



Think & Believe

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The Supreme Court Decision

By Dave & Mary Jo Nutting

The recent Supreme Court decision regarding Louisiana's "Balanced Treatment Act" has caused a stir. Many people are confused and misinformed as to what the decision was really all about.

The law in question was "enacted for the purposes of protecting academic freedom" and ensured that neither evolution or creation would be taught dogmatically as proven scientific fact, but as theories. No school was required to teach evolution or creation science, but if either was taught, the other must also be taught. The Court ruled the law unconstitutional, saying that "the preeminent purpose of the Louisiana legislature was clearly to advance the religious viewpoint that a supernatural being created humankind" and that the law failed to show a clear secular purpose. In delivering such a decision, the court relied heavily on an erroneous definition of creation science and on the supposed religious intent of the legislators.

Justice Scalia and Chief Justice Rehnquist gave a dissenting view. They severely criticized the court majority for claiming that the "intent" of the legislators was primarily religious and showed that according to the actual law itself and the legislative history of the bill, the main intent was the academic freedom of students to view both theories of origins and choose for themselves (see Notes and Quotes). They also criticized the court's refusal to accept the definition of creation-science as stated in the law itself and in affidavits supplied by expert witnesses. The majority instead utilized the general understanding of the term creation found in Webster's dictionary and a survey of school superintendents, who themselves claimed little or no knowledge of creation science, and most of whom, in fact, believed it to mean a literal interpretation of the Book of Genesis.

It remains to be seen what effect this decision will have on the teaching of creation science in the public schools of this nation. The official decision did not

declare the teaching of creation science illegal, just the mandatory inclusion of creation science as stated in Louisiana's law. In fact, the court stated:

"The Act does not grant teachers a flexibility that they did not already possess to supplant the present science curriculum with the presentation of theories, besides evolution, about the origin of life."

(Majority Opinion, Part III A, p. 8).

This implies that teachers already had a right to teach creation science and the new law did not add to that right. However, due to much misinformation, many school districts are probably going to be very hesitant to allow teaching of creation science in the future. This is most unfortunate, since it is the freedom for students to openly study both sides of the question from a scientific point of view that is in jeopardy.

Personally, we would much rather see teachers who care voluntarily encourage students to investigate both sides and make up their minds for themselves. Teachers who have used this approach recognize its superiority and its usefulness in teaching students critical thinking and decision-making skills. These teachers do not need to be required by law to teach both sides of the story — they merely need to be informed and supplied with the right materials.

Unfortunately, the recent Supreme Court decision (and worse yet, the media reporting of it) will probably make our job more difficult and help keep the students of this nation captive to one-sided evolutionary indoctrination for some time to come. We feel a tremendous need to intensify our efforts to educate the public in the true facts so they can speak out for the rights of students. Will you get involved too?



NOTES & QUOTES

■ The following quotes are taken from the dissenting opinion report written by Justice Scalia with Chief Justice Rehnquist concurring. (Supreme Court report on the Louisiana Balanced Treatment Act, #87-1513 *Edwards vs. Aguillard*).

- Even if I agreed with the questionable premise that legislation can be invalidated under the Establishment Clause on the basis of its motivation alone, without regard to its effects, I would still find no justification for today's decision. The Louisiana legislators . . . were well aware of the potential Establishment Clause problems and considered that aspect of the legislation with great care. After seven hearings and several months of study, . . . they approved the Act overwhelmingly and specifically articulated the secular purpose they meant it to serve. Although the record contains abundant evidence of the sincerity of that purpose (the only issue pertinent to this case), the Court today holds, essentially on the basis of "its visceral knowledge regarding what must have motivated the legislators," . . . that the members of the Louisiana Legislature knowingly violated their oaths (to support the Constitution) and then lied about it. I dissent. (p. 1)
- Our cases in no way imply that the Establishment Clause forbids legislators merely to act upon their religious convictions . . . we do not presume that the sole purpose of a law is to advance religion merely because it was supported strongly by organized religions or by adherents of particular faiths. . . . To do so would deprive religious men and women of their right to participate in the political process. Today's religious activism may give us the Balanced Treatment Act, but yesterday's resulted in the abolition of slavery, and tomorrow's may bring relief for famine victims. (p. 6)
- Thus, the fact that creation science coincides with the beliefs of certain religions, a fact upon which the majority relies heavily, does not itself justify invalidation of the Act. (p. 7)
- The legislature wanted to ensure that students would be free to decide for themselves how life began, based upon a fair and balanced presentation of the scientific evidence. . . . The legislature did not care whether the topic of origins was taught; it simply wished to ensure that when the topic was taught, students would receive "all of the evidence." (p. 18, 19)
- We have no basis on the record to conclude that creation science need be anything other than a collection of scientific data supporting the theory that life abruptly appeared on earth. . . . Creation

science, its proponents insist, no more must explain where life came from than evolution must explain whence came the inanimate materials from which it says life evolved. (p. 20)

