

# Evolution Case Still Undecided

➤ ALTHOUGH NEITHER Susan Epperson nor her attorney, Eugene Warren, has been available for direct interviews, the nation's first court-case-testing of an anti-evolution law since the Scopes Trial in 1925 has gradually become big news in Arkansas.

The reticence of the plaintiff has not been true of Arkansas' Attorney General Bruce Bennett, however. He has already been interviewed by network newsmen, as has Rev. M. L. Moser, a Little Rock Baptist minister who is outspokenly in favor of the anti-evolution law.

## Open Letter Adopted

Developments within the state included an open letter adopted March 25 by the Presbyterian Committee on Christian Education—later endorsed by the Little Rock Ministerial Alliance—asking the Attorney General to refrain from making the case "an occasion for political exploitation." The Attorney General stated that he had "investigated" the matter of the open letter and found that several of the signers agreed with him rather than with the statement they signed. The Committee chairman, Rev. William Fogleman, challenged the Attorney General's accusation.

The Attorney General in a pretrial hearing before Judge Murry O. Reed, stated that he would present witnesses who would testify against the validity of Darwinian theory of evolution. The Attorney General admitted that, "It is almost impossible to buy any kind of textbook on biology that does not have a chapter on the history of man and exposure to the theory of Charles Darwin. . . . Technically every textbook selecting committee, every school board member and every teacher is guilty of violating the provisions of the 1928 initiated act."

At the Central Baptist Church, Rev. Moser proclaimed that the Bible and the theory of evolution cannot co-exist. "The Supreme Court is now in the process of reversing all previous de-

isions that recognized our nation as a Christian nation and is substituting the doctrines of atheism in their place," he said.

The trial itself lasted only one day. Mrs. Epperson's case was described by her attorney, Mr. Warren, as consisting of four points:

1. The Arkansas anti-evolution law conflicts with the Fourteenth Amendment;

2. If the doctrine of evolution is dangerous in tax-supported schools, then it is dangerous in all schools, yet not all are covered by the law;

3. The Arkansas law is vague, and does not define such words as "teach";

4. The law conflicts with the Arkansas State Constitution, which places responsibility for public school curriculum in the hands of local school boards.

The position of the Little Rock School Board was presented by Attorney General Bennett, who said that Mrs. Epperson's expressed desire to "teach a theory" would seem to be the same as promulgating a theory as a fact. Mr. Bennett said that the constitutional rights between employer and employee—the school board and Mrs. Epperson—had been violated by Mrs. Epperson's legal action. He added that the children of Arkansas are a captive audience, since another state law says that they must attend school. The case turned, he said, on the people's right to use just such laws as the 1928 statute to regulate what is taught in the schools.

Mrs. Epperson spent an hour on the stand, 55 minutes of which were in cross-examination by Mr. Bennett. Darwinian theory was in her school board approved textbook, she said, and is generally considered useful by science. She declined to answer questions about her personal beliefs relative to evolution, including whether she thought Darwinism to be atheistic. Her attorney's constant objections to the questioning punctuated her testimony.

## Preparation for College Biology

H. H. Blanchard, a joint petitioner with Mrs. Epperson, then took the stand and contended that he wants his 15-year-old sophomore son to have the benefit of the entire text of "Modern Biology," used at North Little Rock High School which the Blanchard boy attends, as well as in Little Rock's Central High where Mrs. Epperson teaches. Mr. Blanchard maintained that he wants a science education for

his 17-year-old high school senior son that will prepare him for the biology taught in private colleges such as Ouachita Baptist College and Arkansas Baptist College, where the textbooks include chapters on evolution.

The state presented a series of witnesses who are school superintendents or members of school boards in Arkansas, all of whom were asked basically the same question: Has anyone ever complained to you about the adverse effects of the anti-evolution law on children or on education in general? Each witness answered, "no."

Then Mr. Bennett asked, "Do you consider the law reasonable?" Each witness answered, "yes."

The state rested its case, followed immediately by Mr. Warren's statement that the plaintiff also rested her case.

The judge's ruling is expected by the end of May.

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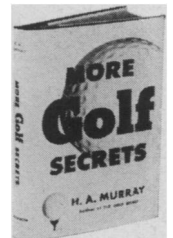
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