

## LEGALLY TEACHING CREATION SCIENCE IN PUBLIC SCHOOLS By MATHEW D. STAVER, ESQ.

### INTRODUCTION

I'm Mat Staver. As an attorney, I concentrate on constitutional law. Prior to law school, I graduated from seminary and entered the ministry. After pastoring a few years, I began to see how our faith as Christians interacts with the laws around us, either negatively or positively. Through that experience the Lord led me into law school. In 1989 I founded an organization called Liberty Counsel. Liberty Counsel is a religious civil liberties educational legal defense organization. We're based in Orlando, but we operate throughout the entire country. Liberty Counsel provides free legal representation to defend religious freedom. We have found that if Christians have to go out and pay their own attorney to defend their liberties they will give up the fight and walk away.

For example, the Fellowship of Christian Athletes (FCA) in Orlando, wanted to participate in the homecoming parade. The school allowed the student groups to make their own homecoming

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floats for the parade. The FCA student club had a float like the secular clubs, but they wanted to have a Christian message on the side of the float. Dr. Philips High School said, "You can't have your float because it's religious, and we cannot allow a religious float with the secular floats". If those students did not have a resource like Liberty Counsel and had to obtain an attorney, they

would have just simply walked away. But they contacted Liberty Counsel. We resolved the situation. The devil seems to have a way of shooting himself in the foot. If the school would have allowed FCA to have their float like the other secular student floats, the message of Christ would not have reached the larger public. The school tried to resist. However, a couple of students wanted to stand up for Christ, and because there was an organization that was willing to stand beside them, Christ got wide spread media attention. Instead of the FCA float being just one of other floats, the FCA float actually led the homecoming parade. It was the first one in the parade onto the football field. The news cameras were there and the media interviewed the students. The students, and Christ, got a lot more attention than they would have had the school not resisted. That is what happens when Satan tries to suppress the message of Christ. As long as there is somebody willing to stand for their rights, then the thing that the devil meant for evil will actually come out for good.

One of the areas of constitutional law that is very exciting to me involves teachers. Teachers are the domestic missionaries to America whether in public or private school. Teachers are on the front line over the battle for the heart and soul of America.

## TEACHING IN PUBLIC SCHOOLS

Teaching in public school is a fascinating challenge. There is no subject matter that can be adequately addressed without talking about religion.

The public school teacher is a citizen of two worlds. A teacher, on a public school campus, is an individual, and an agent of the state. The Supreme Court, in *Tinker v. Des Moines Independent School District*, said that teachers, like students, don't shed their constitutional rights

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when they enter the schoolhouse gate. Teachers have a first amendment right to freedom of speech and a first amendment right to freedom of religion just like any other citizen. However, unlike a student, who is not an employee or agent of the state, a teacher also has certain restrictions. On the one hand, teachers have Free Speech and Freedom of Religion. On the other hand there is the Establishment Clause, which some people refer to when they speak of "separation of church and state." However, the phrase, "separation of church and state," is not in the Constitution.

In the first amendment there are two clauses with regards to religion. One that says Congress shall make no law with respect to the establishment of religion -- the Establishment Clause. The other states that Congress cannot prohibit the free exercise of religion -- the Free Exercise Clause. Also in the first amendment, there is the Free Speech Clause. Since students are not agents of the state, they have the affirmative protections of the Free Speech and the Free Exercise Clauses. They do not have the constraint of the Establishment Clause. The Establishment Clause restrains government, not private individuals. In order to have a Constitutional violation the controversy must involve a private citizen on one side and a public entity on the other side. I cannot violate your right to free speech. I can tell you not to speak, but one private person to another private person creates no Constitutional implications.