- . . . the popular dictionary definitions (of creation) cited by Justice Powell . . . are utterly irrelevant, as are the views of the school superintendents cited by the majority. Three quarters of those surveyed had "(n)o" or "(l)imited" knowledge of "creation-science theory," and not a single superintendent claimed "(e)xtensive" knowledge of the subject. (Footnote, p. 3)

■ This is also true for most of the administrators we have been in contact with. They are frequently against creation simply because they know nothing about creation science or have preconceived ideas that creation science means preaching Genesis in the classroom. It is wholly unfortunate that the Justices of the Supreme Court would allow opinions made in ignorance to help determine their vote on such an important issue where the rights of students are concerned.

- The legislative history gives ample evidence of the sincerity of the Balanced Treatment Act's articulated purpose. Witness after witness urged the legislators to support the Act so that students would not be "indoctrinated" but would instead be free to decide for themselves, based upon a fair presentation of the scientific evidence, about the origin of life. . . . The legislators were concerned primarily about the manner in which the subject of origins was presented in Louisiana schools — specifically, about whether scientifically valuable information was being censored and students misled about evolution. (p. 22, 23)
- I am astonished by the Court's unprecedented readiness to reach such a conclusion, which I can only attribute to an intellectual predisposition created by the facts and the legend of *Scopes v. State* . . . — an instinctive reaction that any governmentally imposed requirements bearing upon the teaching of evolution must be a manifestation of Christian fundamentalist repression. In this case, however, it seems to me the Court's position is the repressive one. The people of Louisiana, including those who are Christian fundamentalists, are quite entitled, as a secular matter, to have whatever scientific evidence there may be against evolution presented in their schools, just as Mr. *Scopes* was entitled to present whatever scientific evidence there was for it. (pp. 24, 25)

■ Bravo for Scalia and Rehnquist — two clear thinkers!

SPOTLIGHT ON SCIENCE

Gill Slits and Tail?

Biology texts often contain an illustration showing an array of various types of animals in the early stages of development. The line-up might include a fish, a salamander, a tortoise, a chick, a rabbit (or some other kind of mammal) and a human. The text then goes on to use the similarities between the various embryos as "evidence of evolution." Is it really?

In the 1860s, Ernest Haeckel, a staunch supporter of Darwin, advanced the idea that "ontogeny recapitulates phylogeny;" that is, the development of an individual animal repeats in abbreviated form the evolutionary history of its species. Although this idea was widely accepted in the past, today it has been rejected by almost all. Modern embryological studies have shown that the similarities are not nearly so great as the schematized drawings make them appear. From the very beginning at the one-cell, fertilized egg stage there are marked differences, and these differences increase with the advancing stages.

However, many biologists still cling to a loose interpretation of the recapitulation theory. While rejecting the idea that individuals actually repeat their evolutionary history, they suggest that similarities in development do indicate common ancestry.

For example, at about the one month stage in human development, there are structures that are often labelled "gill slits," "yolk sac," and "tail." These structures supposedly show how closely linked we are with so called "lower animals" like fish and amphibians. However, upon further study you find that the "gill slits" never develop into anything like gills. Instead they develop into the middle ear canal, the parathyroid glands, and other structures in the neck and jaw region of humans. The "yolk sac" in humans never contains yolk. It functions to produce blood cells for the tiny embryo until the other blood-producing systems develop. The "tail" turns out to be simply the end of the human backbone, the coccyx. Although often called our "tail-bone," it is not a tail at all but is a very important point for muscle attachment for upright stance. Thus, all these parts are extremely important points for proper human development, not just leftovers from evolutionary development. This extra piece of information is exactly what creation scientists would like to see included in the textbook so that students are exposed to "all the evidence" and not merely indoctrinated with the pro-evolution side.

Human development, like the complex development of so many other creatures, points to the creative handiwork of an intelligent Designer. Just as human engineers invent variations upon a basic design to fit specialized needs, so the Creator has used basic themes, varying them to fit individual needs as He sees fit.

