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RESPONSE TO MONKEYING AROUND WITH THE
ESTABLISHMENT CLAUSE

Lucien J. Dhooge*

In the limited space available for response to Professor Leedes' article, there is much which merits further attention but which cannot escape the bonds of paginal constraint. With regard to these unaddressed disputes, the reader is directed to the discussions of the relative merits of the controversy contained within the articles. Given the broad differences in viewpoint between Professor Leedes and myself, it would be practically impossible to address all of our differences in this response for fear of the response devouring its parent article-in-chief. Bearing these limitations in mind, I tender my response to Professor Leedes' article.

Despite my abhorrence of titles, it may be presumed that the point of reference set forth in my article places me squarely in the camp of the "evolutionists." Evolutionists acknowledge evolution-science in general, while recognizing that it can never represent absolute truth. At the same time, evolutionists dismiss "creation-science," as formulated in the Arkansas and Louisiana legislative enactments, as more an exercise in vocabulary chicanery than genuine scientific inquiry. I read Professor Leedes' article with great interest, hopeful of discovering new viewpoints derived from his promises of revelation of the "scientific" tenets of creation-science and its proper nonsectarian presentation in the public school classroom. Unfortunately, these expectations remained unfulfilled upon my completion of Professor Leedes' article.

Initially, Professor Leedes' article promises to reveal the "scientific" tenets of creation-science which permit state legislatures to require equal treatment of creation-science and competing scientific theories in the public school classroom. Professor Leedes, however, breaches this promise by failing to define the principal tenets of creation-science. Instead, Professor Leedes' article consists of a concentrated attack on the theories of gradual macroevolution and evolution per saltum. Rather than identifying the fun-

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damental principles of creation-science, Professor Leedes rails against evolutionary theory based on the paleontological records, the alleged absence of radical anatomical and physiological variations utilizing the technique of comparative morphology, the mathematical improbability of evolution in general and genetic mutation specifically, and the alleged limitations on the genetic mechanisms of natural selection and mutation. From these alleged shortcomings in evolutionary theory, Professor Leedes concludes that "the theory of evolution is not statistically probable."

However, Professor Leedes' discussion consists entirely of an attack on evolution "through a rehash of data and theories which have been before the scientific community for decades." As such, Professor Leedes falls into the trap which has victimized other proponents of creation-science. Specifically, he attempts to dismantle evolutionary theory without the contribution of fresh observations or alternative explanations and conclusions. As noted by Steinhart in his article appearing in Audubon Magazine and cited in my presentation, Professor Leedes, like many of his predecessors, attempts to discredit evolution by quoting leading evolutionary scholars and attempting to show that their work is unscientific or that they do not agree amongst themselves. This methodology fails to reveal the "scientific" underpinnings of creation-science, if any, and fails to establish an alternate and substantive body of thought independent of evolutionary theory.

Evolutionary theories can never represent absolute truth and are the proper subject of legitimate scientific inquiry and criticism. However, a system of beliefs which consists entirely of attacks upon evolution without providing alternative explanations derived through the utilization of scientific methodology fails to contribute to the development of thought in this area. It is in this regard that Professor Leedes breaches his promise to define the principal tenets of creation-science.

Even assuming that Professor Leedes' article sets forth a viable theory consisting of well-defined and independent elements which offer an alternative explanation, Professor Leedes breaches his promise to present a format for the proper nonsectarian presentation of this alternative in the public school classroom. Throughout his presentation, Professor Leedes contends that creation-science, if "properly presented," does not violate the purpose prong of the establishment clause test. According to Professor Leedes, the proper presentation of creation-science deals exclusively with "the
evidence relevant to physical and biological science.” Thus, such a presentation does not include the religious implications of scientific evidence, deification, spirituality or the identification of ultimate causes.

However, throughout the entire course of his presentation, Professor Leedes fails to set forth any method whatsoever which could be utilized by public school teachers in order to successfully divorce the underlying religiosity and supernaturalism inherent in the concept of “sudden creation from nothing” from public school presentation of the creation-science model. Instead, the public school teacher is urged to exercise “care and caution.” Assuming that most, if not all, public school teachers exercise “care and caution” in their presentation of materials to students, the guidance provided by Professor Leedes to public school teachers for instruction in creation-science is insufficient.

Professor Leedes’ frequent reference to the “proper presentation” of creation-science also inherently assumes that the Louisiana proposal for instruction in creation-science contained within its Balanced Treatment Act was improper. Professor Leedes’ article does not specifically equate the format for the presentation of creation-science as mandated by the Louisiana Balanced Treatment Act to his notion of “proper presentation” of creation-science. Instead, these two methods of presentation appear separately in Professor Leedes’ article, one explicitly constitutional; the other implicitly improper and unconstitutional.

The conclusions which may be drawn from Professor Leedes’ “care and caution” standard would ultimately create additional difficulties for already overburdened teachers. Public school teachers would be required to exercise meticulous care in the presentation of creationist materials in order to avoid impermissible religious instruction. Additionally, in order to successfully ensure a complete separation of the religious and “scientific” components of creation-science, constant monitoring of materials by school officials and legislatures would be required. The need to monitor classroom materials and course content in order to successfully divorce the religious and “scientific” components of creation-science from one another as urged by Professor Leedes would necessarily involve school administrators in questions concerning religion. As the court concluded in McLean v. Arkansas Board of Education,¹

this involvement of state officials in religious issues creates prohibitive governmental entanglement in violation of the establishment clause.

Finally, Professor Leedes equates the exclusive presentation of evolutionary theory in the public school classroom to propagandistic brainwashing of students by evolutionary tyrants. In this portion of his article, Professor Leedes engages in a passionate and hyperbolic diatribe relating to the exclusive presentation of evolutionary theory in science classes which completely ignores the presentation of alternative theories outside the scope of science in the public school classroom. Professor Leedes’ concept of the subjugation of unwilling public school students to exclusive instruction in evolutionary theory is clearly erroneous in light of the judiciary’s historic recognition that the nation’s religious heritage and ideology associated therewith are proper subject matters for inclusion in the public school curricula. Therefore, creationist concepts, which are outside of the scope of science instruction, may be appropriate for public school courses of study in comparative religions, humanities, philosophy or religious history. These courses clearly may be constitutionally taught if “presented objectively as part of a secular program of education.”

The concepts of “sudden creation from nothing” and intervening supernaturalism implicit in the creation-science model, by their very nature, deal with ultimate causes and touch upon sectarian belief. As conceded by Professor Leedes, such “mysterious matters” are best left to philosophy and theology, as science, by its very nature, does not identify ultimate causes. As such, Professor Leedes’ allegations of exclusive evolutionary instruction foisted upon impressionable students by tyrannical evolutionists in complete disregard of alternative theories is unfounded.