



# AMERICAN ATHEISTS

---

April 2, 2021

The Honorable Rep. Bruce Cozart  
Chairperson, House Education Committee  
Arkansas State Legislature  
1 Capitol Mall, Fifth Floor  
Little Rock, Arkansas 72201

**Re: OPPOSE HB 1701, Concerning Teaching Creationism in Public Schools**

Dear Chairperson Cozart and Members of the House Education Committee:

American Atheists, on behalf of its constituents in Arkansas, writes in opposition to HB 1701, which would allow Arkansas public schools to teach creationism in place of science. Surely, Arkansas lawmakers must know that this bill is unconstitutional. The only thing HB 1701 would do is waste taxpayer dollars and divert state funding from public schools to advocacy organizations working to protect the constitutional separation of religion and government. This bill undermines religious freedom for every Arkansas student by attacking the fundamental principles at the heart of religious freedom itself. We urge you to reject this deeply foolish legislation.

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the “wall of separation” between government and religion created by the First Amendment. We strive to create an environment where atheism and atheists are accepted as members of our nation’s communities and where casual bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building and work to end the stigma associated with being an atheist in America. As advocates for religious liberty, American Atheists believes that no young person should be subject to religious coercion by the government.

Teaching creationism in public schools is inherently unconstitutional, violating the Establishment Clause. The US Supreme Court said as much in *Edwards v. Aguillard*, noting that the law requiring teaching of creationism “violates the Establishment Clause of the First Amendment because it seeks to employ the symbolic and financial support of government to achieve a religious purpose.”<sup>1</sup>

Nevertheless, Arkansas has a long history of attempting to teach public school students religious dogma in the place of science. In 1968, the U.S. Supreme Court struck down an Arkansas statute that prohibited teachers from teaching or using educational materials that referenced human evolution.<sup>2</sup> In 1982, in *McLean v. Arkansas Board of Education*, the Eastern District of Arkansas overturned an Arkansas law

---

<sup>1</sup> 482 U.S. 578, 597 (1987).

<sup>2</sup> *Epperson v. Arkansas*, 393 U.S. 97 (1968).

requiring “balanced” classrooms discussion regarding the science of evolution and creationism.<sup>3</sup> Noting that that creationism “has no scientific merit or educational value,” the court ruled that, “since creation science is not science, the conclusion is inescapable that the only real effect of Act 590 is the advancement of religion.”

HB 1701 is no different. It seeks to free Arkansas teachers to do what the bill’s sponsors so hope they will do, but what the U.S. Constitution forbids, teach creationism dogma in public schools. Just like the creationism-promoting laws before it, this bill lacks any credible secular purpose, and it will never withstand court scrutiny.

Moreover, HB 1701 is an attack on the religious freedom of Arkansas public school students. The bill is inherently antagonistic toward the religious freedom of anyone who is not Christian, as well as Christians who are not creationists or who don’t wish creationism to be taught in schools. The only way that religious freedom can be preserved in public schools is if they focus on actual science, instead of the religious beliefs of one sect or another. And we must note that this bill would deprive at least some students of receiving adequate education in the science of evolution, which is fundamental to the understanding of modern biology.

There is no doubt that if HB 1701 is passed, Arkansas schools will face scrutiny in the implementation of this bill. The current legislation does not provide any effective safeguards to protect the First Amendment rights of students subject to religious coercion. Teachers and schools that seek to do as this legislation suggests and teach creationism would be at substantial risk for liability. Taxpayer dollars should fund public education, not be wasted on efforts to indoctrinate students, nor to defend such unconstitutional indoctrination in court.

About 23% of adults in the US are religiously unaffiliated, and atheists and agnostics make up about 7% of the total population.<sup>4</sup> Among young people, studies show that approximately 13% of youth ages 13-18 identify as atheists and more than a third are nonreligious.<sup>5</sup> In Arkansas, 18% of the population has no religious affiliation.<sup>6</sup> Arkansas lawmakers should not marginalize this sizeable and growing population by purposefully inserting exclusionary religious teachings and messages into public schools.

---

<sup>3</sup> 529 F. Supp. 1255 (E.D. Ark., 1982). Incidentally, the ACLU of Arkansas was awarded \$357,768.11 in attorney fees and litigation expenses as a result of this case, which was affirmed by the 8<sup>th</sup> Circuit Court of Appeals. *McLean v. Arkansas Board of Education*, 723 F.2d 45 (8th Cir., 1983).

<sup>4</sup> Pew Research Center. A Closer Look at America’s Rapidly Growing Religious ‘Nones’ by Michael Lipka, 2015. Available at: <http://www.pewresearch.org/fact-tank/2015/05/13/a-closer-look-at-americas-rapidly-growing-religious-nones/>.

<sup>5</sup> Barna Group. Atheism Doubles Among Generation Z, 2018. Available at: <https://www.barna.com/research/atheism-doubles-among-generation-z/>.

<sup>6</sup> Pew Research Center. Religious Composition of Adults in Arkansas. Available at: <https://www.pewforum.org/religious-landscape-study/state/arkansas/>.

HB 1701 would needlessly waste education resources, put teachers and school districts at risk, and leave children in Arkansas unprotected from religious coercion. We strongly urge you to vote against this unnecessary and controversial bill. If you should have any questions regarding American Atheists' opposition to HB 1701, please contact me at 908.276.7300 x309 or by email at [agill@atheists.org](mailto:agill@atheists.org).

Very truly yours,



Alison Gill, Esq.  
Vice President, Legal & Policy  
American Atheists