

# 'Monkey' Law Unconstitutional

Arkansas' anti-evolution law forbidding the teaching of Darwin's theory of the origin of man has been declared unconstitutional—By Jerry R. Tompkins

► IN AN IMPORTANT decision handed down at Little Rock, Ark., Judge Murray O. Reed declared that Arkansas' anti-evolution law, passed in 1928 by a state-wide vote of 108,000 to 63,000, is unconstitutional. The case was initiated last December by a Little Rock high school biology teacher, Mrs. Susan Epperson.

In his nine-page opinion Judge Reed covered several areas of the "freedom to teach, freedom to learn" issue:

—the Arkansas law "tends to hinder the quest for knowledge, restrict the freedom to learn and restrain the freedom to teach."

—Mrs. Epperson's biology text "does not constitute such a hazard to the safety, health and morals of the community that the constitutional freedoms may justifiably be suppressed by the state."

—the Arkansas law fails to protect the student in a private school and thus denies equal protection of the law.

A careful study of the Scopes case was in evidence in Judge Reed's decision. He said the Scopes decision was based on the belief that employees of the state are not covered by the 14th amendment. Subsequent decisions by the U. S. Supreme Court have in fact extended the limitations of the 14th amendment to the states and to state employees.

The Judge continued that he could find no "exigent and compelling reason to prohibit a teacher from presenting and explaining the theory along with other theories or doctrines which a student may accept or reject, even though the theory may be objectionable to many of our citizens."

"Whether the theory or doctrine that man ascended or descended from a lower order of animals is true or false," said Judge Reed, "is not the issue presented and . . . is not a triable issue. . . . The truth or fallacy of arguments on each side of the evolution debate does not diminish the constitutional right of teachers and scientists to advance theories and to discuss them." He added that any statute that sought to limit or restrict the field of inquiry should be carefully and closely examined by the courts.

Attorney General Bruce Bennett has stated that there will be an appeal to the Arkansas Supreme Court.

The case could ultimately be appealed to the U. S. Supreme Court. However, it would probably reach the Court as the Epperson-Blanchard Case (H. H. Blanchard is intervenor in behalf of his two high school sons

whom he wishes to be taught the theory of evolution) since Mrs. Epperson will become a resident of Missouri in June when she and her husband enter graduate school at the University of Missouri.

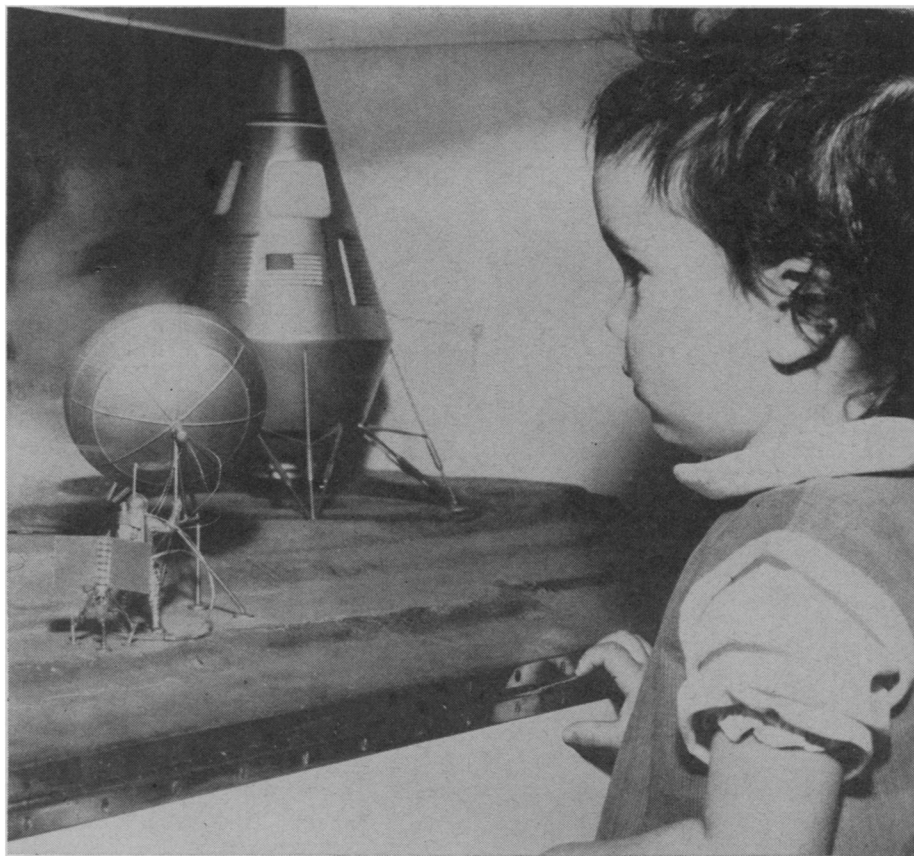
Speculation on the outcome of the case at the Arkansas Supreme Court level is clouded by recent political developments. Two of the seven judges recently resigned to seek public office. Since the Court has often been split 4-3 on "liberal" issues, the matter of the appointed interim judges (new judges will be elected in November to replace recent resignations) who will serve until January is significant. Normally interim judges are older men beyond the age of political ambition but are still susceptible to political and social views more common to an earlier generation. It is quite possible that the Epperson case will be heard before the end of this calendar year.

But for a few months at least, Darwin's theory of the descent of man will be taught legally in Arkansas' schools for the first time in 38 years.

Since last September, when the executive-secretary of the Arkansas Educational Association first published a position paper calling for the repeal of the anti-evolution law, the issue has been one of the most discussed in the state's recent history. News items and editorials have appeared almost daily. The liberal side has been represented to a great extent by the state's newspapers, although a few groups, such as the Little Rock Ministerial Association and the Presbyterian Committee on Christian Education, have been outspoken in their call for striking down the law. The conservatives have also spoken out in sermons and letters to newspapers.

*Jerry R. Tompkins is pastor, First Presbyterian Church, Monticello, Ark.*

• Science News, 89:461 June 11, 1966



NASA

**MARS DREAM**—Tracey Kinder, 2, studies a model of a nuclear-propelled Mars lander during a visit to the Atomic Energy Commission-National Aeronautics and Space Administration's nuclear rocket development station at Jackass Flats, Nev.