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## FEATURE STORY: INTELLIGENT DESIGN

# UPDATE - Evolution and ID: The People and Courts Have Spoken

by Roger Wilson, PhD

**Denying that humans evolved seems, by this point, a waste of time**

– David Byers, Exec. Dir.,  
U.S. Catholic Bishops' Ctte on  
Science and Human Values, 1984-  
2003

**Denying that humans evolved seems, by this point, a waste of time**

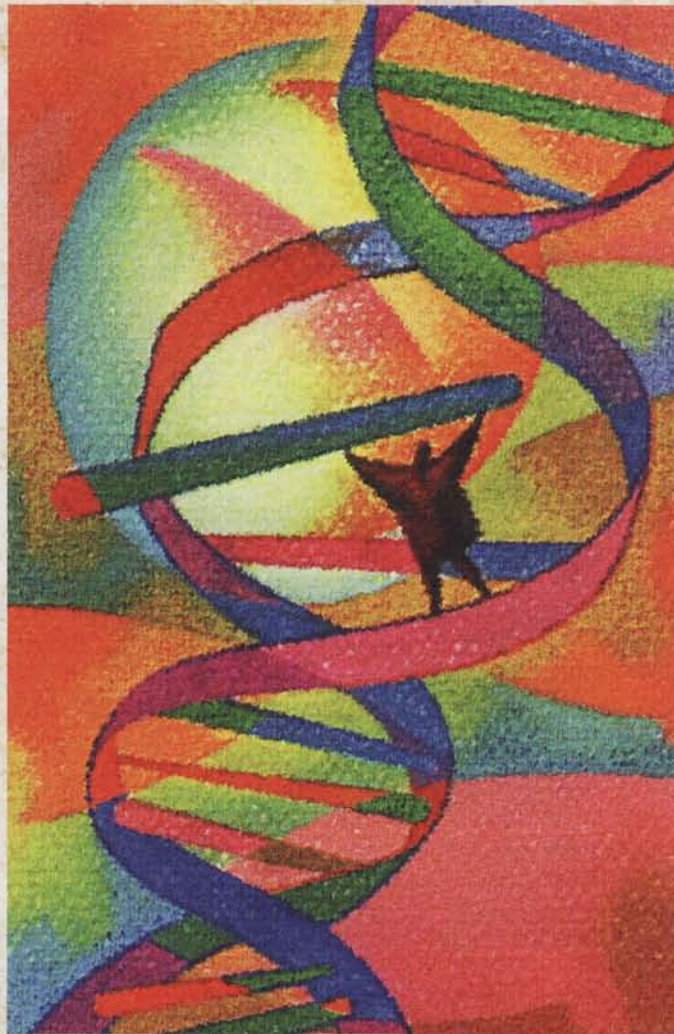
– Newt Gingrich, Speaker of the US  
House of Representatives, 1995-99

My article on intelligent design (ID) in the last issue of *Colleagues* (2005, Fall) noted that the Dover Area School District in Pennsylvania had a court case pending (*Kitzmiller v. Dover*) over its policy to offer ID as a factual alternative to evolutionary theory. What I did not know was that the entire Dover Area school board was up for re-election last November. Also, I could not predict the collateral impact from any ruling by U.S. District Court Judge John E. Jones III, but impact there was as Ohio's State Board of Education (SBE) moved quickly to reverse its earlier decision to require the critiquing of evolution as part of its own high school science curriculum. An update follows.

### Dover Area School District

This litigation was initiated by parents in response to the school board approving a policy in 2004 calling for the reading of a statement in 9th grade biology classes promoting ID as a viable alternative to evolutionary theory. The board policy stated that

*students will be made aware of gaps/problems in Darwin's theory and of other theories of evolution including, but not limited to, intelligent design.*



The policy led in the following statement being read to 9th graders.

*Because Darwin's theory is a theory, it continues to be tested as new evidence is discovered. The theory is not a fact. Gaps in the theory exist for which there is no evidence. A theory is defined as a well-tested explanation that unifies a broad range of observations.*

*Intelligent design is an explanation of the origin of life that differs from Darwin's view. The reference book, "Of Pandas and People," is*

*available for students who might be interested in gaining an understanding of what intelligent design actually involves.*

For most lay people, the first part of the statement may seem reasonable enough, though virtually all biologists/evolutionists would contest the phrase "the theory is not a fact." However, many people took issue with the second part, not only because of the term "intelligent design" but also because students were directed to the book "Of Pandas and People," one of whose authors stated during his 1994 Wall Street Journal interview, "of course my motives [for writing the book] were religious. There's no question about it."

The ACLU brought action while the school district was represented by the Thomas More Law Center (TMLC) of Ann Arbor, a firm dedicated to the defense and promotion of the religious freedom of Christians. This case was perceived by many as a significant test of the future viability of ID in the nation's science curricula.

