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**Should Creation
Concepts Be Taught
in Public Schools?**

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“Should creation concepts be taught in public schools?” is the first in a series of debates on great issues that involve fundamental freedoms. The editors of LIBERTY are grateful to Dr. William V. Mayer and Dr. Ariel A. Roth for their contribution to understanding. How the debate was set up is explained on page 34. Rebuttals appear on pages 28 and 29. Your opinions, too, will be valued for future letters’ columns.

—Dr. Robert H. Brown, Science Editor.

Creation Concepts Should Not Be Taught in Public Schools

By William V. Mayer

In the beginning, the title of this article should be modified to indicate my position more accurately: creation concepts should not be taught as science in public schools. There is no reason to oppose belief in the Biblical concepts of creation, nor even the belief in creationism, if done within the context of a proper theological and epistemological system. I have publicly, both in speech and in print,¹ encouraged the formation of courses in comparative religion whereby students can become acquainted with a broad range of approaches to ethics, manners, beliefs, morals, behavior, and social interactions. An elective course in comparative religion could be theologically sound and academically honest, and it could be presented within a proper epistemological framework.

The problem concerning creationism arises not from presenting a point of view that is primarily Protestant and fundamentalist, to be judged against other belief systems, but rather from the attempt by some proponents of the position to transmute their theological concept into a scientific one. The focus in this article is not to be taken as a condemnation of either fundamentalism or fundamentalists, but rather as an examination of the position of that group of fundamentalists who attempt such transmutations.

One need only examine the writings of the Christian fundamentalists, who espouse their views as scientific, to comprehend that they are attempting to introduce their religious beliefs into classrooms by attempting to have them considered scientific. Henry M. Morris, director of the Institute for Creation Research, states, "It is impossible to devise a legitimate means of harmonizing the Bible with evolution." "Since the Bible cannot be reinterpreted to correlate with evolution, Christians must diligently proceed to correlate the facts of science with the Bible." And, "It is more productive to take the Bible literally and then to interpret the actual facts of science within its revelatory framework." He further notes, "Thus, evolution is Biblically unsound, theologically

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Creation Concepts Should Be Taught in Public Schools

By Ariel A. Roth

Many are perplexed by the enigma of man's origin. Is he the product of progressive naturalistic phenomena or the result of intelligent design? The past decade has witnessed a growing interest in whether evolution or creation is true. A corollary to this question is whether evolution should be presented as the only valid concept of origins in the public schools, which mold the thinking of the majority of our citizens. My thesis is that both creation and evolution should be included.

The main arguments are: (1) the general theory of evolution reflects serious scientific problems; (2) scientists should be open to various ideas about origins; (3) teaching creation in public schools may be done constitutionally; (4) in our pluralistic society fairness and commitment to academic freedom demand that alternative ideas of origins be taught.

Disagreement in the controversy is partly a result of a misunderstanding of terms and concepts. As presented in scientific textbooks, evolution proposes the development of life forms on earth by natural processes operating over billions of years. Creation proposes that various basic types of organisms originated by a special divine act. Creationists and evolutionists alike believe that small modifications such as changes in color, size, and minor biochemical modifications can occur in organisms. These are called microevolution or the special theory of evolution. Many of the variations postulated for the ubiquitous fossil-horse series would be accepted by creationists as normal biological variation. The real issue between creationists and evolutionists concerns the origin of discrete major kinds of organisms, such as vertebrates evolving from invertebrates or hemichordates, a turtle from another reptile, et cetera. These changes are called macroevolution or the general theory of evolution.¹

I. The General Theory of Evolution Reflects Serious Scientific Problems. Science is usually defined as the process of providing explanations about nature. If these explanations are correct, science can then predict what will happen, given

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"Christian fundamentalists . . . are attempting to introduce their religious beliefs into classrooms by attempting to have them considered scientific."

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contradictory, and sociologically harmful."² From these statements, it can be deduced that these creationists are not concerned with presenting alternatives to evolution; rather, they are antievolutionists wearing a new mask.

The antievolutionists can be easily traced as they have evolved in their attempts to discredit the theory of evolution. During the years 1922-1929, a time when the Scopes trial in Tennessee was receiving its greatest publicity, twenty-nine pieces of legislation were introduced in state legislatures to prohibit the teaching of evolution. In addition, two bills were introduced to prohibit the use of textbooks containing any mention of evolution, thirteen were designed to prohibit the teaching of evolution and the use of textbooks containing mention of the theory, and one condemned evolution in general. Thus, during that period, forty-five pieces of legislation were introduced that sought to expunge the concept of evolution from the classroom. In 1928, moreover, a law was adopted in Arkansas that prohibited the teaching of evolution and the use of textbooks containing evolution. Of the legislative introductions, only three were passed,³ subsequently to be declared unconstitutional.

Thus the antievolutionists, in seeking to ban the teaching of evolution, were largely unsuccessful. In the period from 1930 to 1963 only one piece of legislation was introduced to prohibit the use of textbooks containing references to evolution.⁴ This hiatus was occasioned by a rather uneasy truce between textbook publishers and militant fundamentalists. In most American schoolbooks the word *evolution* simply disappeared, although its concepts were presented under such euphemisms as "change through time," "the changing world of life," "inheritance," "breeding," and "heredity."⁵ It wasn't until the appearance of a new generation of textbooks, beginning in 1960, that the antievolutionists again rallied to their cause. These new textbooks elected to call a spade a spade, for they reintroduced the term "evolution." It is on the word itself that the antievolutionists have focused most of their attention. They sometimes seem to be more in-

timidated by the word than the process, for even though the new books used the term "evolution" freely, the factual data presented at the time was relatively little different from the morphological, paleontological, and embryological evidences given in older books to account for organismic diversity or change through time.

The antievolutionists found themselves on the horns of a dilemma in the early sixties. Their *bête noire* had returned. Experiences of the twenties had shown that efforts to prohibit the teaching of evolution were likely to be unsuccessful. So they elected to solve the problem by use of an age-old expedient—if you can't lick 'em, join 'em. If the scientific theory of evolution could not be squared with fundamentalist interpretations of Genesis, then elevate the Genesis account of creation to the status of a science and ask for equal time—a logically foolish and epistemologically impossible task, but one that would have a far greater emotional appeal than pressure to ban the teaching of evolution.

Such mental gymnastics required fundamentalists who had formerly espoused an antievolution position to pose as scientists with alternative scientific theories. They then could demand the kind of treatment the American public had always stood for—fair play and equal opportunity. Manipulation of words was now to become a fundamentalist technique. Just as older textbooks had always presented the concept of evolution, but by using different terms, the antievolutionists now incorporated terminology to present the Biblical accounts of creation as science. Nothing changed—just the words and the tactics.

The basic issue is still evolution versus antievolution. The arguments were clearer, cleaner, and better defined when Wilberforce debated Huxley in 1860, and the issues were still clearly drawn in the twenties when the antievolutionists had a simple thesis—condemn evolution and prohibit its teaching in schools. The verbal gyrations engaged in since 1964 by some fundamentalists require them to speak out of both sides of their mouth simultaneously. There is little wonder

that the lay public and uninformed legislators and school boards are confused, and it is just such confusion that some creationists now count on to advance their equal-time argument.

But the question becomes, Equal time for what? And to that these fundamentalists answer, Equal time for the "theory" of creation—a so-called theory, by the way, that no one has ever seen or had explained. If the Genesis creation accounts are indeed not revelation but scientific theory, then the theory should meet the same tests required of all scientific theories. Its hypotheses, data, experimental evidences, if any, its analyses and conclusions, should be explicable and open for scrutiny. But it is impossible to elicit such data from creationists.

Within Genesis there are two separate creation accounts: one begins with Genesis 1:1 and the other with Genesis 2:4. On which of them does creationist "theory" rest? The impossibility of answering such a question is well illustrated by Morris in a quotation that neatly encapsulates the creationists' dilemma: "The Bible account of creation can be taught in the public schools if only the scientific aspects of creationism are taught, keeping the Bible and religion out of it altogether."⁶ As masterful doublespeak, that statement has seldom been surpassed. Morris is saying that you can teach the Biblical account of creation if you don't mention the Bible. If the Bible is not mentioned, Morris implies, then the Biblical account of creation becomes scientific, even though it still remains a Biblical account of creation.

No words are better than those words of Morris to explain why there is no creation theory and why religious fundamentalists are placing themselves in the peculiar position of denying the revelatory nature of the Bible. They are even being asked to deny the existence of the Bible as the price of developing a pseudo-scientific position by means of which to demand equal time in science classrooms. The situation is analogous to that in the old fable of the dog with the bone, who, looking at its reflection in the water, sees a magnified dog with a bigger

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bone. While attempting to wrest the larger bone from the reflected dog, it loses the bone it originally possessed. In attempting to make the Genesis account of the Bible scientific, the revelatory value of the Bible must be discarded. Ultimately, those who dance to such a piper will be left with neither faith nor science.

The concept of God's words being made to oppose His works is not original with this author. The Reverend Thomas Burnet, in "The Sacred Theory of the Earth" in 1681, stated it well: "'Tis a dangerous thing to ingage the authority of Scripture in disputes about the Natural World, in opposition to Reason; lest Time, which brings all things to light, should discover that to be evidently false which we had made Scripture to assert.'" ⁷

That one sacrifices everything for the achievement of a small goal is a recurrent theme in literature, and in renouncing the Biblical roots of their position, the fundamentalists have achieved a revival of antievolutionism. By not asking for the banning of evolution but by asking only for equal time and emphasis on "scientific" creationism, they have placed themselves squarely back in the 1920's. Between 1964 and 1978, fifteen pieces of proposed legislation requiring equal time and emphasis for creation and evolution were introduced in state legislatures. Six more would prohibit the teaching of evolution as a fact (evolution is normally taught as the theory it is) and provide equal time for creationism. Three additional pieces were designed to encourage the teaching of all major theories regarding origins without, of course, bothering to define *theory*, and one other piece would specifically authorize the teaching of creation in science classrooms. The legislative record of these past years is slightly better than in the twenties, when the banning technique was used. Three of the proposed pieces of legislation have passed⁸—all subject to being declared unconstitutional. Thus, the antievolutionists of the 1920's have become either scientific Christians or Christian scientists through the expedient of developing a nonexistent theory and asking for fair

play to promote it.

The foregoing argument alone should provide enough reason why creationism should not be taught as science in public schools—the reason being that it is a theological system masquerading as a scientific one. But to provide additional reasons why creationism should not be taught as science, I propose to discuss the topic under the following headings:

1. It is unscientific.
2. It demands the denial of the senses.
3. It constitutes a mandated minority position.
4. It is deceptive.
5. It places an undue burden on teachers.
6. It is illegal.

1. Creationism as Presently Espoused Is Nonscience. Creationists begin with the Bible as their source of data. In the development of their creationist "theory," they must make the assumption that the Bible is a scientific document. Because of the very nature of the Bible, its statements must be regarded as unchallengeable, and therein lies the first of the nonscientific aspects of creationism. Nowhere in science are hypotheses or theories regarded as unchallengeable. There is no reputable biological scientist who would not discard the theory of evolution should a better scientific theory account for the facts in a more logical way and allow for better predictability. However, no scientist can accept either theories or models that are *a priori* unchallengeable without becoming something other than a scientist. As a corollary of that position, any scientific data that does not fit the Biblical model must be wrong. Morris made that quite clear when he said, "We must conclude, therefore, that if the Bible is really the word of God . . . then evolution and its geological age-system must be completely false."⁹ Within such a framework it is not possible to deal with creation scientifically, for creationists cannot argue scientifically that their position must be right by revelation, while, at the same time treating data that contradict their position as wrong by definition. Science simply does not work that way. In science, hypotheses are evolved

from data, but creationism demands that the data be warped to fit a preconceived belief. The theory of evolution has, over the centuries, been derived from data and its basic concepts well delineated.¹⁰ Creationism, by its very nature, however, becomes an initial given to which, as Morris has noted, all data must be made to fit. In science, disagreement exists among investigators to be resolved by accumulations of data to buttress a given position. In contrast, responses to creationism are usually regarded as "attacks."¹¹ It is difficult to carry on meaningful discourse when a privileged position is delineated as nonassailable.

2. Creation Demands the Denial of the Senses. Creationism forces rejection of observations and data that contradict it, while, at the same time, requiring acceptance without question of the creationist position. Creationism demands a young earth.¹² In some cases, the 4004 B.C. of Bishop Ussher, in others, 10,000 years or more. But regardless of the date, on which there is no agreement within the fundamentalist community, it is one that is in glaring discrepancy with all scientific data. The evidences from stratigraphy, paleontology, palynology, historical geology, and the various types of radiometric dating must all be discarded or warped to fit the concept of a young earth. Some creationists assiduously attack the concepts of radiometric dating, either deliberately or inadvertently misinterpreting the data to such an extent as to dismay even other creationists.¹³ Similarly, evidences from comparative anatomy, embryology, biochemistry, molecular genetics, physiology, systematics, and paleontology, among other fields, must either be discarded or reinterpreted. This latter reinterpretation constitutes a unique scientific event in that the data from all these fields must, *a priori*, be regarded as wrong. There have been other cases in the history of science where theologians decreed the observations of the senses to be in error. In every case—among the best known being those of Galileo, Copernicus, and Servetus—the evidences of the senses ultimately prevailed. There is no doubt that they will prevail ulti-

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mately in this case also.

3. Mandating a Minority Position. From the creationists' literature, one would be led to believe that this small band is a mighty army when, in reality, it represents only one particular school of Christian thought—ultraconservative, fundamentalist theology. Among those who espouse creationism there is no monolithic of view. Morris takes great pains to point out the independence of purpose and program of a variety of fundamentalist splinter groups¹⁴ and demonstrates a creationist schism. Creationists themselves are not in agreement on many items, including the age of the earth.¹⁵ Outside the creationist camp the theological divergencies are even greater. In the California textbook controversy concerning creationism, the Reverend Robert Bulkley, who represented the archdiocese of San Francisco, the San Francisco Council of Churches, and the Board of Rabbis of northern California, argued strenuously against inclusion of creationism in science textbooks. So did the Reverend James F. Church, assistant superintendent of Catholic schools in Sacramento, the Reverend Hogan Fujimoto, director of education for the Buddhist churches of America, and the Reverend C. Julian Bartlett, Episcopal dean of San Francisco's Grace Cathedral.¹⁶ From an epistemological standpoint, creationists have difficulty in convincing scientists that their position is scientific and from a theological standpoint, in convincing other theologians that it represents more than a minority opinion. It does little good to analyze the creationist movement and examine the activities of those who contribute to it, for creationists accuse anyone who does so of using *argumentum ad hominem*. However, they are not averse to using *ad hominem* arguments themselves, for they attempt to strengthen their position by listing the "scientists" who subscribe to it.

4. Deception. Not only is all fair in love and war, but apparently in establishing creationism as a scientific principle as well. We have already dealt with the case of the nonexistent theory. This

emperor's-new-clothes phenomenon¹⁷ may not be a deliberate misrepresentation, but only misunderstanding of what constitutes a scientific theory. Henry M. Morris, for example, has made the statement, "It really makes no difference whether we use the term model or theory."¹⁸ To most scientists it makes a great deal of difference. This Humpty Dumpty word play of making words mean what we want them to mean is not adequate science and may not even constitute honest human discourse. Even the word *research* comes to have a different meaning in creationist terms than it does in scientific terms. Such organizations as the Institute for Creation Research, The Creation Research Society, and others, by their names, give the impression that research in a scientific sense is being conducted into the topic of creation. All the significant research on this topic has been done in laboratories other than those of the so-called research institutes of creationists. Their "research" is primarily a parasitic examination of the work of evolutionists. An out-of-context quotation here, a contrived juxtaposition of sentences there, a misapplication of data—all designed to further a predetermined cause—these and other such techniques are what constitute the "research" of these groups. Selective selection and interpretation of already existing scientific data does not, in the classical sense, constitute research. The second law of thermodynamics is frequently cited by some creationists as proving that "evolution is impossible."¹⁹ But others, with a greater understanding of science, are able to explain that "the laws of thermodynamics are statistical in nature and therefore do not forbid any type of process."²⁰ If creationism is to be a valid alternative to scientific accounts, it must enter the lists of science and develop its own data, hypotheses, and, if possible, theories that are parallel in structure if not in content with those derived from recognized scientific investigation.

5. Teacher Training Burden. The training of teachers does not prepare them for the presentation of theological materials.

