

**REMARKS OF JOHN H. CALVERT, ESQ**  
**to the**  
**KANSAS SCIENCE WRITING COMMITTEE**  
October 28, 2004

Although your work is focused on science it also touches on religion because the standards seek to have the State define what students are to know about the origin and diversity of life. Origins science is a subject that unavoidably impacts religion.

Naturalistic theories of origins such as chemical and biological evolution postulate that life and its diversity arise due to natural or material causes alone and not by any intelligent cause. The core claim of Darwinian evolution is that the apparent design of nature is just an illusion that can be explained by a combination of chance and purely mechanistic processes.

Naturalism/materialism is the central tenet of non-theistic religions and belief systems like Secular Humanism, Scientism, Atheism and Agnosticism. The competing scientific claim is that law and chance alone are not adequate to explain either the origin of life or various aspects of its subsequent diversity. That claim disagrees that apparent design is just an illusion and argues that it may be real.

A substantial body of evidence supports the disagreement with the claim of illusion. Nature is filled with intelligent causes and scientists are beginning to understand that biological information rather than just matter and energy is the critical ingredient of life. No known law dictates the message bearing sequences of nucleotide bases in DNA and statistical studies tend to rule out chance as the best explanation for such messages that determine biological function. The idea that life is designed and made for a purpose is central to the claims of traditional theistic religions such as Christianity, Islam and Judaism.

Accordingly, the claims of design and no-design critically impact religion. Parents who subscribe to traditional theistic beliefs who seek to have their children believe that they are designed and made for purpose will likely be offended by naturalistic theories of origins which contradict that idea. By same token, parents who are Secular Humanists or atheistic in their outlook will likely find naturalistic theories of origins sympathetic to their belief systems.

The religious impact of origins science clearly invokes First Amendment considerations which prohibit the state from enacting policies or practices respecting religion or which interfere with the rights of Parents and students to freely exercise their religion. A number of Supreme Court cases have addressed these religious rights. Generally, it would be fair to say that these holdings require that public education be “secular, neutral and non-ideological.” The statutes regulating the National Assessment of Educational Progress was amended in the No Child Left Behind Act to require the assessment to be “secular, neutral and non-ideological.” In addition the Act requires that services and materials provided by providers of certain supplemental services to children that have been left behind must be both “secular, neutral and non-ideological” and consistent with state education standards. Implicitly, the standards that you are writing must be “secular, neutral and non-ideological.”

“Secular, neutral and non-ideological” was recently defined by the National Assessment Governing Board to mean that items may not “advocate” or “oppose” “any particular religious views or beliefs,” and that items may not “advocate for” a “single perspective on a controversial issue.” “An item may ask students to explain both sides of a debate, or it may ask them to analyze an issue, or to explain the arguments of proponents or opponents, without requiring students to endorse personally the position they are describing.” A copy of the NAGB statement is attached to my written remarks.

I would urge you to give due consideration to the proposals made by Dr. Harris. They seek not only good science by keeping evolution theoretical rather than dogmatic, but they also solve the Constitutional necessity of keeping origins science secular, neutral and non-ideological.

In my mind the proposed Introduction offered by the Co-Chairs does just the opposite. Regardless of their intention, standards that permit only natural explanations using only natural causes will have the effect of indoctrinating students in only a naturalistic perspective regarding the origin of life and its diversity. The effect of Methodological Naturalism is to suppress not only disagreement with the core claim of evolution, but any substantive criticism of that theory. This is scientifically controversial because it robs evolution of its theoretical status and converts it into a dogma or ideology. That takes evolution out of the realm of science and into the realm of philosophy and religion. It also guarantees that the ideological explanations provided will not be secular or neutral. In my opinion this offends good science and the requirements of the First Amendment.

For these legal and scientific reasons I would urge you to give favorable consideration to the proposals of Dr. Harris.

# APPENDIX A<sup>1</sup>

## Definitions of Secular, Neutral, and Non-ideological Item Review Criteria

*From Governing Board Policy on NAEP Item Development and Review—5/18/02*

Items shall be secular, neutral, and non-ideological. Neither NAEP nor its questions shall advocate a particular religious belief or political stance. Where appropriate, NAEP questions may deal with religious and political issues in a fair and objective way. The following definitions shall apply to the review of all NAEP test questions, reading passages, and supplementary materials used in the assessment:

**Secular** — NAEP questions will not contain language that advocates or opposes any particular religious views or beliefs, nor will items compare one religion unfavorably to another. However, items may contain references to religions, religious symbolism, or members of religious groups where appropriate.

Examples: The following phrases would be acceptable: “shaped like a Christmas tree,” “religious tolerance is one of the key aspects of a free society,” “Dr. Martin Luther King, Jr. was a Baptist minister,” or “Hinduism is the predominant religion in India.”

**Neutral and Non-ideological** — **Items will not advocate for** a particular political party or partisan issue, for any specific legislative or electoral result, or for **a single perspective on a controversial issue. An item may ask students to explain both sides of a debate, or it may ask them to analyze an issue, or to explain the arguments of proponents or opponents, without requiring students to endorse personally the position they are describing.** Item writers should have the flexibility to develop questions that measure important knowledge and skills without requiring both pro and con responses to every item. (Emphasis not contained in Appendix issued by NAGB)

**Examples:** Students may be asked to compare and contrast positions on states rights, based on excerpts from speeches by X and Y; to analyze the themes of Franklin D. Roosevelt’s first and second inaugural addresses; to identify the purpose of the Monroe Doctrine; or to select a position on the issue of suburban growth and cite evidence to support this position. Or, students may be asked to provide arguments either for or against Woodrow Wilson’s decision to enter World War I. A NAEP question could ask students to summarize the dissenting opinion in a landmark Supreme Court case.

The criteria of neutral and non-ideological also pertain to decisions about the pool of test questions in a subject area, taken as a whole. **The Board shall review the entire item pool for a subject area to ensure that it is balanced in terms of the perspectives and issues presented.** (emphasis added)

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National Assessment Governing Board, *Collection and Reporting of Background Data by the National Assessment of Educational Progress Policy Statement, Appendix A, Definitions of Secular, Neutral, and Non-ideological: Item Review Criteria* (NAGB, May 18, 2003).