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 **Chris Comer**

Chris Comer, whose lawsuit [challenging](#) [4] the Texas Education Agency's policy of requiring neutrality about evolution and creationism was dismissed on March 31, 2009, is now appealing the decision. Formerly the director of science at the TEA, Comer was forced to resign in November 2007 after she forwarded a note announcing a talk by Barbara Forrest in Austin; according to a memorandum recommending her dismissal, "the TEA requires, as agency policy, neutrality when talking about evolution and creationism."

In June 2008, Comer filed suit in federal court in the Western District of Texas, arguing that the policy violates the Establishment Clause of the First Amendment: "By professing 'neutrality,' the Agency credits creationism as a valid scientific theory." The judge [ruled](#) [5] (PDF, p. 18) otherwise, however, writing, "As a matter of law, the Agency's neutrality policy, if it advances religion at all, only does so incidentally. Further, a reasonable observer of the neutrality policy would not believe the Agency endorses religion through the policy."

In her appellate brief, submitted to the United States Court of Appeals for the Fifth Circuit, Comer [asked](#) [6] (PDF, p. 39) the court to "review the record *de novo* and reverse and vacate the district court's decision. Specifically, it should grant Comer's motion for summary judgment, and vacate the grant of summary judgment for defendants, as well as the dismissal of plaintiff's complaint. At a minimum, this Court should vacate the grant of summary judgment to defendants, plus the order dismissing the complaint, and remand for further proceedings."

A brief video about the Comer case is [available](#) [7] on [NCSE's YouTube channel](#) [8].

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