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SENATE EDUCATION  
EXHIBIT NO. 15  
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## SJ 8 "The Separation of Church and State and Quality Science Education"

### Opposition to SJ 8

SJ 8 is an attempt to preempt the debate between those who view the natural world and its mechanisms as the sum total of reality versus those who believe there is a higher intelligence also at work in the natural world. All scientists begin their scientific investigations within their own philosophical mindset with the most foundational part of that philosophy being the God/not god position. Whichever position is assumed will cause the scientist to accept or reject certain starting points for all the observations and experimentation he or she will make.

### No god

Assumption 1: Nature and natural laws are all that exists

Assumption 2: Only matter and natural laws exist and may be used to explain phenomena (naturalism)

Testable: Physical laws exist because of the nature of atoms

Testable: Physical laws and natural chemical reactions lead to evolution

Testable: Low original order now increasing

### God

An infinitely powerful and intelligent being works in the universe

Supernatural power may be one causal reason for phenomena with a spiritual realm beyond the natural realm

Physical laws set in motion, consistent with the nature of atoms

Design within the natural world beyond the ability of chemical characteristics to create

High original order now decreasing

The foundational axiom in philosophical outlook is equally untestable; God or not god can neither be proved. Scientific investigation must begin by attempting to examine the influence or lack of influence that God (or no god) has on the material world. Because we can manipulate the material world we can conduct experimentation upon it and observe the relationships of its natural parts. We can look for natural laws to be the result of chemical characteristics in natural occurring conditions or we can look for design features within the order of natural elements and conditions beyond the ability of natural chemical characteristics to create. Both of these premises are testable.

Empirical science deals with what is observable and measurable; scientific facts are those discrete data that can be observed and measured repeatedly and consistently. Scientific theory is an attempt to explain the empirical world in a self-consistent (a non-contradicting) logical structure. To be a valid scientific theory it must be falsifiable (or testable); it must be vulnerable to observations. The scientist must be able to envision a set of observations that would render the theory false. If an explanation is invulnerable to testing, then it is not science. This understanding of what science has stood the test of time for many years and is still the only defensible platform for scientific investigation. However, in recent times, since the advent of Darwinism, science has had its definition twisted to mean only that which is material or naturalistic; natural causes are invoked not only to explain the operation of present processes and systems but also the **origin** of all such processes and systems. SJ 8 is an attempt to codify this understanding of scientific investigation as the only correct one for science instruction in

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Montana. But this is an incorrect and indefensible hijacking of what true science is. True science must be testable with a set of criteria available to prove it false if those conditions are ever discovered. The materialistic assumption being claimed as true science is not testable and therefore cannot become the new definition of science. Therefore, the assumption that if a scientific theory of origins cannot be scientific if it does not embrace only the naturalistic philosophy of causality is false. SJ 8 is a resolution built on this false assumption of what constitutes true science and should be rejected.

In fact the inappropriateness of this kind of overreach has been recognized in the U.S. Supreme Court ruling of *Edwards v. Aguillard* in 1987. The US Supreme Court stated “teaching a variety of scientific theories about the origins of humankind to school children might be validly done with the clear secular intent of enhancing the effectiveness of science instruction” (*Edwards vs. Aguillard, 1987, p14*).

A concurring opinion in this same case by Justice Powell and Justice O’Connor states “A decision respecting the subject matter to be taught in public schools does not violate the Establishment Clause simply because the material to be taught ‘happens to coincide or harmonize with the tenets of some or all religions.’” (handout on orange sheet).

Please do not be misled to believe that only naturalistic explanations of origins can be true science; many scientific theories should be examined and critiqued in our Montana schools if our children are to be well educated and not merely indoctrinated.



**Edwards v. Aguillard**  
U.S. Supreme Court Decision  
Transcribed by Clark Dorman  
[Last Update: February 8, 1996]

**JUSTICE POWELL, with whom JUSTICE  
O'CONNOR joins, concurring.**

I write separately to note certain aspects of the legislative history, and to emphasize that nothing in the Court's opinion diminishes the traditionally broad discretion accorded state and local school officials in the selection of the public school curriculum.

