

U.S. SUPREME COURT WON'T HEAR STATE TEACHER'S EVOLUTION CASE
Mary Jane Smetanka Star Tribune Published Jan 8 2002

The U.S. Supreme Court declined Monday to consider the case of a science teacher in Faribault, Minn., who raised questions about the teaching of evolution.

Rodney LeVake, a biology teacher at Faribault High School, was reassigned by school officials in 1998 after he said he wanted to include information questioning the scientific principles of evolution in a science class. The Christian teacher claimed that the reassignment violated his constitutional rights to free speech and religion. Justices rejected his case without comment. "We're disappointed, of course, that they didn't let us try this in court," LeVake said Monday. He said the court's inaction leaves unanswered two questions: Does a teacher in a public school have First Amendment rights? And does it make sense to cover what he calls "the inconsistencies of evolutionary theories" in a class dealing with evolution?

But Kay Nord Hunt, attorney for the Faribault School District, said teachers' rights to free speech and religion do not mean that they are allowed to change curriculum as they please. "I fully expected the Supreme Court would deny" the case, she said. "There is no support in past decisions for Mr. LeVake's position."

LeVake was moved to a different science teaching position after he told school officials that he was uncomfortable teaching evolution as fact. He said he had problems with Charles Darwin's theories that species change gradually over millions of years. While he did not want to teach creationism or make reference to God or religion, he told reporters, he did want to tell students about what he saw as "flaws" in evolutionary theory. "Evolution doesn't answer the complexity of what we see around us, where life came from," he said Monday. "Many of the examples in science textbooks have been shown to be wrong or even fraudulent."

LeVake now teaches a ninth-grade science class that doesn't touch on evolution. The move did not affect his benefits or tenure, Nord Hunt said. The teacher's case was picked up by the American Center for Law and Justice, a public-interest firm that often tackles legal cases involving free speech. Center attorney Francis Manion worked on the case. "We're disappointed," Manion said. "I don't think either of the lower courts really understood the case; the district turned it into something it never really was. "[LeVake] didn't want to do much beyond saying there are scientists out there that criticize evolution on scientific grounds, and nothing more. I think the district decided he was a stealth creationist."

The case presented the Supreme Court with an opportunity to revisit the debate over public school instruction on the origin of humanity. In 1987, the U.S. Supreme Court struck down a Louisiana law that prohibited the teaching of evolution without equal time for creationism. The Minnesota Court of Appeals ruled against LeVake last spring, and the Minnesota Supreme Court refused to hear the case.

LeVake says he isn't sorry he persisted with the case. "Once in a while in a lifetime you feel you've got to stand up and be counted," he said. "If I hadn't done this, I would have regretted it for the rest of my life. "I'm glad we took a stand. I just wish the courts would be courageous enough to deal with the topic."

-- Staff writer Maureen McCarthy and the Associated Press contributed to this report.