A public school teacher operates in both worlds. Teachers are private individuals protected by the Free Speech and Free Exercise clauses, but they are also public individuals, and therefore, they have restrictions imposed by the Establishment Clause. Let me just give you an example of the difference between a student and a teacher. A student can give a gospel tract to another student during non-class time, before or after school or in between class. The tract can be an evangelistic tool advocating that someone accept Jesus Christ. There are no problems with this situation because the Free Speech and Free Exercise clauses protect students. The school would not be involved in the distribution and, therefore, there is no establishment of religion. However, under the Supreme Court's present interpretation of the Constitution, the Establishment Clause would prohibit a public school teacher from passing out the same tract. A student can proselytize, can advocate and can promote their faith. A teacher cannot proselytize or promote their faith, but they can objectively overview religion. A student could say, "If you don't believe in Jesus Christ, you'll go to Hell," and actively advocate their faith. A teacher talking about religion in general would have to say that, "Christianity teaches that if you don't believe in Jesus Christ, then you will go to Hell." Teachers cannot personally advocate, promote or advance Christianity, but can objectively overview Christianity.

## TEACHING CREATION LEGALLY

Let's now review several Supreme Court cases. In *Epperson v. Arkansas* the court considered an Arkansas statute that restricted the teaching of evolution. The Supreme Court struck down the statute. The Court said that it was unconstitutional to prohibit the teaching of evolution. The Court found that the reason this statute was enacted was to prohibit an anti-religious viewpoint. The Court ruled it is unconstitutional for a statute to prohibit evolution.

*Edwards v. Aguillard* involved a Louisiana statute that said that if you teach evolution, you must teach creation. The Supreme Court ruled it was unconstitutional to require that a schoolteacher

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teach creation any time evolution was taught. The Court felt in that the statute was attempting to advance a religious viewpoint. I'll explain some of the reasoning later and point out how you can still teach creation in the public schools.

A third case is not a Supreme Court case. It is a case called *Webster v. New Lennox School District*, 917 F. 2d 1004 (7th Cir 1990). The case did go to the United States Supreme Court. This case dealt with a teacher who was teaching creation. The principal told the teacher to stop teaching creation. The teacher sued the principal on the basis that the teacher had the right to teach creation. The teacher lost. It is important to know why the teacher lost, what the court said, and what it didn't say, because you might have somebody cite this case to you to make you stop teaching creation. Basically, the court said that the principal had authority to tell the teachers generally what kind of curriculum to present in the classroom. It really was not an issue of teaching creation versus evolution as it was the principal's authority over employees within the school. The court held that teachers were not free to set their own curriculum at will. The court went on to say that the teacher would be precluded under this opinion from religious advocacy. The teacher, however, was not precluded under this opinion from talking about creation in general. In this case the teacher was actually promoting creation and advocating a specific Christian view on creation. The court made it very clear that the teacher cannot actively promote a religious Christian view while teaching creation. However, a teacher can overview creation within the science curriculum.

The final case does not deal with teaching evolution, but it applies to teaching in general. The

***If Government action passes all three parts of the Lemon test, then there is no establishment of religion. The three parts are:***

- 1) The activity must have a secular purpose.***
- 2) The activity cannot have as its primary purpose to advance nor inhibit religion.***
- 3) The activity must not create an excessive, and the key word here is excessive, governmental entanglement with religion.***

case is called *Lemon v. Kurtzman*. This is the so-called Lemon Test. It requires a three-part analysis. It is very simple once you learn it, but it is kind of complicated as people try to put it into practice. It says when looking at government activity with regard to the Establishment Clause, the government activity involving religion has to pass this three-part test. If it fails any one of the three parts, then the activity is an

establishment of religion. If Government action passes all three parts of the test, then there is no

establishment of religion. Number one, the activity must have a, and underline and emphasize the word “a”, secular purpose. Number two, the activity cannot have as its primary purpose to advance or inhibit religion. Number three, the activity must not create an excessive, and the key word here is excessive, governmental entanglement with religion.

Most of the Supreme Court justices have criticized the Lemon test. The Supreme Court, nevertheless, has not thrown it out.

I know the Supreme Court has veered from the original intent of the Constitution, and I know the original understanding of the First Amendment didn't require all these hoops. Nevertheless, these are the hoops we have to go through today. I will use a nativity scene situation to explain how the test works. City Hall, which is a government entity and is governed by the Establishment Clause of the First Amendment, cannot legally establish a religion. Take a nativity scene, standing by itself, on City Hall property with City sponsorship, displaying Jesus, Mary and Joseph. Does it have a secular purpose? The Supreme Court would say, “No.” Does it primarily, and the key word here is primarily, advance or inhibit religion? Well, certainly, it doesn't inhibit religion. Does it advance religion? The Supreme Court would say, “Yes.” Does it cause excessive governmental entanglement? The Supreme Court would probably say, “No.” There is only minimal governmental involvement in keeping and maintaining the nativity scene. It does not involve government making religious decisions. The nativity scene passes number three, but it has already failed numbers one and two. The Supreme Court would rule that a nativity scene standing by itself, sponsored by City Hall, would be unconstitutional.