Iowa recognized that teaching religious doctrine is not the responsibility of the science teacher.²¹ In a paper prepared for submission to *Christianity Today*, V. Elving Anderson envisioned teachers helping students to clarify their religious views.²² Such attempts would be cause for teacher dismissal in many school systems, and if the teacher made any effort whatsoever to explicate a particular religious belief for the students, the strongest opposition to such an activity would come from adherents of the religious belief itself. Since there are very grave and basic discrepancies among Christians about creation, and certainly about teaching concerning it in schools, the major difficulty that teachers would experience would be one of explaining why a minority fundamentalist position should be the Christian interpretation to appear in schools and textbooks.

The relatively mild controversy that has been engendered by attempting to smuggle creationism into classrooms as science will be rendered completely trivial when parents find their children exposed to Christian interpretations antithetical to their own religious beliefs. There is no way that teachers can be trained as missionaries for a minority fundamentalist position and still be exempt from community criticism. The problems to be faced by teachers are anticipated by John A. Moore in his paper "On Giving Equal Time to the Teaching of Evolution and Creation."²³ Even Morris recognized the problem when he indicated that creationism "if handled by a non-Christian or 'liberal Christian,' might well be as objectionable to conservative Christians as it would be to atheists."²⁴

A hidden premise is thus revealed. If creationism is to be taught in science classrooms, then teachers must be trained to teach it—not in a general or Christian sense, but in a manner acceptable to a small, fundamentalist minority. It is not simply the textbooks that creationists strive to control, but teacher training as well. Perhaps this is the most frightening aspect of creationism, anticipating 1984. There will be one and only one correct creationist interpretation and teachers will be forced to hew to it to the

"The teaching of creationism as science is illegal. This single statement should be enough to settle the entire argument."

pleasure of the creationists. The National Association of Biology Teachers has become concerned with this problem and has recently released "A Compendium of Information on the Theory of Evolution and the Evolution-Creationism Controversy" designed to aid teachers threatened by mandating creationism in the classroom.²⁵

6. The Teaching of Creationism as Science Is Illegal. This single statement should be enough to settle the entire argument. But, as creationists continue their pressures for access to science classrooms, the illegality of teaching creationism needs constant reiteration. In every court test of the creationist position, it has been ruled in violation of the constitutional separation of church and state. In many states, among which are Tennessee, Arkansas, and most recently, Indiana, courts have decided against the mandatory inclusion of creationist materials in classrooms. Superior Court Judge Michael T. Dugan, in his April 14, 1977, decision against the use of the creationist textbook *Biology: A Search for Order in Complexity*, stated the case ably when he observed: "The prospect of biology teachers and students alike forced to answer and respond to continued demand for correct fundamentalist Christian doctrines has no place in the public schools."²⁶ The consistent court position, which recognizes creationism as a theological doctrine whose mandatory intercalation into public schools violates the constitutional provision for the separation of church and state, should be sufficient to settle this issue once and for all. Alexander expressed the opinion that a legal requirement to teach or not teach certain materials is a step toward totalitarianism.²⁷ However, each legal defeat sends creationists back to the drawing boards to figure a way to present their theological position as science. The creationism controversy in California is a case in point.^{28, 29} The legal problems creationists create for themselves are noted in "Evolution and the Law."³⁰ They are torn between their desire to use science as an instrument for learning more about God's handiwork and their position of

denying "any Biblical or religious basis for their science."

Creationism may, indeed, have a place in the schools, but as a theological doctrine, not as a scientific theory. The attempt to transmute Genesis, which is the basis of all creationist arguments, to the level of a science has failed, as any student of epistemological systems could have predicted. The arguments have descended from the cerebral to the visceral, and most points are made below the diaphragm rather than above the eyebrows. Religion is an important part of American life, as recognized by our founding fathers when they mandated its constitutional protection. Those who unthinkingly attempt to place religion into a context where it does not fit are doing no service to religion or, in this case, to science.

One must recognize that there are different ways of knowing about the world. A poet looks at a mountain and sings of purple mountain majesties. A geologist may think of it as demonstrating the intrusion of a clastic dike into granite. A mining engineer may see it as a deposit of molybdenum. Each is right—no one is wrong—because the poet, the geologist, and the engineer are looking at a mountain through a specific system of knowledge that each has. But when the poet insists that mountains can be dealt with or looked upon only as purple mountain majesties, we have the imposition of a specific epistemological system as *the* one proper way of thinking about mountains. It is *then* that trouble ensues! Without a comprehension of how our knowledge of the earth is organized, one is doomed to battle Quixotelike against villains that are only windmills. To some, that is a way of life. Creationist John N. Moore says of the creationism movement, "It's the hottest thing going on in science today."³¹ While Moore may feel that the world is focused on his activities, science does have concerns with space exploration, genetic diseases, a cure for cancer, alleviating hunger, and a few other topics that might better concern creationists as well as scientists. □

References

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Creationists," *Liberty*, September-October, 1975, p. 3.

² Institute for Creation Research (ICR), Impact Series No. 5.

³ These data were provided through the courtesy of Richard Wilhelm of the University of Texas at Austin, 1978.

⁴ *Ibid.*

⁵ T. J. Moon, P. B. Mann, and J. H. Otto, *Modern Biology* (New York: Henry Holt, 1956).

⁶ Zuidema, *loc. cit.*

⁷ S. J. Gould, *Ever Since Darwin* (New York: W. W. Norton, 1977), p. 144.

⁸ Wilhelm.

⁹ Institute for Creation Research, *op. cit.*

¹⁰ E. Mayr, *Evolution and the Diversity of Life* (Cambridge, Mass.: Harvard, 1976), pp. 9-16.

¹¹ *Origins* (1977), vol. 4, No. 1, p. 47.

¹² H. M. Morris, *The Young Earth*, ICR Impact Series No. 17.

¹³ *Origins* (1977), vol. 4, No. 1, p. 51.

¹⁴ *ICR Acts and Facts* (1974), vol. 3, No. 3, p. 6.

¹⁵ *Origins* (1977), vol. 4, No. 1, p. 50.

¹⁶ Reported in the *Los Angeles Times*, Nov. 10, 1972, p. 23.

¹⁷ W. V. Mayer, "The Emperor's New Clothes—Sold Again," *The Humanist*, November-December, 1977, pp. 52, 53.

¹⁸ H. M. Morris, *ICR Acts and Facts*, (1973), vol. 2, No. 5.

¹⁹ *ICR Acts and Facts* (1974), vol. 3, No. 8, p. 5.

²⁰ J. C. Walton, "Organization and the Origin of Life," *Origins* (1977), vol. 4, No. 1, p. 22.

²¹ State of Iowa Department of Public Instruction 1978. Creation, Education and Public Education.

²² Personal communication.

²³ In *Perspectives in Biology and Medicine*, (1975), vol. 18, No. 3, pp. 405-417.

²⁴ Quoted in *Liberty*, September-October, 1975, p. 4.

²⁵ 1977. National Association of Biology Teachers, Reston, Virginia.

²⁶ *Origins* (1977), vol. 4, No. 1, p. 47.

²⁷ R. D. Alexander, "Evolution, Creation, and Biology Teaching," *American Biology Teacher* (1978), vol. 40, No. 2, p. 91.

²⁸ J. A. Moore, "Creationism in California," *Daedalus* (1974), pp. 173-189.

²⁹ W. V. Mayer, "The Nineteenth Century Revisited," *BSCS Newsletter* (1972), No. 49, pp. 7-13.

³⁰ W. V. Mayer, in the *American Biology Teacher* (1973), pp. 144-162.

³¹ As reported on p. 1 of the *Wall Street Journal*, Jan. 17, 1978.

"Science Textbook Controversies and the Politics of Equal Time"* – A Review

By Dr. Edward Lugenbeal

Dorothy Nelkin's account of the textbook battle in California (and others like it) will anger many creationists. Henry Morris, director of the Institute for Creation Research in San Diego and a prominent figure in Nelkin's book, is obviously angry. He calls the book "patronizing," "sophomoric," "an inaccurate critique of creationism," and "a noteworthy example of academic arrogance!"¹

Morris' outrage is understandable. The book is inaccurate. Morris convincingly lists sixteen factual errors in Nelkin's account of the creation-science movement and of his personal activities.²

M. Stanton Evans, the conservative commentator, is also unhappy with Nelkin. In the *National Review* he complains about her "all-pervasive bias."³

Evans' displeasure is also understandable. If rejecting the scientific claims of creationists constitutes bias, then Miss Nelkin's bias is indeed "all-pervasive." In the preface we read: "This study began simply out of curiosity about the creationists as a group of people who *dared to represent themselves as scientists* while challenging the most sacred assumptions and norms of the scientific establishment. As the disputes developed . . . the creationists' demands, *which had seemed so bizarre*, began to appear as an expression of rather basic and widespread criticism of science's pervasive influence on social values."⁴ (Italics supplied.)

More than once Nelkin criticizes creationists for displaying ignorance of the fundamental nature of science.⁵ This criticism is bound to be particularly exasperating to the numerous highly educated creation-scientists who have every reason to believe they know the methods and procedures of science as well as any evolutionist.

It is safe to say that creationist groups will never vote this the book of the year!

Nevertheless, there is much that all parties to the textbook controversies (including creationists) can learn from Miss Nelkin's absorbing account.

We learn, for example, the reason for the timing of the controversies. Why 1969—100 years after Darwin?

Many evolutionists assumed that the Scopes trial marked the demise of cre-

ationism as a credible force in the public school system. Actually, after the Scopes trial, evolution became, if anything, less influential in the public schools. Until the post-Sputnik era, with its National Science Foundation-sponsored (BSCS) biology textbooks, evolution was benignly neglected in most high school classrooms. A prominent biologist even wrote an article entitled "One Hundred Years Without Darwin Are Enough."⁶

The BSCS government-funded biology textbooks introduced in 1964 tried consciously to reintroduce Darwin to high school biology. Thus, creationist backlash did not begin until the late 1960's simply because, prior to the BSCS textbooks, there wasn't much evolution to protest in high school biology.

We also learn why creationists were surprisingly successful in challenging the new evolution-laden textbooks. If Miss Nelkin is right, at least five factors were involved: (1) Growth and vitality of staunchly creationist fundamentalist churches; (2) Widespread disillusionment with science and other political and social institutions that followed in the wake of the Vietnam war and Watergate; (3) Growing disaffection with the external authority of impersonal bureaucracies; (4) Social-economic status of creationists—a protest emanating from middle-class well-educated professionals and technicians is hard to ignore; and (5) Growing concern for minority rights in American culture—successful protests by blacks and women led to changes in textbooks and provided a model for creationists as they defended their "minority" beliefs.⁷

Though the book does not pretend to offer an evaluation of the scientific merits of the arguments of creationists or evolutionists, it does offer insight into the nature of the debate. Central is the question of scientific legitimacy.

The secular scientific community cites several reasons for questioning the scientific character of creation-science. Most secular scientists feel creation-scientists don't play by the usual rules of the scientific game. The willingness, indeed the eagerness, of creationists to go over the heads of the scientific community directly to lay policy makers, asking

them to decide what constitutes acceptable science, is perceived as a challenge to scientific behavior.

The 1972 creation-evolution hearings in Sacramento illustrate the problem. According to Nelkin the hearings were rich in ironies. Not the least was the fact that creationist witnesses were nearly all scientists, whereas evolutionist witnesses were nearly all theologians or ministers! Yet this is an understandable irony. Creationists were reinforcing their claim to represent a genuine scientific alternative. Evolutionists were attempting to show that creationists were fundamentalist evangelists attempting to sneak a sectarian religious point of view past the wall of separation between church and state right into the nation's science classrooms. Creationists were arguing: "There is no conflict between religion and *the right kind of science*." Evolutionists were arguing: "There is no conflict between science and *the right kind of religion*."

Both assertions create difficulties for a public school textbook committee. Should public servants who are scientific laymen be asked to decide what constitutes either "good science" or "good religion"? Absolutely not, according to the scientific community. In science the authority to determine what constitutes good science has always been jealously limited to the community of professional scientists. As Miss Nelkin rightly emphasizes, the process of validation in science is collegial, not democratic.

Most secular scientists also see the *a priori* acceptance of Biblical authority by creationists as another case of breaking the rules of the game. By committing themselves to nonnegotiable Biblical theories concerning the history of the earth, creation-scientists adopt an attitude and methodology that is unacceptable to most secular scientists. John A. Moore, an evolutionist prominent in the California textbook controversy, puts it this way in his article describing the textbook battle: "Creationists search nature for evidence for conclusions they have already accepted; evolutionists, on the other hand, use observations and experiments on natural phenomena to help them reach their conclusions."⁸

* M.I.T. Press, 1977. 174 pages.

Finally, creationists also break the rules by unabashedly promoting supernatural explanations. In the eyes of most secular scientists this constitutes a kind of scientific sacrilege. In its commitment to "objective" knowledge modern science consciously avoids the supernatural, because it cannot be tested with the present methods of science.

The scientific research of creationists often consists of attempts to prove that natural explanations of origins are improbable (if not impossible), and therefore supernatural explanations are preferable. But for most secular scientists supernatural explanations are never preferable.

However, evolutionists don't always play by their own rules. Creationists have good reason to question the religious and philosophical neutrality of much that is promoted in the name of science. For example, Nelkin discusses the controversial MACOS social science textbooks prepared for use in elementary schools. MACOS seems to promote a humanistic view of man and a relativistic system of values.

Most religious thinkers and even most scientists would not accept the claim that science alone provides authentic knowledge. Religion's enemy, they would say, is not science, not even the scientific theory of evolution. It is the materialistic and reductionistic philosophies based on the nonscientific conviction that only science leads to authentic truth. From this point of view the clash between evolutionists and creationists is superficial, even elementary, because it is based on a misunderstanding of the proper domains of science and religion. Properly understood, science can't ever disprove or displace religion and religion can't dictate the content of science.

Nelkin seems to favor a more radical position. She flirts with the conclusion that the independence of science and religion is only "a convenient myth."⁹ If she is right, the struggle between evolutionists and creationists is elemental, not elementary, much less superficial.

Certainly for fundamentalists the independence of science and religion is a myth. The enemy of fundamentalist Christianity is the scientific theory of evolution, not just evolutionary philosophies.

The nature of fundamentalist religion is such that it *must* claim complete harmony between "true science" and "true religion." For the fundamentalist the literal harmony of science and Scripture is a necessary fact without which religion becomes the "convenient myth." Therefore fundamentalists cannot easily

acknowledge that the theory of evolution is accepted by modern science purely for scientific reasons.

As a *scientific* theory, biological evolution is no more religious or irreligious than any other scientific theory that interprets past events. Its "religious" character consists of the fact that it deals with past events described also by the Hebrew-Christian Scriptures (the origin of the diverse forms of life on earth). Intrinsically, it is no more religious and no less scientific than, say, the theory of plate tectonics in geology. Only an unacceptably narrow definition that limits scientific explanations to theories that can be tested directly in the lab can exclude evolution from the realm of legitimate science.

Admittedly this conclusion is cold comfort to the numerous Christian students for whom evolutionary theory—even a purely scientific evolutionary theory stripped of philosophical trappings—is religiously unacceptable. Society cannot demand that fundamentalists change their religion. Nor can society expect fundamentalists to happily support schools that undermine their religion. But neither can society redefine science for the convenience of a particular religious tradition; and the Creation-science movement and its theories, as they exist today, are a blend of science and religion.

So we have the makings of a dilemma worthy of the wisdom of a Solomon. Nevertheless, I am confident that the problems of Christian students whose religious beliefs are affronted by the *scientific* theory of biological evolution can be minimized. We should not underestimate the extent to which a clear-minded delineation of the limits of science and a persistent effort to pick science clean of its philosophical accretions can help.

But could the clash between evolutionists and creationists be only a superficial expression of a conflict far more basic than the clash between the scientific theory of evolution and fundamentalist Christian religion? Is the easy compatibility of science and religion really just a "convenient myth"? This may be the most serious question raised by Nelkin's book.

Nelkin is not alone in suspecting that the possibility of a harmonious marriage between science and religion is a pious myth. Not a few scientists and even some philosophers agree with John A. Moore that only science yields authentic knowledge.

