

Barbara Forrest's Shameful Misinformation Campaign against Academic Freedom in Louisiana

Opponents of academic freedom in Louisiana have been putting out a smokescreen of misinformation in their effort to kill legislation to protect the rights of Louisiana's science teachers. Rather than discuss the real issues at stake, they are trying to get their way through misrepresentations, scare tactics, and the demonization of those who support honest discussion of scientific controversies. Their misinformation campaign shouldn't be allowed to obscure key facts:

1. Louisiana's academic freedom legislation is not about "creationism." It's about protecting the rights of teachers to teach good science.

Many teachers remain confused and fearful about what information they can legally teach regarding controversial scientific topics such as evolution. By enacting a limited right to objectively discuss conflicting scientific views in the classroom, proposed legislation would address this problem. Thus far, the main objection to protecting teacher rights in this area is the bogus claim that the legislation will somehow promote "creationism." Repeating the terms "creationist" and "creationism" *ad nauseum*, opponents of academic freedom clearly hope if they mention these words frequently enough they will stigmatize the legislation sufficiently to kill it. But their rhetoric ignores the actual language of the bills that have been proposed. The operative language of Sen. Nevers' bill merely requires educators to:

create and foster an environment within public elementary and secondary schools that promotes critical thinking skills, logical analysis, and open and objective discussion of scientific theories being studied including, but not limited to, evolution, the origins of life, global warming, and human cloning.¹

The operative language of Rep. Hoffman's bill states:

teachers shall be permitted to help students understand, critically analyze, and review, in an objective manner, the scientific strengths and scientific weaknesses of existing scientific theories pertinent to the course being taught.²

¹ <http://www.legis.state.la.us/billdata/byinst.asp?sessionid=08RS&billid=SB733>

² <http://www.legis.state.la.us/billdata/streamdocument.asp?did=479172>

Moreover, the bills expressly state that they shall “only protect[t] the teaching of scientific information” (HB 1168) or only protect the rights of teachers “to help students understand, analyze, critique, and review scientific theories in an objective manner” (SB 733) and both bills expressly state that they “shall not be construed to promote any religious doctrine, promote discrimination for or against a particular set of religious beliefs, or promote discrimination for or against religion or non-religion.” (HB 1168 and SB 733) There is no way to legitimately interpret such clear statements as authorizing the teaching of creationism.

2. Louisiana’s academic freedom legislation is legally sound.

Opponents of academic freedom are also trying to mislead lawmakers by implying that an academic freedom bill including the subject of evolution would be struck down in the courts or end up in costly litigation. This is a standard scare tactic that has been employed in other states. **Despite such threats, at least nine states currently have state or local policies that protect, encourage, and sometimes even require teachers to discuss the scientific evidence for and against Darwinian evolution:**

- **Minnesota’s** science standards require that “[t]he student will be able to explain how scientific and technological innovations as well as new evidence can challenge portions of or entire accepted theories and models including... [the] theory of evolution....”³ No lawsuit has ever been filed there.
- **New Mexico** requires that students will “critically analyze the data and observations supporting the conclusion that the species living on Earth today are related by descent from the ancestral one-celled organisms.”⁴ No lawsuit has been filed there.
- **Pennsylvania** requires that its students “[c]ritically evaluate the status of existing theories (e.g., germ theory of disease, wave theory of light, classification of subatomic particles, theory of evolution, epidemiology of aids).”⁵ This policy remains unchallenged.
- **Missouri’s** statewide standards state that students must “[i]dentify and analyze current theories that are being questioned, and compare them to new theories that have emerged to challenge older ones (e.g., Theory of Evolution...).”⁶ There has never been a lawsuit against this policy.

³ Minnesota Academic Standards, History and Nature of Science, Grades 9-12, *available at* tis.mpls.k12.mn.us/Science.html

⁴ New Mexico Science Content Standards, Benchmarks and Performance Standards, Standard II (Life Science) (Biological Evolution) (9), http://sde.state.nm.us/MathScience/standards/science_standards.pdf

⁵ Pennsylvania, Academic Standards for Science and Technology, Standard 3.2.12., *available at* <http://www.pacode.com/secure/data/022/chapter4/chap4toc.html>

⁶ Missouri Science Standards, at http://www.dese.mo.gov/divimprove/curriculum/GLE/SciGLE_FINAL-4.2005.pdf

- **Alabama** requires that a disclaimer be inserted into biology textbooks that says that “evolution by natural selection is a controversial theory. ... Instructional material associated with controversy should be approached with an open mind, studied carefully, and critically considered.”⁷ Darwinists have not dared to file a lawsuit even against this policy.
- In **South Carolina**, students are required to “[s]ummarize ways that scientists use data from a variety of sources to investigate and critically analyze aspects of evolutionary theory.”⁸ Darwinists have realized they cannot sue against this policy.
- **Grantsburg, Wisconsin** requires its students to “explain the scientific strengths and weaknesses of evolutionary theory.” This policy has gone unchallenged in courts.
- **A school district in Lancaster, California** also passed an academic freedom policy stating that evolution should not be treated as “unalterable fact” and that “[d]iscussions that question the theory may appropriate as long as they do not stray from current criteria of scientific fact, hypothesis, and theory.”⁹ No lawsuit has been filed against that policy.
- **Ouachita Parish, Louisiana** has an academic freedom policy recognizing that “the teaching of some scientific subjects, such as biological evolution, the chemical origins of life, global warming, and human cloning, can cause controversy” and therefore provides that “teachers shall be permitted to help students understand, analyze, critique, and review in an objective manner the scientific strengths and weaknesses of existing scientific theories pertinent to the course being taught.”¹⁰ This policy is very similar to the present legislation active in the Louisiana Legislature, and it has gone unchallenged in courts.