What happens when you put Santa Claus or a reindeer or a Christmas tree within the context of the display? Now you have Jesus, Mary and Joseph, and Santa Claus surrounding the manger. Looking at this display in the total context, does it have a secular purpose? Does the whole presentation have a secular purpose? The Supreme Court would say, “Yes.” Why, because there is a secular symbol of the holiday within this religious context. So at least one of the purposes is secular. It passes number one. Is its primary goal to advance or inhibit religion? It certainly does advance religion, but is that its primary goal? The Supreme Court would say, “No,” because now there is a secular symbol nearby. Thus the display has a dual purpose. Number three, does it cause excessive governmental entanglement? No, it's just an administrative task to put up the display and take it down. That's not entanglement. The government is not making religious doctrinal decisions. So it passes number three. All of a sudden Santa Claus or a reindeer or a Christmas tree, all being secular, make this display constitutional. The same principals apply if students sing Christmas carols during the Christmas season. If they only sang Christian Christmas carols, would the Court say the Christmas concert had a secular purpose? Answer, “No. It has only a religious purpose.” Now, change the scene. Within the context of the Christian Christmas carols, put in a few secular songs, like Rudolph, the Red Nosed Reindeer

***Within the context of the Christian Christmas carols, put in a few secular songs like Rudolph, the Red Nosed Reindeer or Here Comes Santa Claus, and under this magical interpretation, the presentation is now constitutional.***

or Here Comes Santa Claus, and under this magical interpretation, the presentation is now constitutional. Now put yourself in the teaching context. Consider the three part test if you were to only open up the book of Genesis and start focusing on the Bible as the basis for creation. Does the

presentation have a secular purpose? No. Does it primarily advance religion? Yes, so you failed number one and two. How do you change that situation? You change it just like we did the nativity scene and just like we did the Christmas carols. Within the context of teaching creation, you also teach or overview other non-creation, non-theistic theories. For example, if you teach creation and at the same time you include the theory of evolution, you have a secular purpose. If somebody came in and saw you teaching creation one day, they might conclude that you only have a religious purpose. But a reasonable observer must look at the overall context, not just focus on one little item. You need to look at the overall curriculum, the overall course. By the way, I would suggest that you refer to creation as abrupt appearance and to the topic as origins rather than creation versus evolution.

## TEACHING IN CONTEXT

The three-part test is the test that governs public school teachers when teaching about religion. If you're talking about literature, can you open the Bible, talk about it and read from it as literature? Yes. For example, you might talk about poetry. You might talk about how English poetry is different than Hebrew poetry. Our poetry often rhymes words like ring with thing, or something similar. Hebrew poetry uses thought rhyme or thought parallelism. One thought is juxtapose against another. There are many different examples we

***The three-part test is the test that governs public school teachers when teaching about religion.***

could cover. You can discuss religion when addressing any topic. If you pick up a book, you can talk about the origins of the book. The book comes from Christianity. Before the New Testament Christians, there were no books. Writing was done on big bulky scrolls. The New Testament Christians couldn't carry all these big scrolls, so they cut them up in pieces and sewed them together on the edge. That became what was known as the Codex. The Codex was the first book.

## TEACHING CREATION IN CONTEXT

You can overview religion in whatever topic you teach so long as it is relevant. About origins, you can overview different theories of creation. You can discuss evolution some of the counter arguments from a creation or abrupt appearance perspective. While there might be evidence of minor change or adjustment over time, there is no evidence of major change. There is no evidence to support a change in species (i.e. cat to dog). Certainly there is no evidence of flora (plant) and fauna (animal) transfer. You can overview the various theories and then you could say; "Now there are a lot of different theories about evolution and abrupt appearance. Whatever theory you hold, all theories have one thing in common, faith. Whether it is evolution or creation, both require faith. To believe evolution, you need a lot of faith to bridge the huge gaps in the fossil record. There is no evidence of flora and fauna transfer. There is no evidence for "macro-evolution". It takes a major leap in faith to assume that evolution demonstrates how animals and plants originated. The theory of abrupt appearance or creation also requires faith.