Right or wrong, the fact that profound thinkers can see science and religion as

implacable, if currently unwitting, foes is cause for concern. Jacques Monod, a renowned molecular biologist, writes in his eloquent, but disturbing, book *Chance and Necessity*: "Modern societies accepted the treasures and the power that science laid in their laps. But they have not accepted—they have scarcely even heard—its profounder message: the defining of a new and unique source of truth, and the demand for a thorough revision of ethical premises. . . . Enjoying all the riches they owe to science our societies are still trying to live by and to teach systems of values *already blasted at the root by science itself.*" (Italics supplied.)¹⁰

If Monod is right, the creationists of the textbook controversies are not anachronistic throwbacks to an era of "unenlightened" religious opposition to evolutionary theory. Instead, they could be in the vanguard of a long intellectual guerrilla warfare as scientific and religious world views contend for our souls.

The creationists of the textbook controversies may not always choose the right issues on which to take a stand, but their defense of religious views of reality could be vital—for all of us. Vital even for science! Unless sustained and controlled by an ethic grounded in a religious view of reality, the "rational" view of nature may lead to the ultimate irrationality—self-destruction. □

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- ⁷ Nelkin, *op. cit.*, p. 85.
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The McRae Case: A Record of the Hyde Amendment's Impact on Religious Freedom and Health Care

By Linda Ambrose

Whether abortion is right or wrong is not a question **LIBERTY** seeks to answer. Its editors have opinions, as does the Seventh-day Adventist Church, which takes a “respect for life” position, but leaves the implementation of that ambiguity to the Scripture-enlightened conscience of its members. **LIBERTY** does cover church-state affairs, and abortion has become one, with a vengeance. Many of the elements of the McRae case, including the testimony of representatives of several church groups, serve to highlight the religious liberty issues in the abortion controversy.

The following article highlights testimony bearing on the political, religious, and constitutional questions involved in restricting public funding of abortion. Included are excerpts from the main religious antagonists who have testified on the issue.

Though the article appeared originally in a publication editorially supporting a woman's right to abort, **LIBERTY** considers it to be a fair report of controversy surrounding the Hyde amendment—though weighted in its selection of testimony. Please, no letters trying to sell us on the merits of abortion or nonabortion; we are all in possession of more than adequate material, and each mail brings more. Address yourselves rather to the questions of the article's first paragraph.

—R. R. H.



Illustrated by Zoltan Proharsanyi

Two principal constitutional questions remain with regard to restrictions on public funding of abortion. Can the federal government legitimately deny funding for medically necessary abortions in a program established to finance necessary medical treatment? Does the very existence of a law prohibiting public funding of abortion violate the separation of church and state by enacting into civil law one religious view of abortion?

A massive record on these questions is being compiled in a high-ceilinged modern courtroom in Brooklyn. It was in this courtroom that Judge John F. Dooling, Jr., dissolved previous court orders in the summer of 1977 and permitted HEW to cut off federal funds for abortion under the 1976 Hyde amendment. He acted under direction of the U.S. Supreme Court, following its decisions on public financing of abortion,¹ but these actions dealt only with motions to block enforcement of the Hyde amendment. They did *not* decide the merits of constitutional and statutory arguments of the plaintiffs. Before doing so, Judge Dooling indicated he would examine testimony and evidence at considerable length. That process began in the U.S. District Court for the Eastern District of New York while Congress was vigorously disputing reenactment of the Hyde

amendment and while the states were grappling with administrative and political implications of federal developments.

It is not certain, of course, how the case will finally be resolved. But already there has been a far more complete review of the effects and implications of both Hyde amendments than in Congress or in any other court. Since last summer, some 200 exhibits have been entered into evidence and well over 4,000 pages of transcripts have accumulated, recording the testimony of more than 35 witnesses.

This phase of the proceedings ended, five sets of attorneys submitted written briefs and presented oral arguments. Judge Dooling was asked to declare the 1976 and 1977 antiabortion Hyde amendments invalid and to issue an injunction against enforcement of the 1977 Hyde amendment. (Although the first Hyde amendment has expired, damage claims based on its effects keep that complaint alive. The second rider continues the restriction on Medicaid funding for abortion, although it includes certain exceptions that did not exist in the first Hyde amendment.)

It is clearly beyond the scope of this article to report comprehensively on courtroom developments. Nonetheless, highlights from the testimony provide a

factual framework for understanding the legal arguments being developed in *McRae* and the political debates surrounding abortion. The principal lines of evidence are religious and medical.

The Religious Testimony. In its entirety, the religious testimony addresses principles embodied in the First Amendment to the Constitution, which states, in part: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

The testimony establishes, first, that religious groups have differing doctrines related to abortion. Some prohibit abortion entirely. Others hold there is a religious duty, when faced by an unwanted pregnancy, to consider abortion, and, under certain circumstances, to undergo an abortion.

Father William B. Smith, professor of moral theology at St. Joseph's Seminary, the major seminary for the Archdiocese of New York, testified that Canon 2350 of the Roman Catholic code of canon law includes an absolute prohibition on abortion.

Conversely, Rabbi David Feldman, author of a scholarly examination of an-

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cient and modern rabbinical law on contraception and abortion,² said that Talmudic law in the Mishnah includes "a mandate that [if] a woman [is] in difficult, life-threatening pregnancy conditions, the fetus must be dismembered, if necessary, limb by limb, and abortion is mandatory because her life takes precedence over its life." He testified that abortion is also the appropriate response when necessary to protect the well-being of existing offspring or the mental and physical health of the woman.

Rabbi Feldman added that a rabbi can, and in certain cases should, counsel a woman to have an abortion. "But, of course, she is the final arbiter. She makes the final decision. . . . Her welfare is primary and her statement of her welfare is primary." This position, he explained, is based on the clear Jewish teaching that a fetus is *not* a human being until "the fetus exits the womb into the light of the world, until, to be very specific, its head emerges, or in the case of a breech birth, half of the body emerges. At that specific instant, then, the fetus becomes human."

J. Philip Wogaman, a Methodist minister and dean of Christian social ethics at Wesley Theological Seminary, said mainline Protestant religions teach that

procreation should not occur unless it is possible to fulfill the responsibilities of parenthood. He cited pregnancy in a 13-year-old and cases involving risk to the life, physical health, or mental health of the woman as situations that should trigger a serious consideration of abortion. "Further, a case involving what could be described as a fluke pregnancy rather late in life, close to the period of menopause, might raise similar questions."

Asked if abortion would ever be mandatory under such circumstances, he answered, "Yes—in the sense [in] which I earlier discussed this, mandatory as a person's responsibility before God to decide the sacred question of whether a new life should be brought into this world."

These theologians described mainline Protestant and Jewish positions on abortion as applications of general commandments and principles, *not* primarily as a set of formal rules; they rejected the concept of a fetus as a "person" deserving protections accorded to persons. James Wood, a Baptist minister and the executive director of the Baptist Joint Committee on Public Affairs, presented a second perspective, testifying that there is no Baptist teaching on abortion or responsible parenthood. He added:

"However, I think there is a more fundamental thing than that and it has to do with liberty of conscience itself as being the most precious single principle for the Baptist understanding of religious faith. . . . So, when we come to an issue such as abortion we see it as not only the right of decision making, but a moral decision. It comes out of some sense of moral awareness. . . . It takes on religious meaning [not because of Baptist criteria] because it is being absolutized as an ultimate, a supreme obligation [within the realm of conscience]."

During prolonged cross-examination Wood said he found incomprehensible the government's argument that the fetus is a person throughout gestation, with birth a developmental stage that "represents only a change in location." He said, "If you are talking about equality of a fetus and a person, well, that blows my mind. . . . Birth is tremendously important" in religious practice, in common sense, and in legal tradition.

Wood's earlier testimony had identified still another group whose views are contrary to a dogmatic prohibition of abortion. Nonpracticing persons who have gone through a serious consideration about the morality of abortion not

WHO'S WHO

McRae v. Califano,¹ as the case is designated, is a national class action suit. The plaintiffs are Cora McRae and other low-income women unable to obtain abortions because of the Hyde amendment, physicians wishing to provide and to be reimbursed for abortion services, Planned Parenthood of New York City, and the Women's Division of the Board of Global Ministries of the United Methodist Church. These plaintiffs are represented by attorneys of the Center for Constitutional Rights, Planned Parenthood, and the American Civil Liberties Union.² In a companion suit,³ The New York City Health and Hospitals Corporation is seeking to protect its right, as a public agency providing medical care to indigent persons, to receive Federal reimbursement for Medicaid abortions.

The defendant in both suits is HEW secretary Joseph A. Califano, Jr., the official with legal responsibility to implement the Hyde amendment. Califano is represented by Richard Caro, of the U.S. Attorney's office.

Isabella M. Pernicorne, a member of the National Right to Life Committee, is an intervenor-defendant in behalf of "unborn life"; Representative Henry J. Hyde (R-Ill.), former Senator James L. Buckley (R-N.Y.), and Senator Jesse A. Helms (R-N.C.) have similar status in behalf of taxpayers opposed to the expenditure of public funds for abortion. So far, the intervenors have been represented primarily by A. Lawrence Washburn, of New York.

It is clearly beyond the scope of this article to report comprehensively on courtroom developments. None-

theless, highlights from the testimony provide a factual framework for understanding the legal arguments being developed in *McRae* and the political debates surrounding abortion. The principal lines of evidence are religious and medical.

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¹ 76 Civ. 1804 (E.D.N.Y.)

² The attorneys are Rhonda Copelon and Nancy Stearns, of the Center for Constitutional Rights; Harriet F. Pilpel, Frederic S. Nathan, and Laurence Vogel, of Greenbaum, Wolff, and Ernst, and Eve W. Paul, of Planned Parenthood; Sylvia A. Law, of New York City; Janet Ben-shoof, Jill L. Goodman, Ellen Leitzer, and Nadine Taub, of the American Civil Liberties Union.

³ *New York City Health and Hospitals Corp. v. Califano*, 76 Civ. 1805 (E.D.N.Y.)

only arrive at a deeply personal, conscientious decision, he said, but, in theological and constitutional terms, at a religious decision. He drew an analogy to the beliefs of war resisters, who, in the 1960's, expressed deeply held, conscientious objections to bearing arms in Vietnam. Even though their view of the war was not based on any organized, doctrinal teaching, it held a status comparable to religion and was deserving of constitutional protection, the Supreme Court held in *United States v. Seeger*.³

Both implicit and explicit in all the aforementioned testimony was the concept that the Hyde amendment—by enacting into civil law a view of abortion that is contrary to the religious convictions of different groups of Americans—constitutes an impermissible establishment of religion.

Free Exercise of Religion. The relationship between restrictions on Medicaid funding of abortion and the free-exercise clause of the First Amendment was brought home by two theologians testifying from opposing doctrinal positions. Wogaman had testified that Methodists believe abortion is the proper religious response when circumstances preclude responsible parenthood. If financial support for abortion is denied or withheld under Medicaid, a Methodist Medicaid recipient's opportunity to act in accordance with those beliefs would be "obviously undermined. . . . It would be a very grave impediment [to the exercise of religious faith]," he said.

A similar point was made implicitly by Father Smith, the official witness for the Roman Catholic Archdiocese of New York. The plaintiffs' attorney asked him about a hypothetical situation in which a "reverse Hyde amendment" would exclude payments for maternity services but continue them for abortion. Would that interfere with a poor Catholic woman's opportunity to exercise her religious beliefs? Smith avoided the question until Judge Dooling intervened:

Dooling: If there is no other service available except this Medicaid hospital, [and] it does not assist in normal births and refuses to do anything except abortions, and she has no other available resource that is relevant to her pregnancy . . .

A.: I would certainly—that would certainly limit the woman.

Dooling: Limit the woman?

A.: It would limit the woman's choices apparently. There is no choice.

Attorney for the plaintiffs: And that

would . . . interfere with her ability to exercise her religious beliefs?

A.: It would seem to.

No "Secular" Purpose. Significantly, the record of last year's Congressional debate shows that the Hyde amendment was *not* advocated as a way of improving maternal and infant health, protecting people or property, reducing taxes, or achieving any other goal normally mentioned in support of legislation. Lawyers and theologians call such objectives the "secular purpose" of legislation. Secular purpose may (and often does) coincide with the sectarian goals of some or all religions. But it is based, *not* primarily on religious considerations, but on a concern for societal well-being as accepted by a general consensus of the citizenry.

The overwhelming weight of the testimony indicates that preventing abortion does not promote any secular purpose. The Hyde amendment does *not* promote normal childbearing, for example, but, in fact, contributes to emotional distress and physical disorders that interfere with healthy childbearing among the poor.

The evidence in Judge Dooling's court suggests, moreover, that the antiabortionists' asserted interest in protecting "human life" is *not* a secular purpose. While all the witnesses acknowledged that a fertilized egg is biological life of the human species, they have *not* agreed that this constitutes a human person or that it is entitled to the same protections accorded to persons. Wogaman reviewed the claim of many "right to life" groups that "medical science, not theology, tells us the unborn is human life."

"Well," Wogaman commented, "there is a certain special appeal to that, but what [Representative Hyde] is saying in those words is that we can know through factual description what the value of a particular entity is. . . . Now, I think I speak for virtually all theologians and ethicists at this point in saying a descriptive sentence cannot establish the value of an entity."

Organized Religion's Role. The court record suggests that the Hyde amendment incorporates one religious view on abortion—that it is always wrong and that a human person exists at the moment of conception (rather than at birth). Although this is the position of the Roman Catholic Church, the attorneys challenging the Hyde amendments have pointed out that it is also the doctrinal position of Orthodox Jews, Mormons,

Lutherans of the Missouri Synod, and certain evangelical Protestants. If the Hyde amendments are, in purpose and effect, the enactment of a religious principle, however, the involvement of an important denomination in the political effort to win their passage is relevant to the Constitution's ban on any "law respecting an establishment of religion."

Considerable evidence in the court record has shown that the Roman Catholic hierarchy has devoted money, personnel, and organizational resources to the mobilization of political efforts against abortion in general and against public funding of abortions for the poor in particular. Evidence included a copy of the National Conference of Catholic Bishops' "Pastoral Plan for Pro-Life Activities," which establishes a nationwide plan of legislative action on abortion; a copy of an article in the St. Paul, Minnesota, *Catholic Bulletin* reporting that a committee of Catholic bishops in 1973 pledged all the "educational and information resources" of the church to opposing abortion; a bulletin of the Minnesota Citizens Concerned for Life directed to "Minnesota Clergy" urging sermons on abortion, a special second collection for the MCCL, and inclusion of antiabortion inserts in church bulletins; evidence of a meeting of officials of the New York State Right to Life Committee during which they discussed the distribution of church money among local, state, and national divisions of the National Right to Life Committee.

The testimony of Carol Werner, a lobbyist for the National Abortion Rights Action League, confirmed news stories that reported last fall that Mark Gallagher, a representative of the National Committee for a Human Life Amendment (lobbying arm of the National Conference of Catholic Bishops), influenced, if not directed, House conferees' responses during conference committee deliberations on the Hyde amendment. "Every time the Senate conferees make a compromise offer," the *New York Times* had reported, "Mr. Gallagher quietly walks to the conference table to tell a staff aide to the 11 House conferees whether the proposal is acceptable to the bishops. His recommendations are invariably followed."⁴

Political Divisiveness. When organized religions become entangled in the political process, several witnesses testified, the consequences are acrimonious community divisions, polarization, and distortion of the political process by an

impassioned, single-issue minority voting bloc. While church and "right to life" leaders disavow the bombings, arson, vandalism, and confrontations with patients that have occurred at medical clinics, many of these same persons continue to exhort against "murder" and to implicitly suggest that lesser violence may be justified in attempting to stop it.

The experiences of one witness suggested that extreme rhetoric and denominational involvement in politics creates a climate that threatens to disrupt political and governmental functions on every level. Mary Peek, a former teacher and a housewife from Grey Cloud Island, Minnesota, testified about her experiences as a volunteer worker for the Democratic Farm Labor party and, in 1972, as a candidate for the state legislature. Her position in favor of reforming Minnesota's then-existing criminal abortion law was reported in the *Catholic Bulletin*, an event that marked a turning point in her campaign. She eventually lost the primary election by 116 votes.

Q: Now, did many Catholics who were previously working for you actively remain involved in your campaign?

A: Well, I think a large majority continued to support me, but . . . they said quite frankly that they were getting phone calls from other people in their parish, saying, "What are you doing supporting that woman who believes in abortion?" One called me one Sunday very emotionally and said she had heard me called a "murderer." . . . The fact is that there were a number of people who had been warm supporters, who just felt that they could no longer be public with that support.

Mrs. Peek said Minnesotans take pride in their state's reputation for openness and political tolerance. "[But] I found my children, who were then 15 and 17, being told in school that their mother was a murderer and a baby killer," she said. "It gives you an example of the kind of miasma of fear and hatred that could exist, and I couldn't believe it." She added that she has given up political aspirations. "I don't wish to move out of my district. And, as a result, I think it would be very difficult for me to be elected, because if things were bad in '72, they are much worse now in Minnesota."

