



121 Middle Street, Suite 301
Portland, Maine 04101
T/ (207) 774-5444
F/ (207) 774-1103
www.aclumaine.org

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Paul Perzanoski, Superintendent, Brunswick School Department
c/o Peter Felmly, Esq.
Drummond Woodsum
84 Marginal Way, Suite 600,
Portland, ME 04101-2480
pfelmly@dwmlaw.com

Re: Creationism at Harriet Beecher Stowe Elementary School

Dear Superintendent Perzanoski

We write to express our concern regarding the teaching of intelligent design in a fifth-grade science class at Harriet Beecher Stowe Elementary School. Under the guise of educating students about “astronomy,” Mr. Lou Sullivan has improperly injected this religious doctrine into his science lessons. Mr. Sullivan’s conduct violates the Establishment Clause of the First Amendment to the U.S. Constitution and does not comport with state science curriculum guidelines. Mr. Sullivan must immediately cease teaching about intelligent design, or the Brunswick School Department could be held liable for his blatantly unlawful actions.

Mr. Sullivan is plainly teaching intelligent design in class. In a January 9 email to parents, Mr. Sullivan discussed the week’s science lessons:

This week it was a discussion on how the universe was created. After discussing the Big Bang and Intelligent Design I realized that my worksheet for the lesson was terribly inadequate. The class helped me revise the page so this it is updated and much improved. I can’t wait to use it next year!

In response to an inquiry about this lesson, Mr. Sullivan wrote:

Basically, the “Intelligent Design” discussion is something I include each year when I present my lesson on the Big Bang and other theories. I began the discussion after years of speaking with families w[h]o have very different beliefs about how the universe was created. I often heard concerns about how this lesson was presented. I try to allow all students to share what they believe about the creation of the universe. We usually have students (as well as nationally known scientists) who are adamant that ‘I believe God created the universe’ and others who are adamant that “I don’t think God exists”.

Moreover, the Brunswick School Department curriculum for “Science Unit One: Astronomy” includes (as one “Essential Knowledge” item): “There are many theories, myths and legends about how the universe began.” Standing alone, this “Essential Knowledge” item is troubling in the context of a science lesson. But Mr. Sullivan’s worksheet on Astronomy (entitled, “THE BIG BANG (and other creation theories”)), goes even further, referring to “[s]ome creation theories”—‘Big Bang’ and ‘God made the universe’.”

As the District is surely aware, efforts to inject religious beliefs regarding the origin of life into public-school science curricula are constitutionally impermissible, no matter what form they may take. *See, e.g., Edwards v. Aguillard*, 482 U.S. 578, 586, 592 (1987) (striking down Louisiana Balanced Treatment for Creation-Science and Evolution-Science in Public School Instruction Act as unconstitutional, holding that the Act was “was not designed to further” the State’s purported goal of “protecting[ing] academic freedom,” and concluding that “[t]he preeminent purpose of the Louisiana Legislature was clearly to advance the religious viewpoint that a

supernatural being created humankind”); *Epperson v. Arkansas*, 393 U.S. 97, 108 (1968) (holding unconstitutional state law prohibiting the teaching of evolution in public schools as “there can be no doubt that Arkansas has sought to prevent its teachers from discussing the theory of evolution because it is contrary to the belief of some that the Book of Genesis must be the exclusive source of doctrine as to the origin of man”); *Freiler v. Tangipahoa Parish Bd. of Educ.*, 185 F. 3d 337, 344-45 (5th Cir. 1999) (overturning school board policy requiring teachers to read classroom disclaimer questioning validity of evolution and promoting creationist beliefs and holding that the “contested disclaimer does not further the [Board’s] first articulated objective of encouraging informed freedom of belief or critical thinking by students . . . [but rather] we find that the disclaimer as a whole furthers a contrary purpose, namely the protection and maintenance of a particular religious viewpoint”); *Daniel v. Waters*, 515 F.2d 485, 487, 489 (6th Cir. 1975) (striking down statute barring public school use of any textbook teaching evolution “unless it specifically state[d]that it is a theory as to the origin and creation of man and his world and is not represented to be scientific fact” and unless equal time was devoted to creationism); *McLean v. Ark. Bd. of Educ.*, 529 F. Supp. 1255, 1274 (E.D. Ark. 1982) (enjoining statute authorizing teaching of creation-science in public schools and holding that “[n]o group, no matter how large or small, may use the organs of government, of which the public schools are the most conspicuous and influential, to foist its religious beliefs on others”). The constitutional prohibition on teaching religious doctrine in science class applies equally to intelligent design, which is