***It takes a major leap in faith to assume that evolution demonstrates how animals and plants originated.***

While there is evidence to support creation, nobody was there at the beginning. Nobody was there for

evolution and nobody was there for creation. You still must have faith that something predated the first appearance of animals, plants, and humans. Deciding what that was ultimately relies upon faith. Whichever theory of origins you ultimately accept, neither can be considered a proven fact. Evolution is believed by faith, and creation is believed by faith. Someone who believes in abrupt appearance is not some weird wacko. You must get students to understand that evolution is simply a faith-based theory just like creation is a faith-based theory. Rather than elevating evolution and tearing down creation you can show that both are on the same level – that is, both are theories, not established fact. Indeed, if you discuss the evidence for and against evolution, it becomes obvious that one must have more faith to believe in evolution than in creation.

***World religions look at the origin of the world as part of theology.***

After you cover the scientific issues regarding origins, you can then consider how world religions view origins. You can also point

out that it is important to look at origins, because from a philosophical standpoint, you must know where you originated. You must know who you are, and you must know your destiny. If you do not know one of those three, there is something lacking in your self-understanding. Some scientists have tried to point to evolution as our origin. Other scientists have tried to point to creation as our origin. World religions look at the origin of the world as part of theology. For example, you can discuss the Egyptian theology of creation. The Egyptians in their Memphite Creation writings spoke about God, whom they called Ptah, as the one who brought the world into existence by a word. He spoke and the world came into existence. As for me, I don't mind comparing Christianity to other non-Christian religions. You remember the Old Testament prophet when he prayed to God while several hundred other prophets prayed to Baal to bring fire in a demonstrable way. He did not say, "Do not pray to Baal". He said go ahead and pray to your God. I will pray to my God, and we will see which one answers by fire. You know the result. Whenever you put truth and falsehood beside each other, there is no question in my mind that the truth will win. I have no reservation about using another religion when I'm talking about Christianity. If I am afraid that Jesus is not big enough, powerful enough, and convincing enough to put himself and his word along side some other word or some other false theology, then I do not have enough understanding or faith in my own God. So it does not bother me to allow someone else to have a platform. That is why it does not bother me to have someone teach evolution as long as you have the equal opportunity to teach abrupt appearance or creation.

At any rate, in addition to the Egyptian creation theory you could talk about the Babylonian creation theory. Then you can discuss the creation story in the book of Genesis and you can read from the book of Genesis. Whether it takes one day, several days, or several weeks, you can conclude your presentation by summing up the topic. You can overview the different evolution and creation theories. The bottom line, when all is said and done, is that both theories must be accepted by faith. When you put all the information before the students, it will probably be the first they've ever heard of origins besides evolution. Until the time they come to your class and hear you speak, they've probably heard one view, and that one view teaches evolution as fact and creation as myth. When they come out of your class they will say that is not true. You've have opened the door for them to make a decision.

## IDEAS FOR TEACHING CREATION

While teaching creation and evolution you can ask the students, “How many of you believe that you had apes or monkeys in your ancestry tree?” Of course, you’ll probably get a lot of laughter. Open the class for discussion. A teacher can bring outside material into their classroom, whether on creation or other issues. You can bring in an outside speaker. What happens when you bring in an outside speaker? Is the speaker an agent of the state? No, the speaker

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is an individual citizen you invited. You can also host a debate format, where you have an evolutionist and a creationist debate the topic. Let them debate and let the students ask questions. The main thing is you’ve opened up the market place in contrast to the narrow view of the market place that they have been taught. You expanded their horizons. You have allowed the students to have contact with another view that they probably never heard of or had contact with before your class.