Near the end of Mrs. Peek's testimony, the following exchange occurred between her and the attorney for "unborn life," Lawrence Washburn:

Q.: On the Auschwitz question,

would you limit [a Catholic bishop] in any way, in opposing murders in Auschwitz? Would you limit his going into the political system? . . . Could he do everything that they are doing on abortion or not?

A.: The full separation of church and state is one on which we need to be very careful when we break down that wall.

Q.: Your Honor, I have to ask whether clerics, in this person's view, . . . are free to walk into a Congressman's office and express their view on abortion.

A.: If they are lobbying on behalf of themselves, if they are designated lobbyists for a secular organization, and so on. I just think in this whole area, churches must use restraint, and I feel that there has been an increasing breakdown on . . . some of those restraints, and I am concerned. . . . I would have thought that reading history would have taught all of us the dangers of ecclesiastical intervention leading to a sectarian strife.

Q.: Wasn't slavery an exception?

Attorney for the plaintiffs: Objection, Your Honor. I think this is argumentative.

Attorney for the intervenor-defendant: We have to get the witness's view, or else she has no purpose of being here.

Dooling: She came here to tell us of her experience, not her philosophy.

Witness: Or my theology. And the kind of questions you have been directing to me in this courtroom are exactly the kind of badgering questions that are leveled against everyone who advocates freedom of choice and they are made to seem to condone murders in Auschwitz, the death penalty, euthanasia, and all those kinds of things when we are not talking about that at all.

The Medical Testimony. The physician witnesses, by describing their professional experiences and conclusions, addressed the statutory concept of "medical necessity," as well as constitutional principles of due process and equal protection of the laws; protection from vague, overbroad legislation; the right of physicians to practice medicine in accordance with their best medical judgment; and the right of patients to receive necessary medical treatment and advice.

Testimony from more than half a dozen medical experts demonstrated that two phrases used in the Hyde amendment, "where the life of the mother would be endangered if the fetus were carried to term" and "where se-

vere and long-lasting physical health damage would result if the pregnancy were carried to term," are *not* commonly used by doctors and are open to a variety of interpretations. Dr. Adele Hofmann, director of adolescent medicine at the New York University Medical Center, testified that in her professional experience a pregnancy to anyone in her preteen-age or early teen-age years involves serious physical and psychological risks and always endangers life. Although she would perform abortions for teen-agers on those grounds under the Hyde amendment, she said many doctors would not.

"I do not understand what it [the reference to life endangerment] means. It is not a common phrase in the medical parlance. It's extremely vague. . . . Life endangerment can mean anything in terms of what you define life as. In my judgment you could define life as something extremely ordinary, in terms of breathing. Does this mean, then, that I can't do anything if pregnancy were to render the patient comatose, but that I could maintain her on a respirator?"

On the other hand, determining that severe physical health damage "would result" implies, to many doctors at least, a degree of certainty that almost never exists in treating individual patients. Accordingly, that clause may be viewed as *more* restrictive than life endangerment. If a physician, for example, determines that a diabetic woman has a 50 percent chance of going blind if her unwanted pregnancy is carried to term, can he certify that severe and long-lasting health damage "would result"?

"I think a physician always operates on the understanding that he can't predict these things," Dr. Hofmann said. "I operate on a combination of the risk-benefit ratio of anything that I would recommend to a patient as being medically indicated or medically necessary. . . . There is no way that we can gaze into a crystal ball."

The doctors offered numerous examples of the Hyde amendment's interference in medical decision-making and referred to positions adopted by the American Medical Association and the American College of Obstetricians and Gynecologists (ACOG) supporting the physician's right to exercise professional judgment as to the medical treatments necessary during pregnancy. Last summer, ACOG vigorously opposed "the interposition of a third party—the government—without medical expertise between the patient and her attending phy-

sician. . . . Each patient presents a combination of conditions and degrees of severity, the total weight of which can only be determined by the physician who evaluates that individual patient."⁵

But even when confronted by the virtual certainty of life endangerment or "severe and long-lasting physical health damage," doctors may bypass their professional judgment rather than undertake the bureaucratic requirements of certifying the patient for an abortion under the Hyde amendment. Dr. Judith Belsky, a consulting psychiatrist for the Obstetrics and Gynecology Department at Bellevue Hospital in New York, spoke of the perceived risk of legal involvement as a serious deterrent. "Doctors tend to be very timid when it comes to legal situations, and to be afraid that they're going to be sued and not to really understand the law."

"Medical Necessity." Doctors on both sides of the abortion question testified that "medically necessary" or "medically indicated" are the normal professional standards for deciding what treatment is appropriate. Indeed, the Social Security Act sections establishing Medicaid limit it to paying for "necessary medical services." The same term is used in sections intended to ensure that hospital admissions and medical treatments are appropriate and not excessive. Dr. Edmund Rothschild, chief medical officer for operations at the New York City Health and Hospitals Corporation, explained how Professional Standards Review Organizations (PSRO) have been established to determine reimbursability and appropriateness of federally funded medical services. "The standard throughout all references that I have been able to find is . . . medical necessity," he said. "It's repeated over and over again in documents put out by HEW since 1972." Asked if he had found that abortion is being treated differently than every other medical procedure as far as PSRO standards go, Dr. Rothschild responded, "Yes."

The Supreme Court has said that a determination of medical necessity should be based on a consideration of physical conditions, emotional and psychological factors, familial circumstances, and age.⁶ Along with several other doctors, Dr. Seymour Romney, of Albert Einstein College of Medicine, said that that position coincides with widely accepted professional standards, adding that a patient's cultural background and her capacity to understand

and carry out medical advice are also central concerns.

Although early reports suggest that most doctors have adopted a very narrow interpretation of the Hyde amendment, Dr. Romney testified that, in his experience with low-income patients, from 50 to 100 percent of unwanted pregnancies are life endangering because of preexisting health conditions, lack of financial and supportive resources, physical as well as psychological effects of pregnancy-related stress, and the risk of recourse to self-induced or illegal abortion. Unwantedness of pregnancy, itself, creates and compounds medical risks, he said, because women undergoing pregnancy unwillingly are less likely to keep prenatal appointments, to accept dietary advice, or to be motivated or capable of carrying out medical instructions. When the pregnant woman is poor, her sense of hopelessness or desperation may be justifiably compounded. "[A woman may] possibly seek an abortion under illegal circumstances," he added. "She may decide to venture along in the pregnancy but not under sound principles. She may not be able, for a variety of reasons, to follow specific and desirable medical care, whether it means avoiding salt or getting a good diet or getting to bed and getting a lot of rest. For the Medicaid patient, that may be an impossible assignment."

In describing the effects of stress, Dr. Romney said that a patient with borderline anemia or otherwise marginal health status may be able to function in a variety of normal circumstances. "Put that same patient with borderline anemia in a stressful situation and they may have congestive heart failure." Asked if he considers unwanted pregnancy a stressful situation, he replied: "I think an unwanted pregnancy is one of the most stressful experiences for a woman—who must recognize that she's in an experience emotionally and physiologically which she has to carry through day to day, hour to hour, day and night. There is no putting aside the pregnancy. And on the strength of that, she takes it to bed and has to live with it all the time. . . . I think that must be one of the most difficult circumstances that human beings can find themselves in."

Building a Record for Appeal. There were significant areas of agreement among the physicians—on the harm of superseding a physician's medical judgment with statutory "standards"; on the variety of ways in which the Hyde lan-

guage will be understood and misunderstood by physicians; on the detrimental effects of unwantedness on pregnancy outcome.

From the beginning, Judge Dooling and the attorneys have proceeded with the understanding that his decision will be appealed. If Judge Dooling rules in favor of the plaintiffs, it is likely, under procedural rules, that the case would be appealed to the Supreme Court; if he rules for the defendants, it would be appealed to the U.S. Court of Appeals for the Second Circuit.

By late March the defense had presented five witnesses, compared to more than thirty for the plaintiffs. Testimony was very broad; Judge Dooling seldom sustained objections that testimony was "irrelevant." And what would be ruled out as "opinion" in other trials was allowed because the witnesses testified as experts and were entitled—unlike lay witnesses—to offer opinions.

At times the low-keyed courtroom proceedings have seemed prolonged, if not tedious. But the questioning has repeatedly touched on the most profound religious and theological differences and on the most fundamental issues of medical care delivery. "The record" established during examination and cross-examination sets the stage for judicial action, not only in Judge Dooling's court, but in other state and federal courts and, ultimately, in the Supreme Court. □

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TM Ruling Sparks Appeals

In October, 1977, the District Court of New Jersey banned the teaching of transcendental meditation (TM) from that state's public schools. The judicial opinion was the first court ruling concerning TM's religious nature. In his opinion, Judge Curtis Meanor claimed the TM defendants failed to disprove the contention that TM was a thinly disguised Hindu religion. He enjoined TM's presence in public schools because it violated the separation of church and state. Although the defendants initially ruled out the possibility of an appeal, the legal decision's impact has forced both TM and governmental defendants to begin the appeal process.

The lawsuit resulted from a federally-funded experimental project in five New Jersey public high schools. During the 1975-1976 school year students were taught TM and its theory, the science of creative intelligence (SCI). As a part of the program students participated in a worship ceremony, known as a *pūja*, to Guru Dev, a dead Hindu god. When government and school officials refused to terminate the TM classes, the Coalition for Religious Integrity (CRI), a group of New Jersey residents, and the Spiritual Counterfeits Project (SCP), a California-based organization, jointly filed their lawsuit in February, 1976.

Immediately following the decision, TM proponents began downplaying the importance of the decision. Speaking from his Switzerland headquarters, Maharishi Mahesh Yogi, founder and head of the TM movement, dismissed the judge's ban as a "little thing" and "insignificant." He said the ruling would not affect the future of the TM movement. Also, Dr. Leonard Goldman, an executive of Maharishi International University (MIU), said that "from the beginning, we never considered this case to be of major importance to the transcendental meditation movement. We have no plans to appeal it. It will have no influence on our actions."¹ Treating the decision lightly was intended to protect the TM movement from any negative effects produced by the ban.

Likewise, some governmental defendants dismissed the possibility of an appeal or remained silent. Although the

Department of Health, Education, and Welfare (HEW) withheld comment, Robert Schwartz, the Paterson (New Jersey) Board of Education attorney, said he was recommending that the Federal decision not be appealed. Scipio Africano, the Union City (New Jersey) Board of Education attorney, indicated that his board had no appeal intentions because "he felt the decision would probably be upheld in a higher court."²

Many significant developments have transpired in the year since the ban on TM. In February the Coalition for Religious Integrity made a motion to recover \$40,612 taxpayer dollars that HEW invested to teach TM in New Jersey schools. The plaintiffs sought to recover the funds to offset their heavy expenses incurred in waging the legal battle. The TM movement, HEW, and two New Jersey school districts opposed the motion. Rather than grant the plaintiff's motion, Judge Meanor ordered the five school districts to forfeit their share of the HEW money. He ordered that the full amount be returned to the state's coffers for reallocation to a legitimate education purpose. This symbolic slap on the wrist to the local school districts ignored culpability of the New Jersey Department of Education, the real culprit in permitting TM in the public schools.

In another development, the TM movement severed relations with two law firms that had represented them during the legal activities. While one firm officially withdrew as attorney-of-record, the other firm was fired by Maharishi. The TM movement is now represented by two attorneys who are TM teachers, Peter Sterling and Steven Druker.

The most damaging impact of the legal decision has been the cutback of government-sponsored TM programs. In an affidavit submitted to the federal court, Steven Druker admitted that since "the issuance of the Court's decision in October, 1977, adverse reaction to the transcendental meditation/SCI programs began to develop among many organizations that had previously shown favorable interest."³ Druker cited four major examples:

(1) The "California Youth Authority had planned to offer a program involving the transcendental meditation program as part of the rehabilitative efforts. Money had been authorized and everything was set to begin. The Court's decision was released a few days prior to the commencement of the program. The entire project was cancelled."⁴

(2) "A proposal to employ the TM program as part of a probation-parole program in Chicago was under consideration. On December 13, 1977, the chief judge of the U.S. District Court for Northern Illinois vetoed the proposal project based on the New Jersey Federal Court decision that the TM program has a religious aspect to it."⁵

(3) "The State Board of Independent Colleges and Universities of Florida, in considering MIU's application to offer courses for credit in that state, noted that the New Jersey District Court had indicated that SCI is a study of religion and that the MIU courses were described with SCI in the title, e.g., 'Literature and SCI.' The Board has told MIU that it may have to state officially in a publication to prospective students that they are studying religion."⁶

(4) TM teachers throughout the country are "facing problems owing to the decision."⁷

These startling admissions reveal that TM, contrary to their predictions, is being severely affected by the decision. And more is to come. Says Druker: "Given the breadth of the order, confusion about all aspects of the TM/SCI programs will be fostered and . . . more adverse effects . . . will result."⁸

In February the Department of Health, Education, and Welfare, the Paterson Board of Education, and the TM defendants informed the District Court of their intentions to appeal Judge Meanor's decision. Both plaintiffs and defendants are preparing for battle in the United States Court of Appeals for the Third Circuit, in Philadelphia. Whereas the New Jersey District Court has jurisdiction only in that state, the Third Circuit has jurisdiction throughout Pennsylvania, Delaware, New Jersey, and the Virgin Islands. The defendants' strategy is to seek reversal of Judge Meanor's

ban on TM. If successful, they would reinstitute TM in New Jersey public schools and elsewhere.

The Coalition for Religious Integrity looks favorably upon the appeal. According to Joseph Duffy, a CRI plaintiff and spokesman, "The appeal gives us an opportunity to see the original judicial opinion upheld by a higher court. If this happens, the jurisdiction of the legal opinion would be broadened. TM would then be banned from public schools throughout the Eastern District of the United States. Eventually, this lawsuit could reach the U.S. Supreme Court, where TM could be banned [from public schools] throughout the entire country. We eagerly envision this possibility."

But CRI, too, is having problems. According to Duffy, "Even though the credibility of our undertaking has been proven, the Coalition has had difficulty raising funds to pay our expenses. We aren't as wealthy as the TM movement, which collects approximately \$20 million annually from its activities. Currently, we haven't paid off our outstanding debt left from the federal court action. We are not financially capable of continuing the lawsuit unless we receive nationwide financial support."

Duffy appealed for all Americans interested in maintaining church-state separation to unite with CRI to block the spread of a Hindu religion through public schools.

[Contributions, which are tax deductible, may be sent to the Coalition for Religious Integrity, P.O. Box 75, Maplewood, New Jersey 07040.—Eds.] □

With millions of dollars at stake, the TM movement is contesting its designation as a "thinly disguised Hindu religion."

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"For the Children"

By Connie Hofferber

For 400 years that has been the cry and the promise of an adamantly religious and fiercely independent group of Russians in their self-enforced exodus across four continents.

It was for the children and the preservation of the Russian *Staroveri*, or Old Believer, ways that the believers left their homeland in the seventeenth century, fled China in the 1940's when the Communists came to power, and finally settled in the United States during the past decade.

And it is for the children that an Oregon Old Believer family braved the threats of jail earlier this year, sold their eleven-year-old cauliflower farm, and moved to a different school district in search of an educational system that would respect their religious beliefs.

Artemy and Natalia Egoroff and their eleven children are among 3,000 families of Old Believers who till the rich Willamette Valley near Salem, growing hops, berries, and vegetables.

When 14-year-old Anna Egoroff stopped attending sixth grade in the small Ninety-One Elementary School near Hubbard, Oregon, in the spring of 1977, school authorities reported this to the state. But the school year ended before action was taken. When she did not return last fall, despite repeated letters to her home, Mrs. Egoroff was summoned to Judge Robert Mulvey's district court in Clackamas County.

Quietly defiant, the couple refused to force their children to attend school, where they were taught sex education and the theory of evolution in direct conflict with their religious beliefs. The Egoroffs also feared that American morals and ways were enticing their children from their spiritual heritage.

This is the story of the Egoroff's fight with the Oregon school and legal system, but the roots of the conflict go back to 1654 in Russia. It was then that the Russian Orthodox Patriarch Nikon attempted to bring Greek Orthodox customs into the liturgy of the church. Though relatively minor, the changes (making the sign of the cross with three, rather than two, fingers, saying alleluia

three, rather than two, times following a prayer, and the priest's circling the cross with, rather than against, the sun's path) brought vehement dissent from the believers.

