

# FREEDOM FROM RELIGION *foundation*

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**SENT VIA EMAIL & U.S. MAIL: [roger.rich@southsideschools.org](mailto:roger.rich@southsideschools.org)**

Roger Rich  
Superintendent  
Southside School District  
70 Scott Drive  
Batesville, AR 72501

Re: Unconstitutional Teaching of Creationism

Dear Superintendent Rich:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in the Southside School District. FFRF is a national nonprofit organization with more than 35,000 members across the country, including members in Arkansas. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

During a recent Arkansas Senate Education Committee hearing regarding House Bill 1701, which would have allowed creationism as a theory of how the earth came to exist to be taught in Arkansas's public schools, State Senator James Sturch, a teacher at Southside Charter High School, revealed that a teacher at the school has been teaching creationism to his students:<sup>1</sup>

So, is my biology teacher down the hall breaking the state law because he's already teaching creationism...What is currently allowed for them to do as far as teaching theories? Is there any guidance at all? So what do the standards say, or what to the standards allow teachers to do? It's just, I eat lunch with the biology teacher down the hall when I'm there, everyday, and, you know, I know that he doesn't believe in the evolution theory, yet he teaches both. He teaches both the creationism theory and the evolution theory, one right after the other. He treats them both equally. He lets the kids have the discussion, and lets the kids kind of decide on their own which is more feasible and to me that was always the right approach. It's just, as I said, I am not against this, as far as that goes, it's just that I want to make sure that we're not going to limit that.

The District must take immediate action to ensure that the teacher that Senator Sturch was referring to is no longer teaching creationism to students.

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<sup>1</sup> <https://bit.ly/3n8RizK>

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.”);
- *Kitzmilller 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 Southside Charter High 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 disciplinary and corrective action regarding this unconstitutional conduct. 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 violation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Line", with a long horizontal flourish extending to the right.

Christopher Line  
Staff Attorney  
Freedom From Religion Foundation