One particularly good video is the Mt. St. Helens video produced by the Institute for Creation Research. I don’t know if you’ve ever seen this or not, but if you have not seen it, you ought to order a copy. It is one of the most amazing videos I’ve ever seen on this topic. The video talks about the explosion of Mt. St. Helens. It talks about Spirit Lake and how the petrified forest may have formed. You and your students may think it takes millions of years to create the petrified trees. The video shows how the North Slope of the volcano came down, hit the lake, caused the water to go up the mountain beside it, broke the trees and brought the trees back down into the lake. Then the trees got water logged and some of them turned upright as the root ends were heavier. The trees settled on the bottom at different times and the sediment stabilized these trees in a standing position. In a short period of time a petrified forest can be formed. The video also shows how layering can form in a matter of months rather than millions of years.

## CONCLUSION

Teachers have a lot more liberty than you think to teach creation and to teach religious and Christian influences. If you ever have a question, or encounter a problem call Liberty Counsel at

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1-800-671-1776. Give us a call at any time. You can also find us on the web at [www.lc.org](http://www.lc.org). We provide free information and legal representation

## QUESTIONS AND ANSWERS

The information in this booklet was first provided as a lecture in a teacher’s workshop. During the workshop, teachers had the opportunity to ask Mat Staver questions. This section provides those questions and answers. In some cases others made comments at the workshop. To understand who is talking, the initial question will be preceded by “Question” in bold. Mat Staver’s answers and comments are preceded by “Staver” in bold. Comments by others at the workshop are preceded by “Comment” in bold without identifying who made the comment.

**Question:** As far as school clubs like FCA or Youth for Christ, when teachers sponsor those clubs, are the teachers allowed to have an active part or are they just sponsoring the students?

**Staver:** Under the Equal Access Act of 1984 the teacher is supposed to be essentially in a non-participatory capacity. The teacher is the sponsor, kind of like the chaperone, and generally is not to have an active advocacy role within that club. It is a student led, student-initiated club. A lot of teachers do take an advocacy role. If the school chooses to prohibit the advocacy role or active participation, then a school probably could do so under the Equal Access Act. If a student club met off campus, then a teacher could probably take an active role, but during the school hours, they should take a non-participatory role.

**Question:** How would the school hours be defined?

**Staver:** School hours generally are 15 to 30 minutes before or after school is in or out. The general idea is to give the students time to get off campus after school or have enough time before school that not all the students are necessarily on campus.

**Question:** Is there a particular reason you would not use the word creation, or is it just because it is a hot word?

**Staver:** Because it is a hot word. There is not any real legal significance to it. But it is a hot word. I think you are presenting the same concept. You could say abrupt appearance. For our purposes talk about abrupt appearance. Something was not there, now it is, spontaneously. One day it is not there. One day it is. It did not evolve through time. Abrupt appearance takes the hot button out of the context of the discussion. Within this context talk about both creation and evolution theories. You have a secular purpose because part of it is secular and part of it is not. Does it have as its primary goal to advance religion? Well, part of it would, but part of it does not, so it is not its primary goal. Does it cause excessive governmental entanglement? No, because you are objectively over-viewing the issue. You are not making doctrinal decisions. You are simply giving an objective overview of the context or the issue.

**Question:** Do public school teachers need to go to the point where they document that they have attempted to present the material in this fashion. If you get sued and you cannot document this, and it is your word against that student's, what happens?

**Staver:** I think a teacher would probably be prudent to document in their own personal outline what they are covering each day, so they can go back and say on November the 20<sup>th</sup>, this is the topic we covered. November 21<sup>st</sup>, this is the topic we covered, so that you can see the broad parameter that the teacher is covered. I think if you cover this broad parameter, you are going to pass all these three tests.

**Comment:** Just to add to it. Anything along this line, I try to make Xerox copies, so it is not an argument later about what is said or not said. It is very clear-cut anytime the administrators have questions we can prove what happened in the classroom. The administrators just want to stay out of court. They don't care about the subject. They just want to stay out of court

**Staver:** Right. A student may come up to you on the day that you talk about the biblical view of creation and complain, or a student may complain to the principal. If you can go to the principal and show that you covered all these different topics, that was only one day. If the principal does not want to get sued and wants to stay out of trouble and if they see that you are being objective and you are being fair, what more can they ask for?