More than 12 million Russians who refused to accept the changes were put to death; another 20,000 chose self-immolation inside their churches. Those who fled persecution isolated themselves in far-flung corners of the country, where, surrounded by icons, customs, and liturgy, they kept the faith "for the children."

As governments changed, the Egoroff's ancestors moved to China, to Hong Kong, to Australia and Turkey, to Brazil, and finally to the United States. Within the past few years some groups have sought even more isolation in remote areas of Alaska and Canada.

For the Egoroffs the Willamette Valley of Oregon was touted as a promised land by the Tolstoy Foundation in California, which sponsored their move from Brazil eleven years ago.

Now Artemy and Natalia are not sure it is. Explains Vasily Efimoff, Natalia's younger brother, "Our people fled from Russia and then from China to escape religious harassment. In Brazil no one bothered us. But when we moved to this country, where practicing our own religion was supposed to be protected, we are hassled.

"We promised never to ask for government assistance. None of our people have gone on welfare. We take care of ourselves. We obey the laws. Now they threaten to put my sister in jail."

Vasily is one of the few adult Russians who have learned English. He has gone to college in an effort to bridge the cultural gap in the Willamette Valley communities, where the population is divided between Russian, American-born, and Mexican. Most Russian families mix as little as possible with their American neighbors. Religious laws prevent them

CLOUDED

FUTURE—Mrs.

Egoroff with six of her eleven children. The Egoroffs, who encountered legal difficulties because of failure to send 14-year-old Anna to school, are one of 3,000 families of Old Believers who till the rich Willamette Valley near Salem, Oregon.

Connie Hofferber writes for *The Oregonian*, Portland, Oregon.



LABOR ETHIC—Kolya, 9, helps his father gather blackberry cuttings.

from eating off the same plates as non-Orthodox. The language barrier keeps the adults apart, but even the children, who have learned English in school, play apart from their American classmates.

Their nineteenth-century Russian dress immediately segregates them. The men's long beards, which are never shaved, the women's braided hair, which is kept covered in public so as not to arouse lust in men, the brilliantly dyed men's tunics and the flowered skirts and aprons of the women, make them characters in a Boris Pasternak novel.

The Russian reserve is partly the result of centuries of physical and mental separation from potential persecution. But it is also a means of defending their children from the incipient erosion of their ways by the American culture.

"The cars, the loose morals, the lack of discipline in the schools—all make the children look down on Russian ways. When they come home from school, their parents can't control them," said Efimoff.

"I know. I was a teacher's aide in the Woodburn schools for six years. I know how poor the discipline is and how poor the attitudes of the students are. The instructors teach the kids that there is no right or wrong; that whatever you think, is right."

Mrs. Egoroff, who is 31, did not mention religious reasons for not sending Anna to school when she pleaded guilty to the charge last January. She said only

that Anna was needed at home to help with four children, including a three-month-old baby. "Anna did not want to go to school," her mother said, "and she has threatened to run away if forced to."

Mrs. Egoroff hoped, by pleading guilty and waiving her right to an attorney, that the judge would lecture her a bit, fine her, and then let her family return to anonymity.

On the day of her sentencing in February of 1978, the somber courtroom was awash with color when all thirteen members of the family filed in with relatives, television cameras, reporters, and photographers. But the Russian faces were grim as Mrs. Egoroff, holding her baby, stood before the judge for the second time.

Speaking for his sister, who does not speak English, Vasily told Judge Mulvey that it was the teaching of sex education and evolution that kept Ivan, 13, Anna, 14, and Mihaïl, 15, from school.

"The parents oppose sex-education classes. They don't want their children to be exposed to that until they are married," he said.

"The two older boys have not been going to school because they already have begun to look down on the Russian life style. Their parents do not think the American school system is doing their children any good."

Oregon law gives little leeway for special treatment of students. A superintendent may excuse a student for ex-

tenuating circumstances only if he has completed the eighth grade. Other exemptions are few—if a child is more than 16 and employed, if he can pass twelfth-grade work, if he is too disabled or sick to attend class, or if he lives too far from a school without bus service.

Anna, who is now in the seventh grade, fit none of the categories.

Addressing Mrs. Egoroff, Judge Mulvey said, "Try to get along with the laws in the country to which you came voluntarily and with high hopes. You may not think American education is the best thing. But your children are going to grow up and live and work in America. They are going to have to learn to live with Americans."

Then, as Mrs. Egoroff wept quietly, he sentenced her to spend one day in jail for every day any of her seven school-aged children did not attend class, up to thirty days maximum. The sentence was suspended, but was to be served if the children didn't return to school.

Regular attendance is rare in the Ninety-One Elementary School, where one third of the 350 students are Russian. The students are excused for at least thirty-eight religious holidays a year. During harvest and frequent week-long wedding celebrations, school ranks low on the list of things to do.

The superintendent of the school, Floyd Lapp, was afraid that if Anna's truancy was ignored, other students would follow her example. "She is



HARD-WORKING FATHER—Artemy Egoroff fertilizes pasture on his farm. Unlike the Amish, the Old Believers use modern equipment. Mr. Egoroff is fertilizing by hand only because his spreader had broken that morning.



TRADITIONAL GARB—Kolya wears a traditional Russian shirt with hand-embroidered collar.

DRIVER EDUCATION—Mike Egoroff, 16, drives a tractor as skillfully as most teen-agers handle the family car. Because of the education controversy, the Egoroffs sold their cauliflower farm near Woodburn. They now live on a five-acre farm at Monitor, a tiny community five miles northeast of Mount Angel.



merely a child out of hand. She told me, 'Why should I go to school when my friends in Woodburn don't?' We try to run a hard line here," he said.

"Actually, if there was a provision in the law to let me release her, I would. She is very capable in school."

Across the county line in the Woodburn School District, superintendent Jens Robinson has a different attitude. "Anna told me she believed she would go to hell if she went back to school. This is very serious to her. I have never used the truancy laws against a Russian student," he said. His Russian liaison staff spends much time with students and families, seeking to convince them of the need for education.

Many of the Russian children marry at 13 or 14, and career goals have traditionally been limited to farming or factory work. Many students, though required by law to attend class, never make it to high school. "They slip between the cracks in the transfer," explained one high school principal.

The week following the sentencing, the Egoroffs moved to their parents' home in Woodburn in an attempt to escape both Mulvey's sentence and jurisdiction of the Clackamas school district. However, since the case originated in Clackamas County, where the family lived would not matter.

After a month of checking and documenting the truancy of the oldest children, signing affidavits, and issuing and serving warrants, the officials called Mrs. Egoroff back into court to show cause why she should not be jailed for thirty days. Accompanied by Attorney Terrance McCauley, Mrs. Egoroff asked the court to allow her thirty more days to begin teaching her oldest children at home.

Oregon law allows parents to teach their own children if the local school superintendent approves. The child must pass yearly school examinations in order to remain in private tutelage.

McCauley told the court, "The parents have tried to send their children to school. They have even taken them to school personally, but the children have refused to go. The children, who are

intelligent and reasonable people with their own sense of free will and cultural sentiment, refuse to attend school because they agree with their parents' beliefs."

Replied Judge Mulvey, "Does the 14-year-old run the family? Does she tell her parents what they will do? Does she want her mother in jail rather than go to school?"

Then, after a pause he said, "I will continue the case for one month. I want those children in school by that time, or Mrs. Egoroff will go to jail." (The 63-year-old judge died of a stroke June 23, just two months after the trial and three weeks after he was defeated for reelection by a 37-year-old deputy district attorney.)

The publicity the trial received brought letters and telephone calls from people throughout the area who were teaching their children at home, offering support and help.

It also caught the attention of the Old Believer community, but rather than supporting their compatriots, a group of church advisors called a press conference in April to express their united support of public education. Though they denounced the lack of discipline in the schools and the teaching of evolution and sex education, they told the local press that they could not support the Egoroffs' keeping their children out of school.

"We believe now, as we did upon coming into this country, that there are no conflicts between the United States Constitution and our religious beliefs," said Macario Zeniuhin, an advisor to the community.

By the time the Egoroffs had moved to a new farm within the Monitor School District outside Woodburn, their problem appeared to be solved. Superintendent Stephen Caputo was willing to allow the Egoroffs' older children to attend only half-day sessions and to skip sex-education classes and those that dealt with evolution.

In April, four months after the controversy began and a year after Anna had dropped out of school, she went back to class. □



DETERMINED GIRL—Anna refused to attend school because classes included the evolutionary theory and sex education, which conflicted with her religious beliefs.

"At best, the general theory of evolution is a scientific paradigm with little observational or predictive value."

(Continued from page 3)

defined conditions.² Science at its best is in this predictive area. Science is sometimes also defined as a description of observed facts. The general theory of evolution fails to qualify for either definition. If one argues that science provides predictive explanations, the general theory of evolution does not qualify. No evolutionist can validly predict the major evolutionary changes that should take place in the next billion years; the process envisioned is too complex and the mechanisms for change too unknown. A few evolutionary biologists have attempted to show that evolution can predict;³ however, their attempts deal with the special theory of evolution (microevolution), about which both creationists and evolutionists agree.

If it is agreed that science describes observed facts, then, of course, the general theory of evolution fails again, because no one has observed life originating spontaneously or one major type of organism changing into another. Science is not very useful in the analysis of unique past events. At best, the general theory of evolution is a scientific paradigm with little observational or predictive value. Therefore it does not warrant being presented as the only possible idea of origins.

The creation model does not fare much better than the general theory of evolution when it comes to observational and predictive qualities. Our ideas regarding origins must rest largely on indirect evidence.

Probably the most serious inadequacy of the general theory of evolution is in regard to the origin of life. Evolutionists, who normally maintain a high degree of objectivity and are unwilling to accept data that are not repeatable 19 out of 20 or 99 out of 100 times, abandon their normal standard for scientific work and resort to highly improbable events. Improbabilities in excess of one chance out of very large numbers consisting of hundreds to thousands of digits have to be considered.⁴ As the evolutionist Wald⁵ aptly puts it: "One has only to contemplate the magnitude of the task to concede that the spontaneous generation of a living organism is impossible. Yet here we are—as the result, I believe, of spontaneous generation." This is not good science, and such speculations

should not claim exclusive rights to the minds of public-school children.

Should one assume that somehow life did arise spontaneously on this earth, evolutionists must then try to explain how complex forms of life have evolved from simple ones. Usually the principle of natural selection by survival of the fittest is assumed to provide the necessary mechanism. This concept presents serious problems. It cannot be evaluated when applied to the general theory of evolution. Here it lacks observational or predictive confirmation. It does not provide for the survival of the many awkward intermediate stages that would occur in the development of complex systems. As Gould⁶ points out: "Of what possible use are the imperfect incipient stages of useful structures? What good is . . . half a wing?" Competition would tend to eliminate inept stages. The same difficulty occurs in the development of complex biochemical pathways.

Another problem is that the 3 billion years assumed for the presence of life on earth is inadequate for the improbable events evolution postulates. In the book *Mathematical Challenges to the Neo-Darwinian Interpretation of Evolution*, Eden⁷ points out that if the bacterium *Escherichia coli* were spread over the earth in a layer two centimeters thick for 5 billion years, one would expect two of its genes to be moved from the random position where they evolved into the order (of use) now observed. This 5-billion-year period does not allow time for the evolution of the genes, a much more complex process, nor does it allow for the ordering of longer gene sequences. Neither is there space on earth for the evolution of hundreds of thousands of other organisms. Likewise an analysis of rates of change assumed from observed fossil sequences⁸ shows them to be too slow to account for the diversity of life found on earth. In considering some of the improbabilities evolution faces, the mathematician Schützenberger⁹ has aptly stated: "We believe that there is a considerable gap in the neo-Darwinian [the present] theory of evolution, and we believe the gap to be of such a nature that it cannot be bridged within the current conception of biology."

The record of life left by fossils in the

sediments should give us a clue as to whether the general theory of evolution is good science.¹⁰ This record fails to provide the intermediates between basic kinds of organisms that the general theory of evolution leads us to expect. The very few intermediates described by evolutionary scientists are inadequate. The problem is well recognized by leading evolutionary paleontologists¹¹ who have spent much time trying to explain these gaps.¹² On the other hand, the creation model predicts the absence of the intermediates as found. If evolution had taken place, one would expect a more-or-less continuous sequence of fossils from simple to complex. The usual explanation that their absence is because of lack of preservation fails, since many billions of fossils are well preserved. To be valid, this explanation would require that preservation occur only when evolution between major groups is not going on! Another explanation is that major evolutionary changes occur rapidly, thus reducing the chance of preservation. This alternative also fails since, as pointed out above, the time allowed for evolution is far too short even on a continuous basis, let alone when compressed into shorter time periods. Should a very fortuitous set of accidents produce a new major type of organism, Merrell¹³ points out, in "sexually reproducing species this lone individual of the new order becomes a voice in the wilderness, seeking its mate, which does not exist, and hence the order that originated at one step becomes extinct in one step."

Probably there is no modern theory that commands such confidence on the basis of so little evidence as the general theory of evolution.¹⁴ It is time that those who promote it recognize the inability of science to provide a workable model, let alone to authenticate it. No amount of clever argumentation or appeal to authority can disguise the problems. Since present laws of physics and chemistry strongly negate the evolutionary scenario of spontaneous generation and development of complex life, the concept of a designer as proposed by the creation model appears all the more plausible, and evolutionists should not demand exclusive rights in academic inquiry and instruction. This brings me to

"The 3 billion years assumed for the presence of life on earth is inadequate for the improbable events evolution postulates."

my second point.

II. Scientists Should Be Open to Various Ideas About Origins. Science seeks to explain the observations found in the world of nature. If science is the open search for truth that it should be, it cannot say that the universe has no Creator until it can provide adequate demonstration thereof. It is understandable that scientists should try to explain everything on a naturalistic basis, since this is the mode of scientific thought, but because this is a limited outlook it should make the scientist particularly cautious about his conclusions. Evolution is probably the best alternative for origins one can come up with if one wants to exclude arbitrarily the possibility of a designer. But when the model is beset with such difficulties and limitations, evolutionists should admit the possibility of alternative explanations or at least not claim that their theory alone provides an adequate view of origins.

The important factor in science is not where a particular explanation comes from, but how well the explanation fits the facts. Science does not reject the principle of buoyancy enunciated by Archimedes because its discovery can be associated with such unscientific activities as bathing and plumbing. Likewise, the idea of creation should not be rejected because it can be associated with religion; rather, it should be judged by how well it can be fitted to the known facts. When the foundations of modern science were laid, scientific thought did not exclude creation. A number of the pioneers of modern science—Newton, Ray, Linnaeus, Leibniz, Agassiz, for example—believed in an origin by a Creator. Hence exclusion of the idea of creation does not seem to be a requirement for good science.¹⁵ Creationists do not see a conflict between science and the idea of a Creator, since this Creator is the one who established nature and the order and consistency therein that makes science possible.

How many of today's scientists are creationists? Such figures are not available. The Creation Research Society has about three hundred members who hold advanced degrees in the sciences;¹⁶ no doubt many scientists who believe in creation are not members of this society.

The evolutionist Olson¹⁷ points out that the number of biologists forming a "silent group" who disagree with evolution is "not inconsiderable."

Also of interest is a 1966 survey of more than three hundred Indiana secondary school biology teachers that showed that less than one half of these teachers considered evolution to be a fact and about half of them thought that evolution should be presented as one of several alternatives.¹⁸

Some evolutionists feel that the creation concept has long been disproved by science and is no longer worthy of serious consideration. This position is difficult to defend, because as new information comes forth, discarded ideas can again become the best scientific explanation. Science often reverses itself. For instance, during the eighteenth century, experiments demonstrating how life could arise spontaneously were described. Later these ideas were discarded as a result of the work of Pasteur and others. Now a number of evolutionists are devoting much effort in attempts to show again how life could arise spontaneously!

There is another reason why some scientists are giving credence to the idea of creation. During the past century, while the battle between creation and evolution has been most intense, there has been persistent dissatisfaction with purely naturalistic explanations.¹⁹ Man's consciousness, concern, morality, vision, and sense of duty and purpose seem to be a little too much to attribute to the accidental collocation of atoms. There is a suspicion that reality is more than the general theory of evolution proposes, and in fact creation proposes that there *is* more. To condense all reality to our present level of understanding would seem neither reasonable nor a wise approach to exploring either mankind's heritage or destiny. As Huston Smith²⁰ writes: "In envisioning the way things are, there is no better place to begin than with modern science. Equally there is no worse place to end."

