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From the Los Angeles Times

## 1st Suit in State to Attack 'Intelligent Design' Filed

By Henry Weinstein  
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A group of parents in the small Tehachapi mountain community of Lebec on Tuesday filed the first lawsuit challenging the teaching of "intelligent design" in a California public school.

The suit targets what appears to be the latest wrinkle in the continuing national fight between supporters and opponents of teaching evolution in public schools — a course that says it examines the debate as an issue of "philosophy."

Supporters of intelligent design lost a court fight in Pennsylvania last month that both sides had seen as a test case. U.S. District Judge John E. Jones III rejected the Dover, Pa., school board's decision to teach intelligent design as part of a science course, ruling that design was "an interesting theological argument, but ... not science."

In this case, the parents say in their suit that school officials in Lebec — a town of about 1,300 just west of Interstate 5 in Kern County and about 63 miles north of Los Angeles — designed their course as a way of getting around that decision.

At a special meeting of the El Tejon Unified School District on Jan. 1, at which the board approved the new course, "Philosophy of Design," school Supt. John W. Wight said that he had consulted the school district's attorneys and that they "had told him that as long as the course was called 'philosophy,' " it could pass legal muster, according to the lawsuit.

The board approved the course 3 to 2.

A woman who identified herself as a secretary at the school district said Tuesday that Wight was out of town and unavailable for comment and that no one else was authorized to comment on the suit.

In a Jan. 6 letter to lawyers who challenged the class, Wight wrote that "our legal advisors have pointed out they are unaware of any court or California statute which has forbidden public schools to explore cultural phenomena, including history, religion or creation myths."

He added that he would "promptly intervene if anyone should stray into teaching or advocating the tenets of any religion or creed, including intelligent design."

But the plaintiffs argue that the school district has no intention of setting up an open debate on comparative religion or competing philosophies.

An initial course description, which was distributed to students and their families last month, said "the class will take a close look at evolution as a theory and will discuss the scientific, biological and biblical aspects that suggest why Darwin's philosophy is not rock solid. The class will discuss intelligent design as an alternative response to evolution. Physical and chemical evidence will be presented suggesting the earth is thousands of years old, not billions."

The course, which began Jan. 3 and is scheduled to run for one month, is being taught by Sharon Lemburg, a special education teacher with a bachelor of arts in physical education and social science, according to the lawsuit.

The suit adds that Lemburg "has no training or certification in the teaching of science, religion or philosophy," and is "the wife of the minister for the local Assembly of God Church, a Christian fundamentalist church, and a proponent of a creationist world view."

The Rev. Barry Lynn, executive director of Americans United for Separation of Church and State, which is representing the plaintiffs, said the course is "the wave of the future throughout the United States," for backers of intelligent design.

"It is my understanding that this school district has been approached by other school districts to clone this course and use it elsewhere. That is why this is of national significance. We would like to build a retaining wall against that wave in this case," he said.

The course description shows that the class "is not philosophy or comparative religion," Lynn said, but, instead, "is a teacher trying to trump science with religion."

Casey Luskin, the legal affairs director of the Discovery Institute, an organization that supports intelligent design said he had not read the lawsuit but that if Americans United is trying to keep students from hearing about alternatives to evolutionary theory that would be "censorship."

On the other hand, Luskin said, if the school district is trying to teach "young-earth creationism or biblical creationism as fact, that will get them into legal trouble. I would like to see the full course syllabus before making a definitive judgment."

Intelligent design holds that some biological systems are so complex they could not have evolved through random mutations as the vast majority of biologists teach. They argue that complexity is proof that life was formed by an intelligent designer.

Advocates of the theory generally do not identify who they think the designer was. Judge Jones, an appointee of President Bush, said the extensive

testimony in the Pennsylvania case made it clear that "no serious alternative to God as the designer has been proposed" by members of the intelligent design movement.

The 11 plaintiffs in the current case — parents whose children attend Frazier Mountain High School in Lebec — said in their suit that the course "was designed to advance religious theories on the origins of life, including creationism and its offshoot 'intelligent design.' "

Because of that, the course violates provisions of the U.S. and California constitutions barring establishment of religion, they say.

With one exception, the suit asserts, "the course relies exclusively on videos that advocate religious perspectives and present religious theories as scientific ones — and because the teacher has no scientific training, students are not provided with any critical analysis of the presentation."

The parents are asking a U.S. District Court judge in Fresno to issue a temporary restraining order barring the course.

One of the parents, Kenneth Hurst, who has a doctorate in geology and is a scientist at the Jet Propulsion Laboratory in La Cañada Flintridge, said in court papers that the class "conflicts with my beliefs as a scientist. I believe this class undermines the sound scientific principles taught in Frazier Mountain High School's biology curriculum and is structured in a way that deprives my children of the opportunity to be presented with an objective education that would aid the development of their critical thinking skills."

Hurst, who has children in 10th and 12th grades, said the class also interfered with his personal religious views as a Quaker and "reflects a preference for fundamentalist Christianity over all other religious and scientific viewpoints."

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