AAG Washington Monitor

Court Ruling Undercuts Intelligent Design

On December 20, U.S. District Judge John Jones ruled that the teaching of “intelligent design” violates the constitutional separation of church and state. The case was brought because the Dover Area (PA) School District wanted to become the first in the nation to require teaching the concept of intelligent design as an alternative to Darwin’s theory of evolution. When the district passed the policy in October 2004, it described evolution as a theory that “is not a fact.” The school board had specifically mandated the new teaching for ninth-grade biology classes and ordered school libraries to purchase an alternative textbook.

The judge's ruling supports local public opinion about the curriculum change—Dover area voters had already replaced eight of the nine school board members who were in office when the change was implemented with candidates who pledged to eliminate the new policy. Interestingly, Jones is an appointee of President Bush. The judge noted that the case came before him “as the result of activism of an ill-informed faction on a school board, aided by a national public interest law firm eager to find a constitutional test case on intelligent design, who in combination drove the board to adopt an imprudent and ultimately unconstitutional policy.” Eight families had sued the school district in an effort to have the policy overturned. They argued, and Jones agreed, that the concept of intelligent design is inherently religious, not scientific.

The AAG has taken an active role in the debate on intelligent design and science education. Working together with the American Association for the Advancement of Science and other organizations, the AAG signed on as amicus curiae in a case in the state of Georgia, similar to the Dover, Pennsylvania case.

Alexander Criticizes Political “One-Sidedness”

On December 9, Sen. Lamar Alexander (R-TN), the former U.S. Secretary of Education, used his testimony before the Commission on the Future of Higher Education to condemn “the growing political one-sidedness which has infected most campuses, and an absence of true diversity of opinion.” Alexander called this phenomenon, of which he offered little hard evidence, “the greatest threat to broader public support and funding for higher education.”

To back his position, Alexander noted that most faculties express liberal views and that most faculty members vote Democratic. He also asked rhetorically how many conservatives are invited to deliver commencement addresses and how many bright, young faculty members are encouraged to research the virtues of vouchers or charter schools. According to an account of the session by Inside Higher Ed, several panel members noted privately that they were bothered by the Senator’s assertions.

Alexander also called for U.S. presidents to appoint a lead adviser who would oversee “all of the federal government responsibilities for higher education” and he urged the adoption of proposals to bolster science and technology research and education. For more on the commission, please see the November 2005 edition of AAG Washington Monitor.

Final Appropriation Bills Passed: Student Aid and NIH Fare Poorly

Just before the Christmas holiday, the House and Senate gave final approval to 2005’s most contentious appropriation bills, including spending measures covering student aid and health research programs. The bill for the Departments of Labor, Health and Human Services, and Education (Labor-H) finally passed its last hurdle in the late night hours of December 21 after weeks of contentious debate, but left many lawmakers feeling dissatisfied. Members in both chambers had complained about the restrictive spending limits placed on the bill, which provides much of the federal aid to the poor.

To add to the bad news, the defense spending bill, which passed on December 22, mandates an across the board (ATB) cut of one percent to all discretionary federal programs, including many of those in the Labor-H bill. The defense measure, which is usually one of the first to pass through Congress each fall, was finally completed only after the Senate rejected an attempt by Sen. Ted Stevens (R-AK) to attach language to the bill that would have opened drilling in the Alaska National Wildlife Refuge (ANWR). The bill had also been bogged down by debate over the ATB spending cut and a tussle between Sen. John McCain (R-AZ) and the White House over detainee treatment and torture, a battle the White House ultimately lost.

Two key items included in the Labor-H bill are: 1) a freeze on most student aid programs. The maximum Pell Grant award will remain at $4,050 despite attempts by the Bush Administration to boost the amount, and 2) the first cut (incorporating the ATB) in the overall National Institutes of Health (NIH) appropriation since 1964. The NIH is the largest source of federal funds for university research. The Senate has wanted to increase NIH funding by $1 billion, but House leaders prevailed as part of their effort to curtail federal spending. Sen. Arlen Specter (R-PA), a key congressional moderate, echoed the comments of many of his colleagues when he called the Labor-H bill’s spending levels “grossly inadequate.”

Also passed on December 21 was the budget reconciliation bill, which was discussed in last month’s AAG Washington Monitor. The bill, which incorporates large chunks of the Higher Education Act reauthorization, was passed only after Vice President Cheney cast a tie-breaking fifty-first vote on its behalf in the Senate. Due to a technical point raised by Senate Democrats, however, the bill will have to be passed again in the House, where the vote is expected to be very close.

John Wertman
jwertman@aag.org