

FREEDOM FROM RELIGION *foundation*

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SENT VIA EMAIL & U.S. MAIL: jevangelist@hpschools.org

Jason P. Evangelist
Superintendent
Holland Patent Central School District
9601 Main Street
Holland Patent, NY 13354

Re: Unconstitutional Advocacy Against Evolution

Dear Superintendent Evangelist:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a serious constitutional violation that recently occurred at the Holland Patent High School (HPS). FFRF is a national nonprofit organization with more than 30,000 members across the country, including more than 1,600 members in New York. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A concerned parent whose child attends HPS has reported that Phil Lucason, a biology teacher, recently began a lesson on evolution by undermining the theory of evolution, denigrating those who understand and accept the fact of evolution, and by falsely describing evolution to students using commonly debunked attacks on evolution. It is our understanding that Mr. Lucason told students that “evolution only goes so far,” and that when they take the Regents Exam they have to “play the evolution game where evolution is the answer to everything.” He then went on to say that “they have never been able to find when something becomes something else.” He told students that evolution is “contrary to genetics” and described a hypothetical situation in which a dog “underwent severe mutations and became a cat.”

We also understand Mr. Lucason derided “true evolutionists” and told students to ask them “where has the proof ever been shown and where does it say in science that it can become something else. There’s nothing.” He then went on to describe a hypothetical situation of a polar bear going from brown fur to white fur, explaining that is possible because it is one mutation, but that something complex such as the eye cannot have evolved because it would require a series of mutation. To sum up his tear down of evolution he ends,

...so what that means is you have to play the evolutionary game because the people writing this are married to that idea. Despite the new proofs and new science coming out. What that means is anything is really fair game, whether it’s the belief that aliens came down and created us as like a project, God created us and everything else, whatever god that might be, that you subscribe to...that Mars

got hit by, this is another one that's out there, that Mars got hit by an asteroid and a chunk flew off and came into Earth and boop here we are. So yeah, there is all kinds of different scenarios and in reality, we don't know. We don't know. There's no proof. And everything we thought we knew; we are finding out we know less and less of.

Mr. Lucason's attempt to undermine what he was teaching is both unconstitutional and pedagogically deplorable.

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). Mr. Lucason's attempts to undermine evolution are similarly unconstitutional. Federal courts consistently reject such attempts 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);
- *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 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 (quoting the National Academy of Science).

Any attempt to teach that there is a controversy about evolution is fraught with legal peril. 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 HPHS 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 take appropriate disciplinary and corrective action regarding this unconstitutional conduct by Mr. Lucason. Mr. Lucason must be directed to refrain from promoting religion or attacking evolution to his students. If he cannot do this, he cannot be a teacher in a public school. The District must inform instructors that undermining the theory of evolution is akin to teaching religious creation theories in a public school, which is plainly unconstitutional. Courts have upheld the dismissal of teachers in cases like this. Please inform us in writing of the actions that you are taking to remedy this serious constitutional violation so that we may inform our complainant.

Sincerely,

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

Christopher Line
Staff Attorney
Freedom From Religion Foundation