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Even though I find Louisiana's Balanced Treatment Act unconstitutional, I adhere to the view "that the States and locally elected school boards should have the responsibility for determining the educational policy of the public schools." Board of Education, Island Trees Union Free School Dist. No. 26 v. Pico, 457 U.S. 853, 893 (1982) (POWELL, J., dissenting). ~~A decision respecting the subject matter to be taught in public schools does not violate the Establishment Clause simply because the material to be taught happens to coincide or harmonize with the tenets of some or all religions.~~ Harris v. McRae, 448 U.S. 297, 319 (1980) (quoting McGowan v. Maryland, 366 U.S. 420, 442 (1961)). In the context of a challenge under the Establishment Clause, interference with the decisions of these authorities is warranted only when the purpose for their decisions is clearly religious.

The history of the Religion Clauses of the First Amendment has been chronicled by this Court in detail. See, e. g., Everson v. Board of Education, 330 U.S. 1, 8-14 (1947); Engel v. Vitale, 370 U.S. 421, 425-430 (1962); McGowan v. Maryland, supra, at 437-442. Therefore, only a brief review at this point may be appropriate. The early settlers came to this country from Europe to escape religious persecution that took the form of forced support of state-established churches. The new Americans thus reacted strongly when they perceived the same type of religious intolerance emerging in this country. The reaction in Virginia, the home of many of the Founding Fathers, is instructive. George Mason's draft of the Virginia Declaration of Rights was adopted by the House of Burgesses in 1776. Because of James Madison's influence, the Declaration of Rights embodied the guarantee of free exercise of religion, as opposed to toleration. Eight years later, a provision prohibiting the establishment of religion became a part of Virginia law when James Madison's Memorial and Remonstrance against Religious Assessments, written in response to a proposal that all Virginia citizens be taxed to support the teaching of the Christian religion, spurred the legislature to consider and adopt Thomas Jefferson's Bill for Establishing Religious Freedom. See Committee for Public Education & Religious Liberty v. Nyquist, 413 U.S., at 770, n. 28. Both the guarantees of free exercise and against the establishment of religion were then incorporated into the Federal Bill of Rights by its drafter, James Madison.

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While the "meaning and scope of the First Amendment" must be read "in light of its history and the evils it was designed forever to suppress," *Everson v. Board of Education*, supra, at 14-15, this Court has also recognized that "this Nation's history has not been one of entirely sanitized separation between Church and State." *Committee for Public Education & Religious Liberty v. Nyquist*, supra, at 760. "The fact that the Founding Fathers believed devotedly that there was a God and that the unalienable rights of man were rooted in Him is clearly evidenced in their writings, from the Mayflower Compact to the Constitution itself." *Abington School District v. Schempp*, 374 U.S. 203, 213 (1963) (5). The Court properly has noted "an unbroken history of official acknowledgment . . . of the role of religion in American life." *Lynch v. Donnelly*, 465 U.S., at 674, and has recognized that these references to "our religious heritage" are constitutionally acceptable. *Id.*, at 677.

As a matter of history, schoolchildren can and should properly be informed of all aspects of this Nation's religious heritage. I would see no constitutional problem if schoolchildren were taught the nature of the Founding Father's religious beliefs and how these beliefs affected the attitudes of the times and the structure of our government (6). Courses in comparative religion of course are customary and constitutionally appropriate (7). In fact, since religion permeates our history, a familiarity with the nature of religious beliefs is necessary to understand many historical as well as contemporary events (8). In addition, it is worth noting that the Establishment Clause does not prohibit per se the educational use of religious documents in public school education. Although this Court has recognized that the Bible is "an instrument of religion," *Abington School District v. Schempp*, supra, at 224, it also has made clear that the Bible "may constitutionally be used in an appropriate study of history, civilization, ethics, comparative religion, or the like." *Stone v. Graham*, 449 U.S., at 42 (citing *Abington School District v. Schempp*, supra, at 225). The book is, in fact, "the world's all-time best seller" (9) with undoubted literary and historic value apart from its religious content. The Establishment Clause is properly understood to prohibit the use of the Bible and other religious documents in public school education only when the purpose of the use is to advance a particular religious belief.