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After her lawsuit challenging the Understanding Evolution website on constitutional grounds was dismissed for lack of standing on March 13, 2006, Jeanne Caldwell appealed the decision to the United States Court of Appeal for the Ninth Circuit. In a ruling dated October 3, 2008, the appeals court rejected her appeal, affirming the lower court's decision.

[Understanding Evolution](#) [4], a collaborative project of the University of California Museum of Paleontology (with funding from the National Science Foundation and the Howard Hughes Medical Institute) and the National Center for Science Education, was originally intended as a resource for teachers; it subsequently expanded to appeal to everyone interested in learning about evolution.

Among the resources for teachers is a brief discussion of the idea, labeled as a misconception, that evolution and religion are incompatible. The website [notes](#) [5], "Of course, some religious beliefs explicitly contradict science (e.g., the belief that the world and all life on it was created in six literal days); however, most religious groups have no conflict with the theory of evolution or other scientific findings," and provides a link to NCSE's publication [Voices for Evolution](#) [6].

Arguing that Understanding Evolution thereby endorses particular religious doctrines in violation of the Establishment Clause of the First Amendment, Caldwell filed suit in the United States District Court for the Northern District of California. But her suit was [dismissed](#) [7] because she 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."

Upholding the lower court's decision in *Caldwell v. Caldwell et alia* (the first defendant was Roy Caldwell, the director of UCMP), the appeals court's decision [concluded](#) [8] (PDF), "Accordingly, we believe there is too slight a connection between Caldwell's generalized grievance, and the government conduct about which she complains, to sustain her standing to proceed."

Jeanne Caldwell was represented by Kevin T. Snider of the Pacific Justice Institute and her husband Larry Caldwell. It was a further legal [defeat](#) [9] for Larry Caldwell, who previously sued his local school district, alleging that his civil rights were violated, after it declined to implement his proposals for evolution education; on September 7, 2007, the defendants won a motion for summary judgment.

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