III. Teaching Creation in Public Schools May Be Done Constitutionally. Some are concerned that teaching creation in public schools means government establishing religion, which is proscribed by law.

My thesis is that learning about the creation viewpoint and its relationship on a scientific basis with the evolution viewpoint is not the same as establishing religion. There is a difference between communication and indoctrination,²¹ between knowledge of facts and the commitment of religion. Communicating the idea of creation does not establish a religion. A person does not have to engage in religious activity or belong to a church in order to study about it. On the other hand, it would be constitutionally and morally wrong to introduce religion in the public schools under the guise of creation. I do support objective evaluation of creation, and evolution—along with other generally accepted ideas of origins!

The First Amendment to the U.S. Constitution forbids government establishing religion, as well as interfering with its free exercise. This principle mandates public school neutrality toward religion, thus forbidding any public school opposition to religion. The Constitution is not antireligious. The United States Supreme Court has ruled that public schools can accommodate even religion within limits.²² In the *Zorach* case²³ a program permitting public schools to release students during school time to attend religious courses off campus was upheld. Study of religion is permitted in public school itself so long as it is presented "objectively."²⁴ Thus it is common practice to teach about a variety of religious topics in public schools. To teach about even the religious concepts of creation would no more establish religion, in terms of the First Amendment, than to teach about the other religious topics.

Teaching the general theory of evolution as the only acceptable idea of origins appears to be contrary to the Constitution in that in effect it is teaching the absence of God. Thus the state is sanctioning a practice hostile to the free exercise of religion. Supreme Court Justice Clark²⁵ has warned: "The state may not establish a 'religion of secularism' in the sense of affirmatively opposing or showing hostility to religion, thus 'preferring those who believe in no religion over those who do believe.'" Which introduces the last point in my argumentation.

"The idea of creation should not be rejected because it can be associated with religion; rather, it should be judged by how well it can be fitted to the known facts."

IV. In Our Pluralistic Society, Fairness and Commitment to Academic Freedom Demand That Alternative Ideas of Origins Be Taught.

It appears that a majority of the citizenry prefers that both evolution and creation be presented in the public schools. Public opinion polls can be deceiving and influenced by many inapparent factors. Because of lack of precise definition of terms, the results reported below are probably not free of the influence of compromised views,¹ but the results are so distinctive that they carry some meaning. In Del Norte County, California, a public survey in 1973 of 1,518 individuals indicated that 89 percent wanted creation taught in the public schools and 58 percent wanted evolution taught. Of this same group, 34 percent did not want evolution taught and 8 percent did not want creation taught.²⁶ A 1974 survey of 1,995 residents of the Cupertino Union School District, the largest elementary school district in California, indicates that 84.3 percent thought that both "evolution and creation theory" should be taught. When the respondents were asked about their personal convictions, 23.3 percent believed in evolution, 44.3 percent believed in creation, and 32.4 percent were unconvinced either way.²⁷ A recent random telephone survey of about 2,500 individuals mainly in the Midwestern states indicates that 7 out of 10 persons queried wanted both evolution and creation taught. About half as many wanted only evolution taught as wanted only creation taught.²⁸ I submit that the great American principle of government by the people should not be discarded.

Another factor in my fairness argument is fairness to parents. United States citizens represent a diverse group with a wide range of religious and/or philosophical beliefs. Confidence in these beliefs is influenced by the educational process to which the public is exposed. To suggest that certain beliefs held by a significant proportion of the citizenry should not be presented in the schools, while only competing ideas are allowed to flourish, does not seem fair.

The principles of Americanism give recognition to the rights of minorities as is enunciated in the Fourteenth Amendment and as has been amply supported by many recent court cases. When only

evolution is taught, the rights of creationists are denied. When a creationist parent teaches his or her child that creation is true, while this child is required to go to a school where evolution is presented as the only explanation of origins, a serious conflict develops. A child's confidence in his parents may be compromised when authority figures deride the parents' religious beliefs. Is it proper that the general theory of evolution be taught exclusively while creation is denied a hearing? Fairness to our pluralistic society demands that creation also be presented.²⁹

The final factor in my fairness argument is academic freedom. The intellectual community prides itself in this commodity, which is often jealously guarded. To not allow the teaching of creation is a restriction of academic freedom. Part of the problem is that evolutionists believe themselves to be *the* authority regarding the question of origins. They hold that contents of textbooks and curriculum should not be left up to the public or legislative bodies, but to those with "qualified professional judgment."³⁰ However, when the general theory of evolution fails to meet the criteria of good science, as pointed out above, the "qualified professionals" need to reevaluate their claims.³¹ To suppress ideas is detrimental to academic freedom and to the truth-gathering process. Of interest is the study by Bliss³² that shows that students learn more about evolution if it is presented along with creation rather than alone.

If evolutionists want to teach only evolution, it would seem that they should form their own schools, as some churches have done. They should not use public schools for such exclusive purposes and expect the American taxpayer to pay the bill. On the neutral ground of the public schools, various ideas should be presented and left to endure or perish as their merit warrants. That would be academic freedom.

Conclusions. Since the general theory of evolution has serious scientific problems and since many Americans in the interest of fairness want creation taught in public schools, I would suggest that various ideas of origins, including both creation and evolution, be presented. Religion

should not be introduced into the classroom under the guise of a creation model any more than the general theory of evolution should be introduced under the guise of demonstrated science. Let the facts and various interpretations be presented, and let the student have freedom to make his own decisions. □

[Rebuttals begin on page 28.]

References and Notes

¹ Many compromised views between creation and evolution, where God participates in various degrees in a process of evolution or creation, have been entertained. They will not be considered here, because they are not the basis of the controversy being considered. Many evolutionists believe in some kind of God, and many theologians believe in some form of evolution, but evolution as presented in science textbooks does not invoke divine intervention.

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³ (a) Ball, Ian R. 1975. "Nature and Formulation of Biogeographical Hypotheses." *Systematic Zoology* 24:407-430. (b) Ferguson, Anthony. 1976. "Can Evolutionary Theory Predict?" *American Naturalist* 110:1101-1104. (c) Slobodkin, L. B. 1968. *Toward a Predictive Theory of Evolution*. In Richard C. Lewontin, ed. *Population Biology and Evolution*, pp. 187-205. Syracuse University Press, New York. (d) Williams, M. B. 1970. "Deducing the Consequences of Evolution: A Mathematical Model." *Journal of Theoretical Biology* 29:343-385. (e) Williams, M. B. 1973. "Falsifiable Predictions of Evolutionary Theory." *Philosophy of Science* 40:518-537.

⁴ See: (a) Bernhard, Robert. 1967. "Heresy in the Halls of Biology: Mathematicians Question Darwinism." *Scientific Research* 2(11):59-66. (b) Coppedge, James F. 1973. *Evolution: Possible or Impossible?* Zondervan Publishing House, Grand Rapids, Michigan. (c) Eden, Murray. 1967. "Inadequacies of Neo-Darwinian Evolution as a Scientific Theory." In Paul S. Moorhead and Martin M. Kaplan, eds. *Mathematical Challenges to the Neo-Darwinian Interpretation of Evolution*, pp. 5-12. The Wistar Institute Symposium Monograph Number 5. (d) Evard, Rene and David Schrodetzki. 1976. "Chemical Evolution." *Origins* 3(1):9-37. (e) Gish, Duane T. 1972. *Speculations and Experiments Related to Theories on the Origin of Life*. Institute for Creation Research, San Diego,

"Teaching the general theory of evolution as the only acceptable idea of origins appears to be contrary to the Constitution in that in effect it is teaching the absence of God."

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⁵ Wald, George. 1954. "The Origin of Life." *Scientific American* 191(2):44-53.

⁶ Gould, Stephen J. 1977. "The Return of the Hopeful Monsters." *Natural History* 86:22-30.

⁷ Eden, Murray. 1967. "Inadequacies of Neo-Darwinian Evolution as a Scientific Theory." In Paul S. Moorhead and Martin M. Kaplan, eds. *Mathematical Challenges to the Neo-Darwinian Interpretation of Evolution*, pp. 5-12. The Wistar Institute Symposium Monograph Number 5.

⁸ Gould, Stephen J., and Niles Eldredge. 1977. "Punctuated Equilibria: The Tempo and Mode of Evolution Reconsidered." *Paleobiology* 3:115-151.

⁹ Schützenberger, Marcel P. 1967. "Algorithms and the Neo-Darwinian Theory of Evolution." In Paul S. Moorhead and Martin M. Kaplan, eds. *Mathematical Challenges to the Neo-Darwinian Interpretation of Evolution*, pp. 73-75. The Wistar Institute Symposium Monograph Number 5.

¹⁰ Both the creation and evolution models have explanations for the sequence found in the fossil record. (a) Clark, H. W. 1946. *The New Diluvialism*. Science Publications, Angwin, California, pp. 37-93. (b) Cloud, Preston. 1977. "Evolution Theory and Creation Myth-

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¹² For example: (a) Goldschmidt, R. B. 1960. *The Material Basis of Evolution*. Yale University Press, New Haven, Connecticut, pp. 184-399. (b) Gould, Stephen J. 1977. "The Return of the Hopeful Monsters." *Natural History* 86:22-30. (c) Simpson, George Gaylord. 1960. "The History of Life." In Sol Tax, ed. *Evolution After Darwin*, vol. 1, pp. 149-152. The University of Chicago Press, Chicago. (d) Valentine, James W., and Cathryn A. Campbell. 1975. "Genetic Regulation and the Fossil Record." *The American Scientist* 63:673-680.

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¹⁴ See MacBeth, Norman. 1971. *Darwin Retried: An Appeal to Reason*. Gambit Incorporated, Boston.

¹⁵ Whitehead and others have proposed that the reason modern science developed in the Western world is because of its particular religious heritage. The single God of the Judeo-Christian tradition is a God of consistency, order, and of cause and effect. These characteristics are also the basis of scientific investigation. Modern science did not develop in the stable Eastern cultures such as those of Egypt, India, and China, perhaps because they had capricious gods. It thus appears that the Judeo-Christian tradition, which includes the concepts of creation, may be intimately related to the development of modern science. See: (a) Whitehead, Alfred North. 1950. *Science and the Modern World*. Macmillan and Co., London, pp. 8-19. (b) Clark, R. E. D. 1972. *Science and Christianity—A Partnership*. Pacific Press Publishing Association, Mountain View, California, pp. 21-24. (c) Hoffer, Eric. 1967. *The Ordeal of Change*. Perennial Library. Harper & Row, New York, pp. 60-63. (d) Jaki, S. L. 1974. *Science and Creation*. Scottish Academic Press, Edinburgh; referred to in Hodgson, P. E. 1974. "Science Needed Christianity," *Nature*

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¹⁶ Rusch, Wilbert S., Sr. Personal communication, March 2, 1978.

¹⁷ Olson, Everett. 1960. "Morphology, Paleontology, and Evolution." In Sol Tax, ed. *Evolution After Darwin*, vol. 1, p. 523. The University of Chicago Press, Chicago.

¹⁸ Troost, C. John. 1966. "An Analysis of Factors Influencing the Teaching of Evolution in the Secondary Schools of Indiana." Thesis for the degree Doctor of Education, Indiana University.

¹⁹ (a) Bush, Vannevar. 1967. *Science Is Not Enough*. William Morrow & Co., New York, pp. 14-30. (b) Polanyi, Michael. 1968. "Life's Irreducible Structure." *Science* 160:1308-1312. (c) Roszak, Theodore. 1972. *Where the Wasteland Ends*. Doubleday & Co., Inc., Garden City, New York, pp. 142-219. (d) Smith, Huston. 1976. *Forgotten Truth: The Primordial Tradition*. Harper & Row, New York.

²⁰ Smith, Huston. 1976. *Forgotten Truth: The Primordial Tradition*. Harper & Row, New York, p. 1.

²¹ Whitehead, John W. 1977. "Has the Court Really Outlawed Religion in Schools?" *Worldwide Challenge* 4(11):9-13.

²² *Ibid.*

²³ 343 U.S. 306.

²⁴ 393 U.S. 106; 374 U.S. 225.

²⁵ 374 U.S. 225. See also Bird, Wendell R. 1978. "Freedom of Religion and Science Instruction in Public Schools." *The Yale Law Journal* 87:515-570.

²⁶ Goodgame, Louis R. 1973. "Report of the Creation/Evolution Survey Poll of Del Norte County, California." Mimeographed.

²⁷ Stake, Nancy. 1974. "Community Opinion on the Teaching of Scientific Creation in Public Schools." Mimeographed. Citizens for Scientific Creation, Saratoga, California.

²⁸ MacKinney, Paul. Personal communication, March 2, 1978.

²⁹ Some have proposed that neither evolution nor creation be taught. We do not encourage this obscurantist position. Let the evidence be presented and let the student make up his own mind.

³⁰ Cloud, Preston. 1977. "Evolution Theory and Creation Mythology." *The Humanist* 37 (November-December):53.

³¹ Creationists do not always appear as "qualified professionals" either. Some of the publications prepared by creationists do not meet good scholarship standards.

³² Bliss, Richard. 1978. "A Comparison of Two Approaches to the Teaching of Origins of Living Things to High School Biology Students in Racine, Wisconsin." Dissertation for the degree Doctor of Education, University of Sarasota.

And Now The Rebuttals...

Dr. Mayer Responds to Dr. Roth

Says creationist Ariel A. Roth: "Evolution is probably the best alternative for origins one can come up with." No one who has read Roth can seriously believe this to be his major thrust; instead, this out-of-context quote is an example of the way Roth has selected quotations to support his argument. Reading an author's full text often reveals his actual view to be opposite to what may be implied from a "handy" quotation. Roth presents almost the conventional antievolution diatribe—heavily "documented" without delineating exactly what the position of creationists really is. In different places he refers to "creation viewpoint," "creation model," "creation idea," "creation concept," and "creation theory." These terms are not synonymous. Creationism so presented is a position for all seasons; it is so ill-defined as to have no tangible designation.

Out-of-context quotes and loose verbiage dot Roth's paper to the point where a thousand-word rebuttal cannot begin to deal with them. Despite the apparent plethora of references, Roth fails to credit the terms *special* and *general theory of evolution* to G. A. Kerkut, the oft-quoted darling of the antievolutionists, whose phraseology is almost never used by biologists. At one point, Roth maintains that evolution is not predictive, followed immediately by a sentence noting that biologists do use evolution in a predictive fashion—the latter being the case no matter how hedged with pejorative modifiers.

As for the point that not enough time has elapsed for evolution to have occurred, why doesn't Roth go on to concede how horribly exacerbated this concern would be in the antievolutionist earth pictured as only from 4,000 to 10,000 years old? Roth's probability argument is specious, but because so few people understand statistical manipulations it may appear reasonable.

By listing examples that antievolutionists

feel support their cause, Roth resorts to the ad hominem argument so deprecated by some antievolutionists. Apparently, this technique is bad form only when used by biologists.

Roth purports to have a scientific position but resorts to the "let's vote on it" philosophy, a nonscientific way of deciding upon facts.

The fairness argument is belied by antievolutionist actions. Their attempts to infringe legally upon the teaching of evolution have all incorporated a belligerence involving such punitive legislative actions as fines and loss of jobs by teachers who fail to adhere to a position fair only to the active lobby behind the legislation.

The academic freedom argument is even more gross. Roth pictures those who teach evolution as conspiring against home and the nation. He fails to recognize that the antievolutionist position runs counter to academic freedom. The teaching of evolution is not mandated in any American school. It is a feature of academic freedom that the content of a discipline is not prescribed by law.

The antievolutionists, on the other hand, want religious views in biology classrooms by fiat. They prescribe what is to be done, where it is to be done, how it is to be done, and the degree to which it is to be accomplished, and list penalties for not so doing. The antievolutionists ask for a unique position in American education—that theirs be the only item of content in *the entire school curriculum* to be mandated. This position is so far from academic freedom that its adherents should blush.

Roth has four major arguments. To his comment that the theory (not general) of evolution has scientific problems, I would accede. Whether these problems are serious is a matter of interpretation. No scientific theory lacks problems. The atomic theory, the cell theory, the theory of relativity, all present problems. This is why scientists work on them. It is not unique or unusual for a scientific theory to reflect problems. That is one of the things it is supposed to do. Ralph Nader has found what he considers to be serious problems in automobiles. His con-

jecture does not make magic carpets scientifically attractive, nor even possible to investigate.

