not display religious iconography, such as Latin crosses, in his classroom in the future. If Walker is unable or unwilling to teach without promoting his personal religion, he is unfit to continue teaching at a public school. A letter to parents of affected students, clarifying that the District does not support Walker’s promotion of creationism or Christianity, is certainly appropriate, as is a permanent note in Walker’s file—if not outright dismissal. Please inform us in writing of the actions that the District takes to ensure these serious constitutional violations do not recur so that we may inform our complainant.

Sincerely,



Ryan D. Jayne, Esq.
Diane Uhl Legal Fellow
Freedom From Religion Foundation

Enclosure