Many of these policies go much further than the Louisiana Legislature’s proposed academic freedom legislation, showing that even more demanding policies than the present modest proposals to protect academic freedom legislation are legally defensible. Indeed, what critics of academic freedom do not want lawmakers to know is that **the law is firmly on the side of this legislation**. The U.S. Supreme Court has made clear that it is permissible for schools to teach “scientific critiques of prevailing scientific theories,”¹¹ and even groups like the ACLU and Americans United for the Separation of Church and State have had to

⁷ Alabama State Board of Education, Resolution (Nov. 8, 2001), available at http://www.alsde.edu/html/boe_resolutions2.asp?id=309

⁸ South Carolina Biology Science Standards, indicator B-5.6 available at: http://www.myscschools.com/offices/cso/standards/science/documents/ScienceStandardsNov182005trackingremovedwbiofootnote_000.doc

⁹ See “‘Masterful’ Federal Ruling on Intelligent Design Was Copied from ACLU,” Discovery Institute (December 12, 2006), at <http://www.discovery.org/a/3828>

¹⁰ http://www.opsb.net/downloads/forms/Ouachita_Parish_Science_Curriculum_Policy.pdf

¹¹ *Edwards v. Aguillard*, 482 U.S. 578, 593 (1987).

acknowledge that “any genuinely scientific evidence for or against any explanation of life may be taught.”¹²

3. Louisiana’s academic freedom legislation is not preempted by *Kitzmiller v. Dover*.

One of the most disingenuous tactics adopted by the opponents of academic freedom is their claim that legislation on this issue is preempted by the widely-reported decision in the case of *Kitzmiller v. Dover* in 2005. In reality, the *Dover* case is completely inapplicable to the academic freedom legislation under consideration in Louisiana:

- **First, and most important, the *Dover* case was about intelligent design, not studying the strengths and weaknesses of existing scientific theories.** The proposed legislation in Louisiana does not address the teaching of alternative scientific theories such as intelligent design. It merely protects critical thinking and discussion regarding existing scientific theories in the curriculum.
- **Second, the *Dover* case focused on teacher mandates, not on academic freedom policies.** The *Dover* school board required teachers to mention intelligent design in the classroom. By contrast, the proposed academic freedom legislation in Louisiana does not mandate that any teacher teach anything. It’s purely defensive and protective: It protects the jobs of teachers who *choose* to teach the scientific evidence for and against evolution in the classroom. It essentially says to teachers: “you won’t lose your job for teaching legitimate science for or against evolution.”
- **Finally, the *Dover* case has no binding authority over the State of Louisiana.** It was decided in the lowest level of the federal courts—over a thousand miles away in a federal trial court in the middle district of Pennsylvania—and it therefore does *not* represent the law in Louisiana. Since the case was never appealed to a higher court, it is not binding precedent upon parties outside of those involved in that lawsuit.

4. The religious beliefs of Louisiana’s citizens shouldn’t be on trial.

Unfortunately, opponents of academic freedom in Louisiana have spent much of their time trying to smear those they disagree with as “creationists” or “theocrats” or even as “pawns” of an evil conspiracy by groups outside the state. Louisiana citizens with sincere policy differences should not be demonized in this way. The most disturbing part of the tactics of opponents is their unhealthy preoccupation with other people’s private religious beliefs. The opponents of academic freedom seem to believe that legislators and citizens who are religious believers do not have an equal right to participate in the political process as other citizens, suggesting that their secular policy proposals must be treated with suspicion because of their private religious beliefs. Incredibly, opponents invoke the Constitution as a justification for their effort to demote religious believers to the status of second-class citizens. In truth, it is their line of argument that offends the U.S. Constitution, because the

¹² A Joint Statement of Current Law on Religion in the Public Schools as found at <http://www.aclu.org/religion/schools/16146leg19950412.html>

First and Fourteenth Amendments clearly guarantee the right of *all* citizens to participate in the political process, regardless of their religious beliefs. Legislators should resist efforts to turn this public debate into a religious inquisition. The only relevant question is whether there are legitimate secular reasons to protect academic freedom in teaching about scientific controversies, not whether supporters of academic freedom in Louisiana (like the vast majority of Americans) happen to hold religious beliefs.

Efforts to silence supporters of academic freedom by focusing on their religion are shameful. They are also exceedingly hypocritical.

