

From: HUGHES
Subject: RE: KSLA inquiry
Date: February 24, 2014 at 11:52 AM
To: MAINIERO, VICTOR /O=CADDOSCHOOLS/OU=EXCHANGE ADMINISTRATIVE GROUP /CN=RECIPIENTS/CN=VMAINIERO
Cc: DAIGLE, BRUCE /O=CADDOSCHOOLS/OU=EXCHANGE ADMINISTRATIVE GROUP /CN=RECIPIENTS/CN=BDAIGLE

Victor,

In talking to Miss Hinson, she says that she teaches the curriculum as presented. She also answers questions that invariably come up about the theory of evolution, the big bang theory and creationism. Our children are very curious and always question beyond the curriculum. Miss Hinson wrote this article in response to two women who felt that evolution should be taught as fact and not theory. Miss Hinson said her attorney friends have assured her it is fine to address issues when children ASK, and you preface your answer with , "This is what Miss Hinson believes ..."

Please let me know where to proceed from here.

Jan

From: MAINIERO, VICTOR
Sent: Monday, February 24, 2014 11:25 AM
To: Reginald Abrams; GOREE, DR THEODIS L; DAIGLE, BRUCE; HUGHES, JAN; BURTON, KEITH
Subject: FW: KSLA inquiry

Took a message from the Associated Press in New Orleans about this also. Can imagine all stations will be calling or trying to visit the school.

From: Silberstein, Mark [<mailto:msilberstein@ksla.com>]
Sent: Monday, February 24, 2014 10:27 AM
To: MAINIERO, VICTOR
Cc: All KSLA Producers
Subject: re: KSLA inquiry

Victor:

Need to know if Caddo will make a statement today in response to this letter or will do an on camera interview?

February 21, 2014 Page 1 of 2 AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF LOUISIANA PO BOX 56157 NEW ORLEANS, LA 70156 T/504.522.0617 WWW.LAACLU.ORG

MARJORIE R. ESMAN
EXECUTIVE DIRECTOR

February 24, 2014

OPEN LETTER REGARDING TEACHING CREATIONISM IN CADDO PARISH

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To the Caddo Parish School Board:

Based on a letter¹ published in the Shreveport Times on February 6th, 2014, we have reason to believe that at least one Caddo Parish public school teacher is teaching creationism in violation of the U.S. Constitution. This letter is to notify you of this possible violation with the expectation that appropriate action will be taken to ensure that all Caddo Parish public school classes will be taught in compliance with legal requirements.

¹ "Creationism, a differing view." *Shreveport Times*, Feb. 6 2014.

<http://www.shreveporttimes.com/article/20140206/OPINION04/302060030/Creationism-differing-view> (last visited February 9, 2014).

The letter in question, written by Charlotte Hinson, states that she presents her own religious beliefs to her fifth-grade students when they ask questions about evolution or whether "we evolved from apes." Ms. Hinson affirms that her goal is not to teach evolution, but to present both creationism and evolution without disturbing her students' personal beliefs. In other words, rather than teach the mandated curriculum, she caters to her own (and what she believes are her students') religious beliefs even if those beliefs run counter to what she is required to teach.

Such educational practices are constitutionally problematic for a number of reasons. First, it has long been established that public school teachers may not present creationism as an alternative to evolution and let students choose what they want to believe. *See Edwards v Aguillard*, 482 U.S. 578, 585 (1987) (noting, in striking down Louisiana law mandating that public schools give equal time to teaching creationism and evolution that "[t]he State exerts great authority and coercive power through mandatory attendance requirements, and because of the students' emulation of teachers as role models and the children's susceptibility to peer pressure"). Indeed, where a school seeks to "discredit" evolution "by counterbalancing its teaching at every turn with the teaching of creationism" it unconstitutionally uses its government authority to advance a religious viewpoint. *Id.* at 596-67 (internal quotation marks omitted); *see also Doe v. Porter*, 370 F.3d 558, 562-63 (6th Cir. 2004) (teaching the Bible as "religious truth" can have no secular purpose and is therefore not permitted in public schools).

Furthermore, a teacher may not teach creationism in response to student inquiry into his or her own beliefs. That too unconstitutionally injects the teacher's own beliefs into the classroom in a highly coercive way. See, e.g., *Grossman v. S. Shore Pub. Sch. Dist.*, 507 F.3d 1097, 1099 (7th Cir. 2007) ("Teachers and other public school employees have no right to make the promotion of religion a part of their job description and by doing so precipitate a possible violation of the First Amendment's [E]stablishment [C]lause."); *Helland v. South Bend Cmty. Sch. Corp.*, 93 F.3d 327, 329, 331 n.2 (7th Cir. 1996) (holding that public-school district had properly dismissed substitute teacher for, among other infractions, "the unconstitutional interjection of religion" into classes by, among other things, "professing his belief in the Biblical version of creation in a fifth grade science class"); *Bishop v. Aronov*, 926 F.2d 1066, 1077 (11th Cir. 1991) (holding that a school district can direct a teacher to "refrain from expressions of religious viewpoints in the classroom and like settings.")

Indeed, it is clearly established that teachers do not have a First Amendment right to override school district decisions regarding curriculum choice in any academic area. See *Kirkland v. Northside Independent School Dist.*, 890 F.2d 794, 795 (5th Cir. 1989) ("the First Amendment has never required school districts to abdicate control over public school curricula to the unfettered discretion of individual teachers.")

Of course, teachers have a First Amendment right to their own beliefs. However, courts have repeatedly recognized a "difference between teaching about religion, which is acceptable, and teaching religion, which is not." *Roberts v. Madigan*, 921 F.2d 1047, 1055 (10th Cir. 1990) (emphasis added). While teachers and school officials enjoy the full range of religious-liberty rights in their personal capacities, they are not entitled to use their government positions to promote and impose their personal religious beliefs on students. *Williams v. Vidmar*, 367 F. Supp. 2d 1265, 1275 (N.D. Cal. 2005) ("In the view of the Court, there is a well-defined difference between being an elementary school teacher who is an avowed Christian, which Williams is free to be, and expressing the Christian faith in the classroom.").

In short, if, Ms. Hinson or any other Caddo Parish teacher does what is described in Ms. Hinson's letter, those activities appear based on an incorrect interpretation of the First Amendment. We ask that you investigate the practices of Caddo Parish's public school teachers to make sure that their teaching methods comport with the First Amendment.

Sincerely,

Marjorie R. Esman

Executive Director

Cc: Dr. Theodis Lamar Goree, Jr. Superintendent of Schools

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