**Question:** We all know that there are many volumes of printed resources on the evolutionary theory. What strategies might we use in our schools to try to get some of these creation materials into our libraries on an equal opportunity access basis? Do you have any suggestions? Our taxpayer money is being used to buy these materials and our libraries are full of the other side. What can we do to get equal opportunity and equal access for students to be able to find resources on their own? A teacher lecturing from a lectern is not as powerful as a student looking at a book and gathering their own information.

**Staver:** First of all you can't force the material into your library.

**Questioner:** I was just thinking about what strategies we could use.

**Staver:** One of the things that we suggest is that you donate a book to the library. Get a book and donate it to the library. The library would have a harder time refusing a donated book than it would to refuse to pay for a book. Then if they refuse a donated book, you would have to put them on the spot as to why they are refusing the book. Get a reputable book that is going to be a reputable source of information. One particular book I like is called "The Origin of Species Revisited" by Wendell Bird. This is a reputable book in my opinion. There are a lot of other reputable books out there. There are reputable videos also that present the issue from an objective viewpoint. So try to donate. Talk to the librarian to see what the process or procedure is to get new books added if they want to purchase them.

Now, once you get the books into the library, then you have a foot in the door because the school cannot remove the book. There is a constitutional implication for removing the book. The school cannot remove the book for anything other than the fact that it is educationally unsuitable. Educational unsuitability would be that you may have students that are kindergarten and you have a book that is way above their heads. Or you may have a book that's out of date or the book cover is torn and tattered. If the school tries to get a book out because of the content of the message, like because it's religious or Christian specifically, then that action violates the right to Free Speech. Remember you have the right to Free Speech that allows you to obtain information from the government to read. The students have a right to Free Speech to prevent the library from removing material if the removal is only based on the content of the message. A lot of libraries, for example, try to remove Bibles thinking they cannot have them. The library violates the Constitution by removing religious books because of their religious context.

**Question:** I know that people have tried to donate books like, "What is Creation Science" to libraries, and the libraries have refused to accept the books. What would be the next step?

**Staver:** If a library refuses a book, you cannot force the book in there. There are some communities that have a review committee for books, and if there are certain committees, get somebody on the committee that could make recommendations for bringing certain books into

the library. I know that there are some in central Florida where parents are on the committee to recommend certain kinds of curriculum to their library. That would be one way to do it. The other way might be to go to a school board and put it on the agenda to have them vote on the issue. That would be the last resort because if you did that, it's going to be public information. And the discussion will address why do you want the book. Schools are supposed to be, according to the Supreme Court, a market place of ideas, kind of a smorgasbord of ideas, all different kinds of ideas. Some are good, some are bad, some are offensive, and some are not. This is a view on a particular topic, and if you are slicing the pie on only one view, you have not given students the smorgasbord of the market of ideas. So I think you should approach it from that standpoint, that this gives them a smorgasbord or a market place of ideas where students can pick and choose. There are a lot of students in the school that would want to have access to this kind of material, but they are not able to get access. We are denying them the right to have access to it and expand their educational horizons. So from an academic market place viewpoint, why would you be against putting this book in the school? Put the "monkey" on their backs. What is your reason to keep this out? If their reason to keep it out is only from a standpoint of preventing a religious viewpoint, then the board may have violated the lemon test. Is their action primarily to advance or is it primarily to inhibit religion? Lemon is a double edge sword. You might ultimately say, "If you are refusing this primarily because you are against a religious viewpoint, then you have violated the Establishment Clause."

**Question:** If you are presenting both sides, and the student asks you what do you think, which one of these views, if any, do you hold? Are you allowed to answer because you are an agent of the state, or is that not permitted?

**Staver:** That's a good question. If the teacher is asked, "What's your personal view? Then the teacher can answer, "My personal view is, I believe in creation." You might add that your view is not necessarily the school view. "You asked me my view. My view is I believe in creation. I believe in abrupt appearance. I believe in the story that is presented in the book of Genesis."

**Comment:** I do not tell anybody my point of view, because I find out that as soon as I do, then my plans for the year are ruined. If I tell them, they know I am coming from a particular point of view. It is a world of fun having them trying to figure out my beliefs. I tell them that after we finish out the school year, I might tell them. I work hard to know both points of view and play the devil's advocate to anything that may come up.