Consider the case of Barbara Forrest, the leading opponent of academic freedom legislation in Louisiana. Forrest has made a career of “outing” the personal religious beliefs of those she disagrees with on the evolution issue and then implying that their religious beliefs disqualify them from equal participation in the political process.¹³ She also has a record of labeling people and groups as “creationists” that do not subscribe to creationism. For example, she asserts repeatedly that Discovery Institute is a “creationist” group despite the fact that the Institute clearly states that it “is not a creationist organization, and it does not favor including either creationism or the Bible in biology textbooks or science classes.”¹⁴ All the while, Forrest pretends that she is an impartial and neutral “expert” without any motives of her own. But is that really the case?

Forrest sits on the Board of Directors of the New Orleans Secular Humanist Association (NOSHA), which describes itself as “an affiliate of American Atheists, and [a] member of the Atheist Alliance International.”¹⁵ NOSHA is also an affiliate of the Council for Secular Humanism, which it describes as “North America’s leading organization for non-religious people.”¹⁶ NOSHA’s links page boasts “The Secular Web,” whose “mission is to defend and promote metaphysical naturalism, the view that our natural world is all that there is, a closed system in no need of an explanation and sufficient unto itself.”¹⁷ Most notably, NOSHA is an associate member of the American Humanist Association,¹⁸ which publishes the Humanist Manifesto III.¹⁹ The Humanist Manifesto aspires to create a world with “a progressive philosophy of life ... without supernaturalism” and makes broad metaphysical claims that “[h]umans are... the result of unguided evolutionary change. Humanists recognize nature as self-existing.”²⁰

¹³ For a good example, see Forrest and Gross, *Creationism’s Trojan Horse: The Wedge of Intelligent Design* (2004).

¹⁴ See <http://www.discovery.org/csc/topQuestions.php>.

¹⁵ *New Orleans Secular Humanist Association* home page, at <http://nosha.secularhumanism.net/index.html>. Forrest is listed as a member of the board of directors on the “Who’s Who” page of the website, see <http://nosha.secularhumanism.net/whoswho.html>

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ See <http://www.americanhumanist.org/3/HumandItsAspirations.htm>

²⁰ *Humanist Manifesto III Public Signers*, [americanhumanist.org/3/HMsigners.htm](http://www.americanhumanist.org/3/HMsigners.htm) (last visited Sept. 10, 2005); *Humanism and its Aspirations*, at <http://www.americanhumanist.org/3/HumandItsAspirations.htm>

In her academic writings, Forrest has even insisted that atheism (i.e., “philosophical naturalism”) is the “only reasonable” belief system for people to hold: “Philosophical naturalism is... the only reasonable metaphysical conclusion—if by reasonable one means both empirically grounded and logically coherent.”²¹

When asked about her own anti-religious ideological views, a news article reported that “Forrest said her religious beliefs shouldn’t be an issue.”²² This is a blatant double-standard given Forrest’s attacks on other people for their religion. **But she happens to be correct: She has every right to hold her anti-religious ideology, and her personal beliefs should be considered irrelevant to her public arguments about science and law.** However, she refuses to extend the same courtesy to her opponents in the debate over evolution, constantly harping on her opponents’ supposed religious affiliations, while hypocritically claiming that her own anti-religious agenda is irrelevant.

5. The effort to demonize national groups for supporting academic freedom in Louisiana is a ploy to distract attention from the real issues.

In a further effort to distract attention from the real issues, Barbara Forrest and her supporters are now demonizing Discovery Institute as an “out-of-state” organization that is “meddling” in Louisiana by defending academic freedom proposals there. **In fact, Louisiana’s academic freedom proposals are being promoted by Louisiana’s own citizens, teachers, and parents.** Discovery Institute—a non-profit, non-partisan educational and research organization—is certainly happy to act as a resource in the defense of academic freedom in Louisiana and other states. But it is Louisiana’s own citizens who have made academic freedom proposals a priority. Moreover, opponents of academic freedom like Forrest are completely hypocritical when it comes to complaints about “out-of-state” groups, showing no similar qualms about involving national pro-evolution groups in Louisiana. **Indeed, Forrest herself repeatedly refers citizens in Louisiana to “out-of-state” and “national” organizations for help, so long as the organizations are pro-evolution, such as the National Center for Science Education, formerly based in Berkeley, California, or the nationally-based group Americans United for the Separation of Church and State.**²³ Ironically, Forrest is a leader in both national organizations, and she has actively participated in public policy debates in *other* states. For example, she testified as an expert witness in the Dover lawsuit against a small rural school district in Pennsylvania—a lawsuit that cost the district over 1 million dollars. In short, the concerns expressed about “out-of-state” groups are a sham.

²¹ Barbara Forrest, “Methodological Naturalism and Philosophical Naturalism: Clarifying the Connection,” *Philo*, Vol. 3(2):7-29 (Fall-Winter, 2000).

²² John Synco, “‘Evil, evil woman’ speaks at Cal State Fullerton,” *The Daily Titan*, California State University-Fullerton, CA, (March 10, 2008).

²³ Forrest refers people to out-of-state or national organizations that are pro-Darwin over a dozen times in her handouts.