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[Home](#) > Over in Roseville

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[Over in Roseville](#) [3]

The defendants in *Caldwell v. Roseville Joint Union High School District et alia* won a victory in court on September 7, 2007, when Judge Frank C. Damrell Jr. granted their motion for a summary judgment against the plaintiff, Larry Caldwell. In 2003 and 2004, Caldwell, a lawyer and parent in the Sacramento suburb of Roseville, California, sought to persuade the RJUHSD Board of Trustees to adopt his "Quality Science Education" Policy, which would have called for teaching "the scientific strengths and weaknesses" of evolution. In 2005, after his proposals were rejected, he filed a lengthy complaint in federal court against the district, a number of its employees, and two members of the board of education, alleging that his civil rights were violated during the controversy. Caldwell told the *Sacramento Bee* (January 16, 2005), "You ought to be able to bring a proposal without being treated differently because they don't like what you're saying, or they don't like your religious beliefs." But school board president Jim Joiner, a named defendant in the case, told the *Bee* that Caldwell received plenty of attention from the board and the districts, noting that his proposal was discussed at eight separate meetings. Caldwell's suit was publicized by the Discovery Institute, which issued a press release on his behalf and subsequently added him as a guest blogger to its blog, and also by a number of media sources on the religious right.

In his [decision](#) [4] (PDF), Judge Damrell emphasized, "this case is not about how biology, including discussions of evolutionary theory can or should be taught in public schools. ... Rather, this case is about whether Larry Caldwell was denied access to speak in various fora or participate in certain processes because of his actual or perceived religious beliefs." Although Caldwell alleged that he was denied such access, in violation of his rights to free speech, due process, and equal production and of the Establishment Clause of the First Amendment, Judge Damrell found otherwise: "the court has found that plaintiff has failed to proffer evidence sufficient to demonstrate a triable issue of fact as to any of his constitutional claims based upon this alleged discrimination" is a typical remark from the decision. The

legal defeat in *Caldwell v. Roseville Joint Union High School District* is not Caldwell's first; in 2005 and 2006, he represented his wife Jeanne Caldwell in *Caldwell v. Caldwell et alia*, in which she alleged that the [Understanding Evolution](#) [5] website endorsed a number of religious doctrines, thereby violating the Establishment Clause of the First Amendment by favoring certain religious groups over others. In that case, the presiding judge [ruled](#) [6] (PDF) that the plaintiff failed to allege that she had federal taxpayer standing, failed to sufficiently allege state taxpayer standing, and failed to establish that she suffered a concrete "injury in fact," which sufficed to justify the defendants' motion for dismissal.

The *Sacramento Bee* (September 13, 2007) [reported](#) [7] that Caldwell had no comment on his latest legal defeat, referring the *Bee*'s reporter to Kevin Snider of the Pacific Justice Institute (which describes itself as "a non-profit 501(c)(3) legal defense organization specializing in the defense of religious freedom, parental rights, and other civil liberties"), who worked with Caldwell on the case. Snider was quoted as saying, "We're still studying the opinion and haven't made a decision about what we're going to do." He would not comment on whether or not they planned to appeal. For his part, James Ward, who represented the defendants, was pleased by the decision, commenting, "The facts clearly show that the school district bent over backwards and tried very hard to provide Mr. Caldwell with an opportunity to present his ... proposals in the various ways that were structured for parents to present ideas to the district." Jim Joiner said, "The board and the district gave him special treatment beyond what we would typically give anyone," adding, "I always felt confident that a court would reach that conclusion"; Jan Pinney, a board member who, like Joiner, was also a named defendant in the case, agreed, observing, "He had more time before the board than anybody has ever had in my 12 years on the board." Pinney also described the lawsuit as "sour grapes" on Caldwell's part and as a waste of time, noting that "For two years all our energy was spent fighting this issue."

Updated September 13, 2007.

[Anti-Evolution](#) [8]

[2007](#) [9]

[California](#) [10]

[+ read](#) [3]

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[5] <http://evolution.berkeley.edu>

[6] http://www2.ncseweb.org/caldwell/2006-03-14_Order_Granteeing_Dismissal.pdf

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[8] <https://ncse.com/news/anti-evolution>

[9] <https://ncse.com/news/2007>

[10] <https://ncse.com/news/california>