merely a variation on creationism and creation-science. *See Kitzmiller v. Dover*, 400 F. Supp.2d 707, 765-66 (M.D. Pa. 2005) (holding that intelligent design constitutes religious doctrine and striking down school board policy promoting it in biology class). The Constitution also bars “equal time” schemes, which purport to teach creationism or intelligent design alongside scientific theories. *See Edwards*, 482 U.S. at 592 (holding that statute authorizing “equal time” in class for creation-science was unconstitutional); *Daniel*, 515 F.2d at 489 (same).

In injecting religious doctrine into his science lessons, Mr. Sullivan employs a tactic often used by proponents of creationism and intelligent design: miseducating and confusing students about the meaning of a “theory” in the scientific context. In his “THE BIG BANG (and other creation theories)” worksheet, Sullivan defines a theory as: “An educated guess that has not been proven. It is stronger than a hypothesis.” And, as one of the essay choices in his Astronomy lesson, students are asked to, “Tell whether you believe the universe could have been created by the Big Bang. Give good reasons to back up why you do or do not think it could have happened. You may want to include several of the steps of the theory, or include another theory or belief as part of your answer.”

In fact, the meaning of “theory” in the scientific context is different than its common usage, a distinction of which any competent science educator should be aware. In science, a theory is well tested and well substantiated. Thus, asking students whether they “believe” the universe could have been created by the Big Bang is precisely the wrong question. The test of a scientific theory is not whether

someone “believes” it; a scientific theory is valid if it explains empirical data and allows for predictions about future empirical data.¹ Suggesting otherwise has been viewed by courts as an unconstitutional effort to sow doubt about scientifically accepted principles in order to lend credence to religious beliefs about the origin of life.

Students and teachers have a right to believe whatever they like about the origin of the universe, but it is unlawful for a public-school teacher to present those beliefs in science class. We demand that the Brunswick School Department put an immediate end to the practice of teaching religious doctrine in science class, and that it take steps to ensure that teachers in the District understand why teaching creationism and intelligent design is wrong from a pedagogical and a constitutional perspective. In the meantime, we intend to conduct our own additional investigation of these matters to determine whether additional actions, such as litigation, must be taken should the District fail to remedy these problems.

To that end, please regard this letter as a request for inspection and copying of public records pursuant to 1 M.R.S.A. §408, filed on behalf of the American Civil Liberties Union of Maine Foundation. Specifically, I request disclosure of the following records in the possession of the Brunswick School Department :

¹ Mr. Sullivan’s astronomy lesson and essay questions are also inappropriate under Maine’s Department of Education Parameters for Essential Instruction in Science contemplate only that fifth graders will be able to observe the location of the sun, indicate the locations of the planets, and recognize that the sun is a star. Study and comprehension of “the age, origin, and process of formulation of the universe as currently understood by science” is reserved for high school students, and, even then, the guidelines do not authorize the teaching of creationist or intelligent-design doctrine.

1. All policies, rules, or guidelines governing, referring, or relating to teaching about the origin of the universe;
2. All policies, rules, or guidelines governing, referring, or relating to teaching about evolution;
3. All teacher lesson plans referring to or relating to the origin of the universe, including but not limited to copies of all worksheets, exams, videos, and other materials used in connection with the lesson plans;
4. All teacher lesson plans referring to or relating to evolution, including but not limited to copies of all worksheets, exams, videos, and other materials used in connection with the lesson plans;

Please respond by April 30, 2015 to this request, and please do not hesitate to contact me if you have any questions regarding the requests set forth above. I hope that the District is amenable to taking immediate and concrete steps to remedy this problem.

Very truly yours,

/s/ Heather L. Weaver

Heather L. Weaver,
Senior Staff Attorney, ACLU Program
on Freedom of Religion and Belief

/s/ Zachary L. Heiden

Zachary L. Heiden,
Legal Director, ACLU of Maine