Roth's second point is that scientists should be open to various ideas about origins. I submit that indeed they are and have been, and have considered the position of antievolutionists and correctly identified it as scientifically untenable. If Roth means that scientists should be open to all ideas as scientific, no matter how unsupported, biased, or prejudicial they may be, then scientists are being asked to accept a working parameter imposed on no other group.

Roth's third argument, that creation can be taught constitutionally as science, has been categorically denied by the courts for the same reasons that Roth cannot successfully remove from his article—namely, that creation is a theological, not a scientific, position.

The fourth argument, that alternative ideas be taught in classes, is attractive to all of us, but the example is not. For one minority group to make the law and impose it on all is neither fair nor an exercise of academic freedom. The solution to Roth's problem lies in his own article. Any parent may have his child excused from a school presentation antithetical to his religion. It is not that Roth wants *not* to impose evolution on his own children; he is demanding that antievolution be imposed on all.

Roth expresses my feeling when he says, "Probably there is no modern theory that commands such confidence . . . as the general theory of evolution." Once again my out-of-context quote is no more egregious or misinterpreted than many sentences in the Roth article, which stands as a representative sampling of missionary zeal.

Dr. Roth Responds to Dr. Mayer

I was pleased to find myself in agreement with a number of ideas in Dr. Mayer's essay. Some criticisms he has leveled at creationists are valid. I hasten

to add that a discussion of similar errors by evolutionists could be presented,¹ but I believe it is more important to concentrate on the issues of this debate.

I am disappointed, however, that Dr. Mayer has written a non sequitur to the subject of this debate. This issue is not whether creation is classified as science but whether its concepts should be taught in public schools. Since he is willing to encourage the teaching of creation in public school courses in religion, it appears that both of us support the negative argument of this debate, and it might be attractive to let the decision rest there. However, I will make a few additional comments that I believe should sharpen up the argumentation and perhaps bring about better understanding.

The issue is more important than private opinions on the definition of science. Will we continue to indoctrinate our students in public schools with one idea of origins—the general theory of evolution—or will we allow various ideas to be tested in the true spirit of intellectual inquiry? Will we encourage a “religion of secularism”² or will alternate ideas regarding origins be presented when concepts of origins are taught—usually in the science classroom? To relegate the teaching of creation to rare public-school religion classes and exclude it from commonly taught science classes will not solve the problem. The impressive list Dr. Mayer cites of post-1964 legislative attempts to erode the dominant position that evolution now holds in public schools is indicative of general dissatisfaction that cannot be ameliorated until competitive ideas to the general theory of evolution are allowed free development.

The restricted position taken by Dr. Mayer, of not teaching creation concepts as science, may at first appear more defensible than the issue of this debate. The general theory of evolution can appear more naturalistic, but, as I mentioned in my original statement, science fails to provide a workable model for it, and one wonders how realistic a model is when it does not work. Also, a strong argument for exclusivism in science is difficult to sustain. Part of

the problem revolves around the definition of science and the questions of authority and boundaries of a given academic discipline. For instance, is the history of science to be taught as science, or should it be arbitrarily limited to history classes? Knowledge cannot always be separated into the neat compartments that some minds envision.

I agree with Dr. Mayer that “nowhere in science are hypotheses or theories regarded as unchallengeable”; and those creationists who feel that their model is unassailable exclude themselves from science, which, at least by definition, is opposed to dogma. Likewise, evolutionists trying to exclude creation from science have their minds already made up and are denying the openness of science to explore alternate explanations—an *unscientific attitude that should be banned from the science classroom*.

Both the general theory of evolution and creation are models of remote events that lack factual demonstration. It seems difficult to make a case for considering evolution as science while excluding creation; for if one eliminates creation because of a paucity of demonstration, predictability, and testability, one must also eliminate the general theory of evolution for the same reasons. Some evolutionists recognize the difficulty. Birch and Ehrlich state: “Our theory of evolution has become, as Popper described, one which cannot be refuted [tested] by any possible observations. Every conceivable observation can be fitted into it. It is thus ‘outside of empirical science’ but not necessarily false.”³

Creation does not require the denying of the senses, as suggested by Dr. Mayer. It does require the denying of some evolutionary interpretations. The argument between creation and evolution is not over facts but over interpretations. Both evolutionists and creationists accept the data of science, but they place different interpretations thereon. Evolutionary textbooks teach that similarities in cell structure, biochemistry, and morphology among different kinds of animals and plants are due to a common evolutionary ancestry, while cre-

ationists look at the same data and interpret it as due to a common Designer.

Dr. Mayer suggests that it is illegal to teach creationism as science in the public schools. (He does support teaching about “creationism.”) The U.S. Supreme Court has never ruled on the constitutionality of teaching creation as science. Lower courts have ruled against the introduction of religious doctrine under the guise of creation, a procedure that both Dr. Mayer and I find objectionable.

I do not agree with Dr. Mayer’s implication of two different creation accounts in Genesis. The two parts of this account complement each other and represent a common expression of the original Hebrew literary form.⁴ But even two antithetical accounts would be a minor problem compared to the one faced by evolution. Evolutionists have created scores of different evolutionary patterns trying to show the path of evolution. And it seems proper to ask, On which of them does evolutionary “theory” rest?

I am sympathetic with Dr. Mayer’s concern about different epistemological systems; however, in trying to determine the broad question of our origins, we should not isolate ourselves exclusively into any one system, thereby creating a restricted view.

Finally, to exclude the teaching of creation from the public schools or from the science classroom is detrimental to the data-gathering-and-evaluating process and, I believe, is difficult to defend. In looking for truth, more information is better than less. □

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¹ See William L. Straus, Jr., 1954, “The Great Piltdown Hoax,” *Science* 119:265-269, and Erik Nordenskiöld, 1928, *The History of Biology*, Tudor Publishing Company, New York, pp. 517-519. The erroneous diagrams of Haeckel, showing evolutionary relationships, are still copied in modern biology textbooks.

² 374 U.S. 225.

³ L. C. Birch and P. R. Ehrlich, 1967, “Evolutionary History and Population Biology,” *Nature* 214:349-352.

⁴ William H. Shea, “The Unity of the Creation Account,” *Origins* in press.

INTERNATIONAL

Senate Committee Backs Tuition Tax Credit

WASHINGTON, D.C.—The Senate Finance Committee has voted 14-1 to approve the tuition tax-credit bill opposed by the Carter Administration and endorsed by the United States Catholic Conference and others operating private schools.

The legislation would give a maximum tax credit of \$250 to parents of college students and would expand to a maximum \$500 tax break for parents of college and private school students by 1980.

The Carter Administration has said that its plan to expand the grants and loans program in HEW would offer aid only to lower- and middle-income families that demonstrate need. Private and parochial secondary and primary students' families would not be included in the Administration plan.

New York's Regents Bar Unification Charter

ALBANY, N.Y.—In a unanimous decision by the 13 members present, the New York State Board of Regents voted to deny a charter to the Unification Church's theological seminary in Barrytown.

The decision, which came after more than two years of study of the application, will be appealed to the state's supreme court by the seminary.

A regents staff report said that the 106-student seminary has awarded Master of Religious Education degrees without state authority and is "entirely dependent upon the national church for the money to pay its operating expenses."

If the seminary had been given a state charter, it would have been authorized to grant degrees, enable foreign applicants to obtain student visas, make the faculty eligible for a pension plan, and enable students to receive federally subsidized loans.

Israeli Attorney General Will Study Complaints on Missionary Activity

JERUSALEM—Israeli Attorney General Aharon Barak has instructed police not to act on complaints covering alleged illegal missionary activities without first relaying the complaints to him personally or to his deputy, Gabriel Bach.

Mr. Barak informed Protestant leaders of what he called his "stringent" directive at a meeting with officials of the United Christian Council in Israel.

At issue is a new controversial law on religious conversions (see LIBERTY, July-August, 1978). The measure, effective April 1, makes it a prison offense to offer or accept "material inducements" to convert to another religion.

Christians and liberal Jewish circles in Israel have sharply criticized the law as a threat to religious liberty.

HEW Discloses "Bypass" to Parochial Schools

WASHINGTON, D.C.—The Carter Administration, under heavy fire from nonpublic education leaders and particularly Roman Catholics for opposing tax-credit legislation, is attempting to channel more Federal aid to nonpublic schools.

United States Health, Education, and Welfare Secretary Joseph Califano, Jr., announced that the Federal Government would step up funding for special reading and math programs at nonpublic schools in Virginia and Missouri. He also said thirty-one school districts—eleven in Missouri, twelve in Virginia and eight in Wisconsin—are under investigation for alleged failure to provide services to nonpublic school children.

When services mandated by the Elementary and Secondary Education Act (ESEA) are not provided to nonpublic schools as required by law, a complaint may be filed with the United States Commissioner of Education to "bypass" the state. The commissioner has the power to withhold part of a state's allotment and rechannel the funds.

Judge Rules Priest Must Pay Income Taxes

WINSTON-SALEM, N.C.—A United States Tax Court judge has ruled that religious reasoning does not justify an Episcopal priest's refusal to pay his Federal income taxes because taxes finance military expenditures.

The priest, Howard W. Lull, and his wife, Barbara, both of Franklin, North Carolina, withheld more than \$8,000 in Federal income taxes in 1974 and 1975 because of religious objections to military spending.

Army Says Hasidic Rabbi Can Keep His Full Beard

NEW YORK—Rabbi Jacob Goldstein, a bearded Hasidic rabbi who serves as a chaplain in the United States Army National Guard, has won the right to continue serving as chaplain while wearing his full beard.

He had been dropped from the Army payroll when he refused to shave off his beard. Army regulations prohibit beards, but Rabbi Goldstein held that he wore the beard in accordance with his religious beliefs.

The rabbi said he kept going to the Army drills, but in an unpaid status. He appealed to a number of Congressmen, who sought the aid of Gen. Bernard Rogers, the Army chief of staff.

In a special ruling supporting the rabbi's right to wear his beard in the Army chaplaincy, General Rogers said that the beard was an "expression of piety."

Religious Freedom Restrictions Hit by Czech Presbyterians

NEW YORK—Restrictions on religious freedom have sharply increased in Czechoslovakia since 1969, according to a declaration signed by thirty-one clergymen and laymen of the Evangelical Church of the Czech Brethren (Presbyterian).

The document said congregational and ecumenical activities have been severely restricted, and that the enrollment of children in religious education has almost disappeared because of threats and pressures.

Reimbursement of Church Schools for Records, Testing Is Barred

WASHINGTON, D.C.—The United States Supreme Court, in a 6-3 ruling, has struck down a New York state law that provides about \$11 million to some 2,000 religiously related schools annually as recompense for record-keeping and testing expenses.

The Court's majority opinion, written by Justice Potter Stewart, said the 1972 law is unconstitutional because it has "the primary effect of aiding religion, or will result in excessive state involvement in religious affairs."

PERSPECTIVE

Federal Communications Commission
1919 M Street NW.
Washington, D.C. 20036

Gentlemen:

If all you fellows have repudiated your baptismal vows, resigned from your churches, and pledged your tithe to Madalyn Murray O'Hair, I can understand. How many petitions have you got now, demanding that you frustrate Madalyn's attempts to get religious programs off radio and television? * Well, I got my umpteenth this week and my disgust just hit 8.3 on the Richter Scale.

The petition is preceded by an appeal for one million signed letters—to be sent to you. This, it says, would “defeat Mrs. O'Hair and show there are still many Christians alive and well in our great country.” Alive, no doubt, but certainly not well informed.

Continues the petition: “Madalyn . . . has been granted a Federal Hearing in Washington, D.C., on the subject of religion and the airwaves by the FCC. This petition (#2493) would pave the way to eliminate the proclamation of the gospel via the airways of America. . . . If her attempt is successful, all Sunday worship services currently being broadcast, either by radio or television, would cease. Many elderly people and shut-ins, as well as those recuperating from illnesses or hospital visits, depend on radio and television to fulfill their worship needs every week.

“YOU CAN STOP HER THIS TIME!
Send a letter to . . .”

So now you'll get another batch, courtesy of Uninformed Christians, Inc. (It kind of explains why we have 300 or so denominations, each proclaiming its “gospel” to be the one and true edition.) I'm afraid the petitioners may have forgotten that Christ claimed to be “the way, the truth, and the life.”

I have already printed one editorial pointing out that all rumors concerning Mrs. O'Hair's connection with FCC petition RM2493 are false. (As I recall, a limited petition was filed in 1974 by two

California men with no ties to Mrs. O'Hair. They wanted no further educational, noncommercial FM or television channels to be granted to religious broadcasters. You rejected that petition unanimously on August 1, 1975.)

There is further misinformation in the petition: “Madalyn Murray O'Hair, whose efforts successfully eliminated the use of Bible readings and prayers from all public schools . . .” Mrs. O'Hair was not connected with the 1962 decision of the court that ruled a governmentally written and required prayer to be unconstitutional.

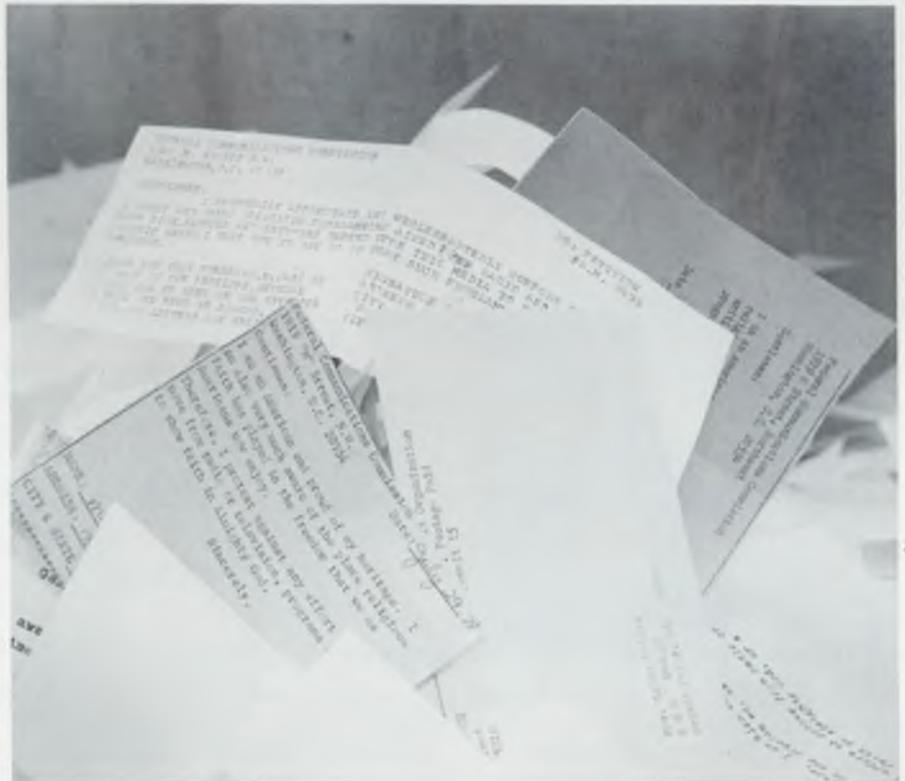
She was party to an auxiliary case in 1963, in which the Supreme Court ruled that governmentally required religious devotions for schoolchildren—Bible reading and recitation of the Lord's Prayer—violated the Constitution.

And, of course, Bible readings and prayers have *not* been eliminated from all schools. The Court never ruled out teaching *about* religion. And Johnny is

still free to send up his personal appeals when he forgets an algebra formula. Nor have governmentally required religious devotions disappeared from all schools. I'm saddened to say that so-called Christians have been foremost in defying the law—contrary to Christ's instruction in Romans 13. (Would they have applauded a decision saying that any segment of our citizens can be forced to recite a state-written prayer?)

I'm going to suggest to readers of LIBERTY that this letter to you be read from church pulpits, and that anyone who has sent a petition to you get out a sheet of paper and write 100 times: “I am sorry I defamed Mrs. O'Hair.” I'll suggest that they send it to her at P.O. Box 2117, Austin, Texas 78768. I'm sure that the FCC doesn't want any more mail on the subject—even apologies.

Sincerely,
Roland R. Hegstad
Editor
LIBERTY Magazine



Photograph by Skip Baker

* The answer is “approaching ten million”! Think what a contribution just the stamp money would be to the mission fields!—Ed.

Approximately 7,000 petitions are received daily at the FCC. The cost of stamps and envelopes already received is roughly \$1,650,000, not including costs for mimeographing and salaries for FCC employees hired to open each “worthless” petition!