Living Fossils

Living on this earth are some interesting creatures which, according to evolutionary theory, "should have" been extinct millions of years ago, yet they live on, virtually unchanged. Some of these include the opossum, the horseshoe crab, the snapping turtle, the cockroach, the platypus, and the famous coelacanth.

The coelacanth is a strange fish that was thought to have become extinct along with the dinosaurs over 70 million years ago. It was known only from fossils until one was caught by fishermen in 1938 off the southeast coast of Africa. The discovery caused quite a stir and scientists offered a \$400 reward for another. It was not until 1952 that another specimen was caught. Thereafter, several more were caught and preserved.

The coelacanth has heavy scales, a powerful jaw, and fleshy fins. The scientist who examined the first specimen remarked, "Here is the closest living relative of the long-extinct fish that is accepted as the ancestor of all land animals. He is almost in the direct line of man's ancestry." Supposedly, the fleshy fins of fish like the coelacanth changed into the limbs of the first land creatures, the amphibians. These amphibians then developed over the ages into reptiles and finally into mammals, apes and men. The question is, "Why should a near relative change so much while the coelacanth remained virtually the same over all those millions of years?"

Evolutionary scientists can't seem to agree on an answer. Some say these "living fossils" haven't changed because they lacked competition. Others say they were so specialized that they weren't able to evolve because they were so well adapted to a particular range. Others say just the opposite, that they were so unspecialized that they could adapt to a wide variety of conditions. Still others say that evolution proceeds by spurts instead of gradually and that the "living fossils" just happen to have a longer period of stasis (periods of no change) than others. The main problem with this view is that they haven't proposed a viable mechanism for these rapid spurts of evolution.

Actually, "living fossils" fit in nicely with a creationist viewpoint. In the first place, the time involved is probably not as great as evolutionists propose. Secondly, if creatures were created as separate kinds, we might expect that some would persist without much change, others would die out, and some would exhibit minor changes. This is just what we see in the fossil record.

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Recent Events



We're back in Grand Junction after a 2-month speaking trip to the Midwest. We're thankful for safety on the roads, for God's continual provision, and for positive responses to the message. A special thanks to all of you who worked so hard to set up the presentations. We certainly do appreciate your help.

It was a productive trip with audiences ranging from children's church to university students and professors. We spoke at churches, Christian schools, public schools, a Christian college, a large secular university, a creation association meeting, and on radio and TV talk shows. The hunger for this type of information was quite obvious by the attentiveness of the participants, the rate at which our books disappeared, and the discussions that followed most presentations.

A highlight of the trip was the opportunity to address over 300 public school students in an all school assembly in Kansas. They were extremely interested and attentive, and after a 1½ hour presentation they asked lots of good questions. Students respond well when challenged to ask questions like "What's the evidence?" and then evaluate data for themselves.

Another highlight was the chance for an in-depth discussion with a skeptical philosophy professor at Mankato State University. He came expecting to hear dogmatic preaching, but was impressed with the open, factual presentation of scientific data. He left with plenty of food for thought.

Thanks to all of you who made this trip possible. We're grateful for your continued prayer and support — there are millions more who still need to hear the creation message and evaluate it for themselves. By the way, fall planning is underway. Contact us immediately if you want to schedule something in your area.



Book Review



Evolution: A Theory in Crisis by Michael Denton (Adler and Adler Publication, 1986) is a great book to give to skeptics who are knowledgeable in the area of biology. Denton, an Australian medical doctor and scientist with a specialty in molecular biology, destroys the commonly believed evidences of evolution. He shows that nature exhibits discontinuous groupings of traits rather than the continuum including transitional forms as expected by Darwinian evolution, not only in the fossil record, but also in the area of molecular biology. Even the hypothetical links between major groupings are more fantasy than realistic possibilities. This is not a "creationist" book, but it certainly lends support to what creationists have been saying. Denton concludes:

Ultimately the Darwinian theory of evolution is no more nor less than the great cosmogenic myth of the twentieth century. . . . In the final analysis we still know very little about how new forms of life arise. The "mystery of mysteries" — the origin of new beings on earth — is still largely as enigmatic as when Darwin set sail on the *Beagle*.

(Denton's book is available from us for \$24.00 including shipping and handling.)

Last Call for Creation Family Camp Camp Redcloud, Lake City, Colorado, Aug. 23-29.

A relaxing and informative vacation you won't want to miss. A full week of mountain recreation and a full creation seminar for only \$300 for a family of 4. That includes all of your food, dorm lodging or camping, horseback riding, jeep tour, fishing, mountain climbing and lots more. Call today for more information.

Don't be left out!

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