**Staver:** That is a good point because that kind of keeps up their curiosity level. If you give them your particular view up front and they are opposed to that view, then they are going to shut you off for the rest of the course. If you keep an open mind, they will try to figure you out. That is a good approach.

A teacher once told me he was teaching a space technology course. During the Persian Gulf War, the class studied smart bombs, satellites and laser guidance, etc. While he talked about space technology, he also talked about world events relevant to space technology. The question came up, "Why do you think this little piece of land is always involved in wars and conflicts?" One student might give some reason and another student might come up with something else. The students will present a lot of questions and answers themselves.

**Question:** If you are doing a chapter on origins, and a student asks, “What about creation?” and the students begin the discussion, how far can the teacher go in encouraging that discussion to continue, or try to guide that discussion before he has “crossed the line”?

**Staver:** It is hard to say here in a sterile environment rather than being in the classroom. I think the teacher has to know the class, be sensitive to those particular students, and try to guide the discussion. I do not think you want to let the discussion or the debate get to the point where ninety percent of the students are beating up ten percent of the students and cramming it down their throats. That is not good for any kind of situation. If you see that, you might want to stop them, and then even focus back on the ten students, and ask, “Now why do you think that way?” Then turn to the other students and lead a normal civilized discussion and debate among the students.

**Comment:** In my class, we had rules for the debate between the students. Absolutely no emotional responses. You can only use what is on your card, and the material on the card has to be from your research that was done before. Any remarks that were emotional or not from the notes on the card are disqualified. In the class they give their emotional responses when you are discussing this stuff. But if you are going to do a side-to-side debate, then do not allow emotional responses. Comments have to come from science that the students researched.

**Staver:** That is a good point. In fact, you could have one student volunteer to take the creation or abrupt appearance presentation, and one student volunteer to take an evolutionary point of view. That way you are not assigning sides and the students go home and tell their parents that they have to take a position they do not want to take. The other way though is to bring in outside speakers, individuals who are adults who want to make a presentation. I would make sure that the person is going to give a good presentation. I always find that if you have a reputable person presenting an abrupt appearance or creation viewpoint, it will make the evolutionary viewpoint seem illogical.

**Question:** The Mt. St. Helen’s video contains an evangelistic message toward the beginning and the last five minutes. Would you suggest that the teacher not show that part?

**Staver:** I would suggest that the teacher not show that part. You could start it after that beginning, view it, then stop it before you get to the evangelistic approach. To me, that video is very convincing in terms of creation, and it is also very convincing in terms of a deluge and the forming of the Grand Canyon strata within a short period of time. That is a fantastic video and is an example of things that you can present to your students.

**Question:** Are you familiar with the process of textbook adoption in the state of Florida?

**Staver:** Not that familiar with the textbook adoption program. I know that there is a mass curriculum that is adopted or a list that is adopted. Once you get those books on the resource list you go to your school and say this is on a resource list, now why do you want to leave it off? I think you have an even more compelling argument.

**Comment:** A lot of books like “The Amazing Story of Creation” and “Dinosaur by Design” present the creation material from an obvious biblical basis. The question may come up, what

affect would that have on taking material like that into the public school room? Mat may want to expound upon this, but, basically, as long as you have other material available, or are bringing other material in, or it is not just these books against the textbook, but there are other supplementary material available, that would probably be all right. Did I get that right, Mat?

**Staver:** Yes, it is the same principle that we talked about in terms of a secular purpose, and primary purpose of advancing or inhibiting religion. It is unfortunate, but the Supreme Court, in order to make religion constitutional from the government standpoint, says that it has to be mixed with something secular. As long as you mix it up, then it is okay. So there wouldn't be a problem with taking some of these books into your public school classroom as long as you have other secular material.

## **RESOURCES**

The following resources are available from Liberty Counsel at (800) 671-1776.

“Teacher Rights Brochure”

“Faith and Freedom”

“Religious Expression in Public Schools”

The following additional resources are recommended.

“The Literature of the Bible” by Leland Ryken. Published by Zondervan.

“The Origin of the Species Revisited—Two Volumes” by W. R. Bird. Published by Thomas Nelson.

“Mount St. Helens, Explosive Evidence for Catastrophe” by Dr. Steve Austin. Published by the Institute for Creation Research (video).