LETTERS

Will Your Pastor Tell?

As a law-enforcement officer, I resent [the below] photo (May-June, 1978). Apparently the photographer thinks of law enforcement as it may have been thirty years ago. I have been in law enforcement for the past twenty-six years, and never, under any circumstances, interviewed anyone while wearing a firearm, or under a bright light.

The composition of the photograph indicates handcuffs were on the pastor until the interview began. An ash tray and a book of matches indicate a smoke-filled room. The hand of the detective on the shoulder, as well as the balled fist of the other detective, suggests threats or intimidation. The coffee cup indicates long periods of interrogation. In all the years I have been in law enforcement, never have I known of a case in which a pastor has been asked to reveal privileged information. As sheriff of Bibb County, Georgia, I have many people come to me with problems. Many, I refer to their pastor; however, some come to me because they do not have confidence in their pastor.

As a law-enforcement officer, I must answer this article, in which the law-enforcement officer is portrayed as an agent for the Russian secret police.

RAYMOND L. WILKES
Sheriff, Bibb County
Macon, Georgia



Your magazine deals with current issues in a factual and analytical manner. As a lawyer I am particularly impressed with your church-state articles, which are oriented to American jurisprudence and frequently cite court decisions in point.

I found your issue dealing with confidential communications and the clergy of particular interest, since Alabama is one of the three states mentioned that does not have such a law. Legislation establishing this privilege was introduced in the 1978 session of the Alabama legislature but suffered the same fate as the majority of bills introduced in that session, and the bill died when the session ended.

I would appreciate your sending me two copies of the May-June issue so that I may forward them to the officials in the Mobile Baptist Association who have been keeping up with the Alabama legislation. My thanks to Weldon Ponder, a Galveston attorney, for writing such an excellent article. His review of present state statutes in this area will be quite helpful in wording proposed legislation to be offered in the next session of our legislature. I had not been aware of the First Amendment issue and I found his summary supported by case citations very informative. Also, hats off to Robert Nixon for his article ("Should They Testify?") and survey in this area.

And my congratulations to all on a first-rate publication.

ROBERT A. BECKERLE
Attorney
Mobile, Alabama

It Can't Happen Here?

As a lifetime Roman Catholic, I find it somewhat with "green eye" envy that I state that your publication is as good as any in print.

The article "Who Said It Can't Happen Here?" (March-April, 1978) should be mandatory reading for all of my faith or any other faith who want state support for everything and everyone. Albert J. Menendez should be congratulated for a job well done.

JOSEPH J. ROLLER
Attorney
Tacoma, Washington

Creation and Evolution

There is a glaring omission in "Stress Points" (January-February, 1978), in the subdivision "Life," in an otherwise seemingly complete and thought-provoking article.

I'm referring to a very important and basic set of definitions of life: the teach-

ing of biochemical and molecular evolution, i.e., that there is no real difference between life and nonlife at the molecular level.

In order to uphold the once-held creationist belief that life is basically unique and different from nonlife, there should be a new, extended definition of life at this level: life is life as long as it is part of a living cell, and as long as it differs in any significant way from nonlife.

Creationists all too often come out with the concessionary statement that subcellular components of a living cell are not truly alive, thus scarcely different from the evolutionists' definition of life at the molecular level.

B. L. DYCK
Lutz, Florida

Scopes Trial

When the Scopes case is discussed ("The Man Who Lost His Job Over Genesis," January-February, 1978), there usually are several errors of fact included. Your article is no exception. On page 5 the following appears: "In 1925 it made international headlines when a young school teacher named Scopes dared to teach his students in a tiny Tennessee town that man likely evolved from apes rather than being the grand design of God."

Scopes never taught evolution to anybody.

(1) In his book *Center of the Storm* (Holt, Rinehart, and Winston, 1967), Scopes says twice (pages 60 and 134) that he cannot remember ever teaching evolution. (He was not a biology teacher—just substituted sometimes.)

(2) In an interview published in *Life* magazine December 9, 1966, Scopes says he does not recall teaching evolution.

(3) In a television interview broadcast in the Los Angeles area, Scopes denied teaching evolution. This part of the interview was repeated numerous times for advertising.

(4) Ray Ginger, in his book *Six Days or Forever* (Beacon Press, 1958, p. 180), reports that after the trial Scopes confided to a reporter that he was scared he would be put on the witness stand and questioned under oath, for he never had taught evolution.

BOLTON DAVIDHEISER
La Mirada, California

LETTERS

Bible Smuggling

Your International news section brings an interesting item about smuggling Bibles into the U.S.S.R. (November-December, 1977, p. 27). The Russians had expelled two Danish tourists who had hidden Bibles in their car. To my thinking, if laws are broken, Russians are correct to execute such an action.

I do not believe that LIBERTY is going to help solve any country's religious problems by printing such material—it only adds to the continuous "cold war" of conscience that the Western anti-Eastern European propaganda, under the beautiful religious-liberty banner, is promoting.

Religious liberty does not mean success in smuggling Bibles into a country of different religious orientation!

RAY DABROWSKI

Editor, *Signs of the Times*
Warsaw, POLAND

[We didn't approve. We just reported. One is left to wonder, however, what is so fearsome about the Bible that thousands of Soviet citizens are unable to purchase one.—Eds.]

Deprogramming

I have just read "Deprogramming Defended," by Claire M. Martin, and the reply by Sharon Worthing (May-June, 1978). I agree with both!

Having read the first article on the subject ("Deprogramming," September-October, 1977). I am appalled that parents or other adults would use improper force, treatment, and kidnapping to change the mind of a chronologically mature son or daughter or other person.

From reading the article by Mrs. Martin, if I were in the same situation, I think I would do the same and I heartily endorse the action she and her husband followed.

RICHARD LANE
Howell, Michigan

Secular Not Antireligious

One of the best features of your periodical is the freedom with which it publishes articles and letters reflecting various points of view.

Several recent letters have made an unfortunate confusion of "secular edu-

cation" with antireligious education. But surely neutrality is not the same as hostility. Much of the work of the schools is concerned with material that has no possible sectarian or religious content. There is not a Catholic and a Protestant view of the multiplication table, for instance.

So I suppose that the question refers to advanced education and such debatable issues as arise in philosophy, literature, and the social sciences. Here, some mention of religion becomes inevitable. But I have taught history in many universities, both in this country and in Great Britain, for some sixty years. My own field is modern European history, in which it is evident that the churches are often involved. Very seldom have I met dogmatic or proselyting teachers; most of us have tried to present the facts with little partisanship. A Protestant, I have given lectures on the Reformation and had Catholic nuns ask me afterward, "Are you a Catholic or a Protestant?" In trying to be fair, I do not think I was in any way exceptional.

But, it may be said, children need specific religious instruction. Very well. Are there no Sunday schools? Are there no churches? Are there no homes? Surely there is ample time to give religious instruction out of school.

The question of partisanship is not so exceptional as some think. The schools also teach our form of government, but they do not tell the students for which party or candidates to vote. And political neutrality is, believe me, quite as hard to maintain as religious neutrality.

PRESTON SLOSSON
Ann Arbor, Michigan

The Best

Someone has graciously sent me your magazine for the past several years, and although my list of reading is extensive, I have nevertheless enjoyed the experience on many occasions of fingering your pages and reading what I believe is the best religious-liberty assortment of articles to which I have been exposed.

I enclose a contribution to reimburse somewhat the burden of my unknown friend by helping you send it to someone else.

OTTO B. MULLINAX
Dallas, Texas

Commendable Objectivity

As an attorney, I have been receiving your magazine for over six years. I read it, enjoy it, and consider it highly beneficial to me.

As a member of a church other than the Seventh-day Adventist Church, I find your objectivity and lack of sectarian proselytizing highly commendable. Your standing up for the rights of *others* to exercise their religious beliefs is the antithesis of religious hypocrisy.

As a reader, I cannot but feel that your magazine is the single most important force behind the First Amendment in the United States today.

Do not underestimate the power of your publication or the impact of your work.

MAURICE R. FRANKS
Attorney
Silver Cliff, Colorado

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The Debate

One thing LIBERTY editors have learned is not to underestimate the intelligence of their readers. Thus rather than digest scientific pabulum for you about whether creation concepts should be taught in public schools, we went to two scientists eminently qualified to defend their opposing views. Dr. William V. Mayer, director of the Biological Sciences Curriculum Study, Boulder, Colorado, and professor of biology, University of Colorado, Boulder, is sure that, at the least, creation concepts should not be taught *as science*; Dr. Ariel A. Roth, professor of biology, Graduate School, Loma Linda University, and an associate director of the Geoscience Research Institute, Loma Linda, California, argues that, at the least, students should be exposed to several views, and seems of the opinion that neither creationism nor evolution is, in the strict sense, subject to scientific validation.

Here's how we set up the debate and what the ground rules were. First, Dr. Robert H. Brown, our science editor, canvassed the scientific community for two capable spokesmen. Then we set up deadlines and procedures. Each author was given a maximum of approximately 3,000 words to argue his case. When both manuscripts had been received and edited to the authors' satisfaction, we sent each the other's manuscript. Each then had approximately two weeks to write his 1,000-word rebuttal. Again each author was asked to initial the edited copy. Only when the copy was set in pages did the two men see each other's rebuttal.

In the March-April 1979 LIBERTY you will read the provocative sequel, with two spokesmen from the scientific community debating whether creation is a viable alternative to evolution as a theory of origins. When both debates have appeared and readers have contributed their thinking by letters, we will print the debates and a selection of the letters in a booklet, which we plan to make available to our readers. We would like to see the material become the basis for discussions on these issues in academic circles across the country.

It is our conviction that truth can stand on its own two legs in the marketplace of opinion.—R.R.H.



"Should Creation Concepts Be Taught in Public Schools?" is the first in a series of debates on great issues that involve fundamental freedoms. See page 3.

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Pinup Girl

By Harry L. Hoffman

Reb Zalman, an elderly German refugee, saved from the ovens of Buchenwald and in America only two days, asked me whether I would take him to the Statue of Liberty. He looked tired and sad when we boarded the small boat that ferried tourists across New York Harbor to Liberty Island, and his thin black caftan flapped in the wind like a loose sail.

Strangely silent while the boat plowed the choppy water, he grew excited as we neared the island. "She is beautiful," he said, "and tall, much taller than I had expected. To think that I could live to see this day! *Ai*, if only my Rosa had been spared! It's almost like a Sabbath without wine." His soft, deep-set eyes shimmered in tears.

He glimpsed my face and read the ache. "Forgive me," he said. "I've troubled you enough." And in the depths of his sorrow, he found a smile. "Do you know what day this is?" he asked. "No? Miss Liberty's birthday! And mine too! We were both born October 28," he said, drawing out the date as if he were reciting a poem.

"Happy birthday!" I said. "May there be many more . . . for both of you."

"Bless you, but I've lived my time. I worry more about her . . . out there," he said, pointing to the statue.

"You know much about her?" I asked.

"Oh, yes, more than you think. You see," he went on, "in our death camp she was . . . what you Americans call . . . our

pinup girl. On cold nights, when those butchers got drunk and didn't patrol, we hung her picture on a wall and warmed ourselves at the fire of her torch. To have been caught, *ai*, that would have meant the ovens."

In an almost prayerful voice, he spoke of Bartholdi, who designed her, and the French people, who presented her to America. His face glowed with the warmth of a man in love.

The boat slowed and drifted in close to the pier. With trembling hand clutched in mine, Reb gazed up at her in wonder. "Look," he said, pointing to the observation deck just below the spiked crown. "Look at those lucky people!"

"It's too much for you to climb," I said. "I don't think we ought to try."

"Oh, I didn't come for that," he said. "I have quite another reason." With hurried steps he walked to the base of the statue. And then, from an inner secret pocket of his skullcap, he unfolded a small silk American flag and taped it to a granite block. "It was Rosa's last present to me," he said solemnly. "It kept me alive."

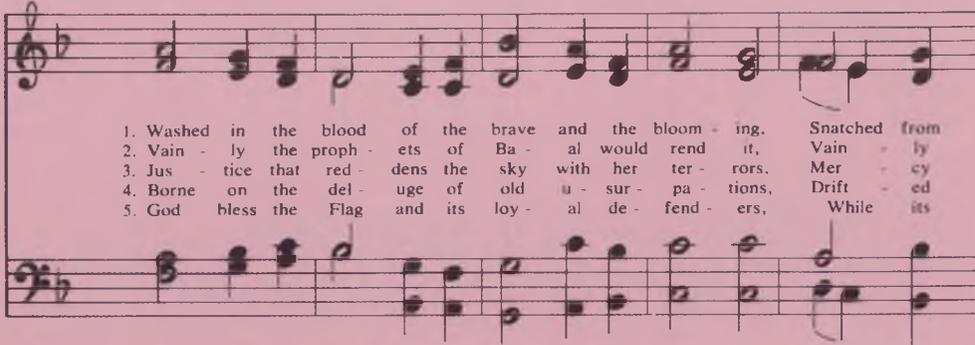
And in a loud, ringing voice heard by clusters of curious people, he said, "Happy birthday, Miss Liberty!" Then he knelt in the dust before the huge pedestal and kissed the ground. □

Harry L. Hoffman is a free-lance writer in Hallandale, Florida.

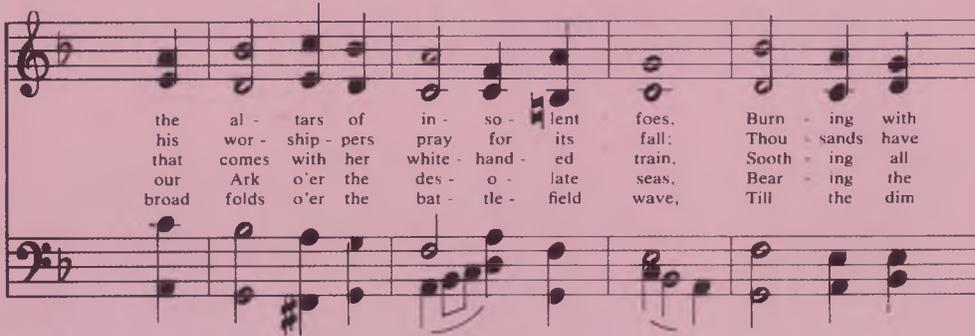
Washed in the Blood of the Brave

Oliver Wendell Holmes

Donald F. Haynes



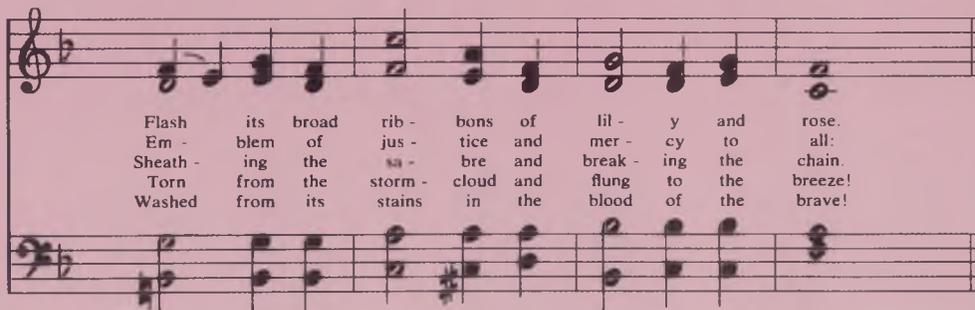
1. Washed in the blood of the brave and the bloom - ing. Snatched from
 2. Vain - ly the proph - ets of Ba - al would rend it, Vain - ly
 3. Jus - tice that red - dens the sky with her ter - rors, Mer - cy
 4. Borne on the del - uge of old u - sur - pa - tions, Drift - ed
 5. God bless the Flag and its loy - al de - fend - ers, While its



the al - tars of in - so - lent foes, Burn - ing with
 his wor - ship - pers pray for its fall; Thou - sands have
 that comes with her white - hand - ed train, Sooth - ing all
 our Ark o'er the des - o - late seas, Bear - ing the
 broad folds o'er the bat - tle - field wave, Till the dim



star - fires, but nev - er con - sum - ing,
 died for it, mil - lions de - fend it,
 pas - sions, re - deem - ing all er - rors,
 rain - bow of hope to the na - tions,
 star - wreath re - kin - dle its splen - dors,



Flash its broad rib - bons of lil - y and rose.
 Em - blem of jus - tice and mer - cy to all:
 Sheath - ing the sa - bre and break - ing the chain.
 Torn from the storm - cloud and flung to the breeze!
 Washed from its stains in the blood of the brave!