On December 20, 2005, Judge Jones of the U.S. District Court released his 139 page opinion. Whether the court assigned the same level of significance to the case as did proponents and critics of ID

remains unknown, but the length and thoroughness of the opinion left little for ID proponents to cling to. The court began by providing a legal history of the evolution debate dating back prior to the Scopes Monkey Trial in 1925. After identifying the 1968 *Epperson v. Arkansas* case that struck down Arkansas's right to deny the instruction of evolution, the court noted that "religious proponents of evolution thereafter championed 'balanced treatment' statutes," to



force equal instructional time for creation. Once that was declared unconstitutional, the opinion identified a strategic shift—that “fundamentalists opponents of evolution responded with a new tactic...namely, to utilize scientific-sounding language to describe religious beliefs.” In time, this was deemed unconstitutional as well.

The court eventually concluded that the Dover Area School District had violated the Establishment Clause. And, in what one might argue added insult to injury, it also declared that “we have addressed the seminal question of whether ID is science. We have concluded that it is not, and moreover that ID cannot uncouple itself from its creationist, and thus religious, antecedents,” an argument that the plaintiffs’ lawyer had made earlier when he said, “This isn’t really science against science because that would be two competing arguments based on evidence, research and peer-reviewed articles - and intelligent design has none of those.” But the court was not finished. It then stated that

*both Defendants and many of the leading proponents of ID make a bedrock assumption which is utterly false. Their presupposition is that evolutionary theory is antithetical to a belief in the existence of a supreme being and to religion in general. Repeatedly in this trial, Plaintiffs’ scientific experts testified that the theory of evolution represents good science, is overwhelmingly accepted by the scientific community, and that it in no way conflicts with, nor does it deny, the existence of a divine creator (emphasis added).*

This case was important in demarcating the boundaries of church and state, but it does not prevent ID-implicit cases from arising. One only has to look to Mississippi, Maryland, Utah, Oklahoma, Michigan (original draft of HB 5606) and Kansas.

In a related matter, prior to the court decision, the citizens of Dover Area had an opportunity to support their school district on the ID issue. But in a resounding rejection of their board, and presumably its national spotlight, eight incumbent board members, all Republicans, were defeated in the November midterm elections and replaced by Democrats. The party affiliation is significant only in so much that it was President Bush whom the advocates of ID claimed implicit support when he declared, “I think that part of education is to expose people to different schools of thought.” That simple statement divorced from its ID context could not be more accurate. But divorced it was not.

While the district’s legal fees were covered by the pro bono work of TMLC, it still had to pick up the Plaintiffs’ costs. That bill to Dover Area taxpayers exceeded \$1 million, something that Michigan school districts might want to reflect upon.

### Fallout in Ohio - Its Science Curriculum

In 2004, the Ohio State Board of Education (SBE), against the advice of its own Department of Education curriculum experts and the National Academy of Sciences (NAS), voted 13-5 to adopt science standards that

included a lesson plan called “Critical Analysis of Evolution.” Written by HS biology teacher, Bryan Leonard, and based on the faulty criticisms and inaccurate representations of evolution found in Jonathon Wells’ *Icons of Evolution*, the lesson plan represented Leonard’s claim that there existed “scientific data...challenging macroevolution.” The problem is that no such accepted data exists. The NAS informed Governor Taft that the lesson plan was “defective because it is not science and has no place in the science curriculum.” Concern also lay with the potential for the so-called “critique” devolving into an introduction of creationist misrepresentations of evolution since the proposal in its original draft had cited several creationist publications.

With the *Kitzmiller v. Dover* decision having already come down forcefully against ID, on February 14, 2006 the Ohio SBE reversed itself on the lesson plan and corresponding curriculum indicator. Curiously, this action was also taken against the legal opinion offered by SBE lawyers. But given the plan and curriculum standard’s inauspicious roots, not to mention the potential cost of any litigation, one might reasonably argue that this action was prudent. ☺

## ALUMNI HIGHLIGHTS



# Exceptional Service to Education

by Amy Dunn

The Grand Valley State University College of Education is comprised of many faculty who have provided outstanding service to our students and programs. Two of these faculty, Monte Czuhai and Jerry Victor, retired in June 2006.

Monte Czuhai was with GVSU for the past seven years as Program Coordinator for elementary teacher assistants. Prior to joining the faculty at GVSU, Monte was an

elementary principal at Kenowa Hills Schools for 25 years. Monte is an alumnus of Michigan State University. He is the youngest of 13 children born to Polish immigrant parents. Monte said at the retirement celebration, “This has been the icing on the cake of my career. “I am so thankful to have had the opportunity to work with “youngsters” of all ages, and to be of service to them.”

Jerry Victor was with GVSU for the past 11 years as the Coordinator for secondary teacher assistants. Prior to joining the faculty at GVSU, Jerry was the principal of East Kentwood High School for 15 years and then an Assistant Superintendent for Instruction at

Kentwood Public Schools for five years. He is an alumnus of the University of Michigan where he played football. Jerry has two children and two grandsons. He plans on traveling and spending more time with his family after retirement. “I have enjoyed working with both the staff and students at GVSU”, said Jerry, “Especially the teacher assistants and student teachers I’ve had the pleasure to supervise.”

At GVSU, Monte and Jerry were responsible in ensuring that our teacher assistants were ready to move into their student teaching. Monte and Jerry will leave the COE with fond memories and big shoes to fill. ☺