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ACLU Indiana Statement on Constitutionality of “Creationism” Bill

Indianapolis -- While guaranteeing students’ First Amendment rights to privately practice their faith in educational settings, schools are also constitutionally bound to avoid any **endorsement** of religion. Nevertheless, some Indiana lawmakers are attempting to push a “creationism” bill through this short session despite their admission that the proposed legislation has “constitutional concerns.”

U.S Supreme Court precedents going back many years have established the unconstitutionality of teaching “creationism” in public schools.

According to American Civil Liberties Union of Indiana Legal Director Ken Falk, in 1987, the U.S. Supreme Court in *Edwards v. Aguillard* struck down a Louisiana statute that required instruction on evolution be accompanied by teaching on “creation science.” The Court found that the Louisiana statute had no identifiable secular purpose, but that the “pre-eminent purpose of the Louisiana Legislature was clearly to advance the religious viewpoint that a supernatural being created humankind.”

“The idea that somehow our state legislature can trump the Constitution just doesn’t make sense,” said Falk. “When lawmakers propose legislation they clearly know will end up in the courts, it wastes valuable time and resources, disrespects the legislative process and confuses an already complicated issue.”

Barring “creationism” instruction in public schools doesn’t mean religion cannot be taught in public schools. Since public school curriculum must always serve a secular educational purpose, religion can be taught if:

- The purpose is to examine religion’s role in history, art, literature, society or other secular subjects.
- Such teaching takes place in an objective, unbiased manner.
- Such teaching does not promote or criticize any particular religion or set of beliefs.

ACLU of Indiana Executive Director Gilbert Holmes said, “When we hear time and again about limited resources for education, I think it’s fair for Hoosiers to expect better stewardship of taxpayer dollars than lawmakers are demonstrating by undertaking projects that are clearly in violation of federal law and the Constitution.”

The ACLU of Indiana is dedicated to its mission to promote, protect and defend the rights, liberties and freedom guaranteed to all people in our state by the U.S. and Indiana Constitutions. For more information about the ACLU of Indiana, and to view our legal docket, visit www.aclu-in.org.

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