

## Timeline on Teaching Evolution

TED 615 Legal Foundation of Education

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## History of Evolutionary Thought

- Aristotle (384-322 BC) father of Zoology
- Comte de Buffon (1707-1788) Earth was at least 70,000 years old
- Rev. William Paley (1743-1805) inspired Darwin on adaptation



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## History of Evolutionary Thought II

- Georges Cuvier (1769-1832) described extinction and catastrophe
- Jean Baptiste Lamarck (1744 – 1829) evolution by natural processes



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### History of Evolutionary Thought III

- Darwin – Wallace, Theory of Natural Selection
  - *Origin of Species* published 1859
- Dobzhansky – Synthesis of genetics, systematics and paleontology
  - *Genetics and the Origin of Species* 1937



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### William Jennings Bryan

- Three-time Presidential Candidate
- Led crusade to banish teaching of evolution – by 1925 fifteen states had bans on teaching evolution
- ACLU and George Rappalyea challenged the law in Dayton, Tennessee



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### Scopes Trial – July 1925

- John Scopes – science teacher who taught evolution against ruling
- Clarence Darrow – ACLU described him as a zealous agnostic
- Defense wanted a higher court to state that forbidding evolution teaching is unconstitutional
- 1926 Case dismissed by Tennessee Supreme Court

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## 1968 Epperson vs. Arkansas

- Appeal challenged Arkansas' anti-evolution statute
- Susan Epperson – Biology teacher, instituted action in Arkansas Chancery Court.
  - Court held her challenge that law was unconstitutional
  - Arkansas Supreme Court reversed

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## Epperson vs. Arkansas II

- From Justice Black, "...a teacher cannot know whether he is forbidden to mention Darwin's theory at all....I believe that no state can constitutionally forbid a teacher to mention Darwin's Theory....and since Arkansas may, or may not have done that, I conclude the statute is so VAGUE as to be invalid under the Fourteenth Amendment.

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## Seagraves vs. State of California (1981)

- Seagraves complained that State Board of Education's *Science Framework* allowed violation of his rights by prohibiting his children's free exercise of religion
- Federal court ruled sufficient accommodation to Mr. Seagrave's views were already in place.

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### McLean vs. Arkansas Board of Education (1982)

- An Arkansas statute that required “balanced treatment” of evolution and Creation violated the Establishment Clause of the US Constitution
- The theory of evolution does not presuppose either the absence or presence of a creator.

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### More cases

- Webster vs. New Lennox School District (1990) a school district may prohibit a teacher from teaching Creation Science
- Peloza vs. Capistrano USD (1994) a teacher’s First Amendment right to free exercise of religion is not violated by a requirement of a school district that evolution be taught in a Biology class

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### Edwards vs. Aguillard

- The “Creationism Act” forbids teaching evolution unless accompanied by instruction in “creation science”.
- Edwards was the Governor of Louisiana who challenged the Act
- Court ruled the Act violated the Establishment Clause of the First Amendment

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## Current Controversies

- 1999 Kansas Board of Ed. Voted to remove evolution from list of subjects students are tested on in State tests
- 2000 Kansas voters threw out enough members of School Board to reverse decision
- 2004 New Board proposed “Intelligent Design” be taught.

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## Conclusions

- The Federal Courts, in the past 40+ years, have tried to balance:
  - Freedom to practice religion,
  - Establishment Clause of the Constitution
  - Free Speech
- A lack of mutual respect between the opposing points-of-view has made the courts the only functional arbiter

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