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The defendants in *Association of Christian Schools International et al. v. Roman Stearns et al.* have prevailed. The case, originally filed in federal court in Los Angeles on August 25, 2005, centered on the University of California system's policies and statements relevant to evaluating the qualifications of applicants for admission. The plaintiffs -- the Association of Christian Schools International, the Calvary Chapel Christian School in Murrieta, California, and a handful of students at the school -- charged that the university system violated the constitutional rights of applicants from Christian schools whose high school coursework is deemed inadequate preparation for college; they objected to the university system's policy of rejecting high school biology courses that use textbooks published by Bob Jones University Press and A Beka Books as "inconsistent with the viewpoints and knowledge generally accepted in the scientific community."

On March 28, 2008, Judge S. James Otero ruled in favor of the defendants' motion for partial summary judgment, which established only the constitutionality of the university system's policies and statements relevant to evaluating the qualifications of applicants for admission. Still unaddressed, however, was the "as applied" issue -- that is, the question of whether those policies and statements were properly and fairly applied to the specific decisions cited in the lawsuit. The defendants subsequently filed a motion for summary judgment on the plaintiffs' "as applied" claims. That motion was granted in Judge Otero's August 8, 2008 [ruling](#) [4] (PDF), which ended, "Because Plaintiffs fail to raise any genuine issue of material fact to support their as-applied claims, Defendants' Motion is GRANTED" (emphasis in original).

In addition to a host of procedural considerations, the latest ruling addressed the university system's

decision to deny approval for a biology course submitted by Calvary Baptist School (not to be confused with the Calvary Chapel Christian School), which used the A Beka text *Biology: God's Living Creation*. The book was evaluated by Barbara Sawrey, who described it as taking an "overall un-scientific approach to the subject matter"; her opinion was echoed by the defendants' expert witnesses Donald Kennedy and Francisco J. Ayala (a Supporter of NCSE), who stated that neither the A Beka text nor Bob Jones University Press's *Biology for Christian Schools* is appropriate for use as the principal text in a college preparatory biology course. Kennedy wrote, "the problem is not ... that the creationist view is taught as an alternative to scientific explanations, but that the nature of science, the theory of evolution, and critical thinking are not taught adequately."

Michael Behe, a proponent of "intelligent design" creationism, served as an expert witness for the plaintiffs, but his defense of the textbooks was unavailing. In his ruling, Judge Otero wrote, "Plaintiffs offer little admissible evidence to the contrary. Plaintiffs' Biology expert, Dr. Michael Behe, submitted a declaration concluding that the BJU text mentions standard scientific content. ... However, Professor Behe 'did not consider how much detail or depth' the texts gave to this standard content. ... Therefore, Professor Behe fails to refute one of Professor Kennedy's primary concerns that the nature of science, the theory of evolution, and critical thinking are not taught adequately. Accordingly, there is no genuine issue of material fact as to this issue. Defendants had a rational basis for rejecting Calvary Baptist's proposed Biology course."

The University of California's provost Wyatt R. Hume expressed pleasure with the ruling in a [press release](#) [5] (PDF), saying, "The University welcomes students of all religious faiths and recognizes that a diversity of educational backgrounds among our students, including religious education, enriches the UC community and the academic experience. As we have said all along, the question the University addresses in reviewing courses is not whether they have religious content, but whether they provide adequate instruction in the subject matter." Charles Robinson, the university system's general counsel, added, "Judge Otero's decision confirms that UC may apply the same admissions standards to all students and to all high schools without regard to their religious affiliations." The case is not over yet, however: the plaintiffs have appealed the ruling to the Ninth Circuit Court of Appeals.

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