



55

JUDGE DARRELL WHITE, (RETIRED)

815 LOURAY DRIVE • BATON ROUGE, LA • 70808

PHONE: 225-766-8715 • FAX: 225-768-7709

JUDGEWHITE@COX.NET

October 9, 2003

Texas State Board of Education
1701 North Congress Avenue
Austin, Texas 78701

Dear State Board Members:

With two grandchildren residing in Texas, I attended the SBOE's recent public hearing in Austin to see whether the weaknesses of Darwinism will henceforth be taught alongside its strengths in science textbooks. It is comforting to know that Texas science standards call for such critical thinking skills to be taught, and the only real issue is when the textbooks will catch up with that requirement. Darwin himself acknowledged the need for balance and critical thinking in the introduction to his book, Origin of Species by Means of Natural Selection or the Preservation of Favoured Races in the Struggle for Life. He said, "a fair result can be obtained only by fully stating and balancing the facts and arguments on both sides of each question."

An impressive group of scientists, university professors, parents, high school science teachers, students, and concerned citizens appealed to the SBOE to allow presentation of all sides of Darwin's teachings concerning origins science. Opponents cried foul, sensing a religious motive or claiming that such criticisms would be above the understanding level of Texas high school students. This reaction calls to mind an observation made by University of California, Berkeley Law Professor Phillip Johnson in a Wall Street Journal op-ed, "A Chinese paleontologist lectures around the world saying that recent fossil finds in his country are inconsistent with the Darwinian theory or evolution. His reason: The major animal groups appear abruptly in the rocks over a relatively short time, rather than evolving gradually from a common ancestor as Darwin's theory predicts. When this conclusion upsets American scientists, he wryly comments: 'In China we can criticize Darwin but not the government. In America you can criticize the government but not Darwin.'"

As a lawyer and retired trial judge, I find that evidence of scientific criticisms of Darwin's views would clearly be admissible in a court of law. "Relevant evidence" under the Texas Rules of Evidence Article 401 "... means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." (emphasis added) In fact, a Texas licensed attorney who failed to disclose to a judge evidence directly contrary to legal authority he cited could be guilty of unethical conduct! (Texas Rules of Professional Conduct 3.03 - "Candor Toward the Tribunal") How can the science textbooks justify withholding such facts from students?

It is refreshing to consider that the Texas SBOE may soon join Ohio and other jurisdictions by implementing improvements in science education called for when Congress passed the No Child Left Behind Act, "where topics are taught that may generate controversy (such as biological evolution), the curriculum should help students to understand the full range of scientific views that exist, why such topics may generate controversy, and how scientific discoveries can profoundly affect society." Senator Ted Kennedy summed up well Congress's sentiment when he said, "We want children to be able to speak and examine various scientific theories on the basis of all of the information that is available to them so they can talk about different concepts and do it intelligently."

As a concerned grandparent, I commend the education improvement activities of the Texans for Better Science Education (www.strengthsandweaknesses.org) and will be closely watching to see what the SBOE does.

Sincerely,

Judge Darrell D. White (retired)