



Maggie Garrett  
Legislative Director

(202) 466-3234  
(202) 898-0955 (fax)  
americansunited@au.org

1310 L Street NW  
Suite 200  
Washington, DC 20005

February 3, 2017

Chair Timothy Johns  
House Education Committee  
State Capitol Building  
500 East Capitol Avenue  
Pierre, SD 57501

Vice-Chair Thomas Holmes  
House Education Committee  
State Capitol Building  
500 East Capitol Avenue  
Pierre, SD 57501

**Re: Oppose SB 55 – An Unconstitutional Bill That Will Allow the Teaching of Intelligent Design in South Dakota Public Schools**

Dear Chair Sly and Vice-Chair Netheron:

On behalf of its South Dakota members, Americans United for Separation of Church and State strongly urges you to **oppose SB 55**, a bill that would allow teachers in public school to teach “the strengths and weakness of scientific information.” With a quick reading of SB 55, it would seem this bill is designed promote to critical thinking and the ability to thoughtfully analyze information, essential skills in today’s society. However, the broad language masks the true intent and impact of this legislation. Rather than promote scientific thought, it would authorize teachers to discuss and teach “intelligent design” as a “critique” or “weakness” of evolution. There is no scientific basis for intelligent design and federal courts have made clear that teaching it in public school science classrooms violates the Establishment Clause.

The federal courts, including the U.S. Supreme Court, have consistently and repeatedly held that creationism in all its variations (“creation science,” “intelligent design,” and other anti-evolution tactics) cannot be taught in public schools. In *Epperson v. Arkansas*,<sup>1</sup> the Supreme Court struck down a state statute prohibiting the teaching of evolution in public schools, explaining that “the First Amendment does not permit the State to require that teaching and learning must be tailored to the principles or prohibitions of any [religion].”<sup>2</sup> Subsequently, in *Edwards v. Aguillard*,<sup>3</sup> the Supreme Court invalidated a Louisiana statute requiring the “balanced treatment” of evolution and “creation science” in the public schools. The Court declared the law unconstitutional because its “preeminent purpose . . . was clearly to advance the religious viewpoint that a supernatural being created humankind.”<sup>4</sup> Further, in *Kitzmiller v. Dover Area School District*,<sup>5</sup> a federal court ruled that “intelligent design,” which SB55 clearly contemplates, is religious and unscientific. The court found that so-called weaknesses in the theory of evolution had been clearly refuted by scientists and

---

<sup>1</sup> 393 U.S. 97 (1968).

<sup>2</sup> *Id.* at 106.

<sup>3</sup> 482 U.S. 578 (1987).

<sup>4</sup> *Id.* at 591.

<sup>5</sup> 400 F. Supp. 2d 707, 765 (M.D. Pa. 2005). Americans United served as co-counsel in this case.

“distort and misrepresent scientific knowledge.”<sup>6</sup> The court declared that “intelligent design is “nothing less than the progeny of creationism”<sup>7</sup> and prohibited the Dover Area School District from requiring teachers to refer to “intelligent design” in science class.<sup>8</sup>

Indeed, the bill is an attempt to discredit the valid scientific theory of evolution, “the only tested, comprehensive scientific explanation for the nature of the biological world today supported by overwhelming evidence and widely accepted in the scientific community.”<sup>9</sup> Education and “academic freedom” policies, like SB 55, which allow the teaching of non-science, allow creationists to continue to make non-scientific attacks against evolution.

Prohibiting the teaching of intelligent design in public school science classrooms is not anti-religious. Science is “limited to the search for natural causes to explain natural phenomena.”<sup>10</sup> The goals of science are narrow: Science cannot provide “‘ultimate’ explanations for the existence or characteristics of the natural world . . . [and it] does not consider issues of ‘meaning’ and ‘purpose’ in the world.”<sup>11</sup> Instead, many people seek these important answers in religion. But, families—not the government—get to decide what religious beliefs they will teach to their children. Some families attending the school may adhere to religions that believe in intelligent design, but, for many, disparaging evolution in order to promote creationism conflicts with their beliefs. As the Supreme Court explained: “[f]amilies entrust public schools with the education of their children, but condition their trust on the understanding that the classroom will not purposely be used to advance religious views that may conflict with the private beliefs of the student and his or her family.” Therefore, the courts are “particularly vigilant in monitoring” whether religious beliefs are taught in public schools and the schools may not teach intelligent design as science.<sup>12</sup>

Because SB 55 would allow the teaching of intelligent design in a public school science classroom, it is unconstitutional and we urge you to oppose it.

Sincerely,



Maggie Garrett

Cc: Members of the House of Representatives Education Committee

---

<sup>6</sup> *Kitzmiller v. Dover Area School District*, 400 F. Supp. 2d 707, 739–44 (M.D. Pa. 2005).

<sup>7</sup> *Id.* at 721.

<sup>8</sup> *Id.* at 766.

<sup>9</sup> Nat’l Acad. of Scis. & Inst. of Med., *Science, Evolution, & Creationism* 53 (2008) (emphasis added), available at [http://www.nap.edu/catalog.php?record\\_id=11876#toc](http://www.nap.edu/catalog.php?record_id=11876#toc).

<sup>10</sup> *Kitzmiller*, 400 F. Supp. at 735–36.

<sup>11</sup> *Id.* at 735.

<sup>12</sup> *Edwards v. Aguillard*, 482 U.S. 578, 584 (1987).