

Farewell to the Santorum Amendment?

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Despite the claims of creationists and other ideological opponents of evolution, the so-called Santorum Amendment – which, by singling out evolution as uniquely “controversial”, was apparently intended to discourage evolution education – was not included in the No Child Left Behind Act, passed by Congress in late 2001 and signed into law by President Bush in early 2002. Although the Joint Explanatory Statement of the Committee of Conference for the bill contains a brief and not as objectionable mention of evolution, the contents of the Joint Explanatory Statement enjoy no force of law. Teachers in particular should be aware that the No Child Left Behind Act in no way requires them to teach evolution any differently than they do now.

Background

On June 13, 2001, the US Senate adopted a Sense of the Senate amendment to the Elementary and Secondary Education Act Authorization bill, S 1, then under consideration. Proposed by Senator Rick Santorum (R-PA), the amendment read:

It is the sense of the Senate that (1) good science education should prepare students to distinguish the data or testable theories of science from philosophical or religious claims that are made in the name of science; and (2) where biological evolution is taught, the curriculum should help students to understand why the subject generates so much continuing controversy, and should prepare the students to be informed participants in public discussions regarding the subject.

As Eric Meikle explained (*RNCSE* 2000 Nov-Dec; 20 [6]: 4), the fact that evolution is singled out as uniquely controversial amply indicates the amendment’s anti-evolutionary intention. There were several indications that “intelligent design” proponents were instrumental in framing the resolution. In proposing the amendment, Senator Santorum cited a law review article coauthored by “intelligent design” proponent David K DeWolf, Professor of Law at Gonzaga University and Senior Fellow at the Discovery Institute’s Center for the Renewal of Science and Culture. And the godfather of the “intelligent design” movement, Phillip Johnson, was quoted in the June 18 *Washington Times* as having “helped frame the language” of the amendment.

On June 14, the bill, including the Santorum Amendment, passed the Senate 91-8. It seems likely that most of the senators who voted for the bill were unaware of the anti-evolution implications of the Santorum Amendment, although Senators Sam Brownback (R-KS) and Robert Byrd (D-WV) alluded to them in their remarks in the *Congressional Record*. Unsurprisingly, anti-evolution groups such as Answers in Genesis were quick to rejoice at the token of support for their cause embodied in the Santorum Amendment.

Because HR 1, the version of the bill that passed in the House of Representatives, contained no counterpart of the Santorum Amendment, the House-Senate Conference Committee needed to reconsider it when it met to reconcile the two versions of the bill. Thus there was still a chance for the scientific and educational communities to influence the outcome, and they seized the day. The officers of almost 100 scientific and educational societies, together representing over 100 000 scientists, called upon the chairs of the conference committee to drop the Santorum Amendment (*see RNCSE* 2001 Jan-Apr; 21 [1-2]: 7 for the text of their letter).

In December 2001, the joint committee finished its work. The compromise bill was submitted to Congress, which passed it (renaming it the No Child Left Behind Act in the process) and sent it to President Bush for his signature, which it duly received on January 8, 2002.

The Good News

The good news is twofold. First, the Santorum Amendment was substantially weakened during its stay in committee, eventually appearing in the following two sentences:

The conferees recognize that a quality science education should prepare students to distinguish the data and testable theories of science from religious or philosophical claims that are made in the name of science. 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. [See <http://edworkforce.house.gov/issues/107th/education/nclb/conference/stateofman/title1pa.htm>.]

Note that evolution is no longer singled out as uniquely controversial: it is merely used as one example of a host of potentially controversial topics. The conference committee's wish to keep "religious and philosophical claims that are made in the name of science" out of the science classroom is, of course, fully supported by NCSE. "Creation science", including "intelligent design", indeed consists largely of religious and philosophical claims that are disguised as science, and that is why NCSE opposes its presence in the science classrooms of our nation's public schools. Note also that the Santorum Amendment's original desire for students "to be informed participants in public discussions" was replaced with the conference committee's desire for students "to understand the full range of scientific views" – although creationism might be regarded as a matter of public discussion, it is certainly not a scientific view.

Second, the Santorum Amendment, even in its weakened form, is not present in the bill that was signed into law. It appears only in the Conference Report, buried deep in the Joint Explanatory Statement of the Committee of Conference in Title I, Part A, as item 78. The Joint Explanatory Statement is not part of the bill itself; it is simply an explanation of how the conference committee reconciled the various provisions of the House and Senate versions of the bill. The text of the bill itself neither mentions evolution nor includes any sentiments reflecting the Santorum Amendment. Thus the No Child Left Behind Act in no way requires teachers to teach evolution any differently.

It appears as if the conference committee largely heeded the call of the officers of the scientific and educational societies. The Santorum Amendment was dropped from the bill; the fact that a weakened version of it was included in the Joint Explanatory Statement of the Committee of Conference, where it enjoys no force of law, was probably intended to appease religiously conservative constituents – politics is, after all, the art of compromise.

The Bad News

The bad news is that many creationists and other ideological opponents of evolution took the Santorum Amendment and jumped on the propaganda bandwagon with it. In a press release dated December 21, 2001, with the headline "Congress gives victory to scientific critics of Darwin", Bruce Chapman, president of the Discovery Institute, announced, "The education bill just passed by Congress calls for greater openness to the study of current controversies in science, notably including biological evolution." Although he evidently recognized that the Santorum Amendment was substantially weakened and that the weakened version appeared not in the bill but only in the conference committee report – writing that "What began as the 'Santorum Amendment' ... now resides in report language" – he nevertheless misleadingly characterized the bill as "a substantial victory for scientific critics of Darwin's theory and for all who would like science instruction to exercise thoroughness and fairness in teaching about contemporary science controversies." Interestingly, Chapman harped on Darwin and Darwinists, although Darwin's name never appeared in the Santorum Amendment; the Discovery Institute's practice of tendentiously equating evolution and "Darwinism" is documented by Skip Evans in "Doubting Darwinism by creative license" (see *RNCSE 2001 Sep-Dec; 21 [5-6]: 22-3*).

Then, apparently in response to a precursor of the present report posted on the NCSE web site, the Discovery Institute issued a further press release on December 28, 2001, entitled "Congress urges teaching of diverse views on evolution, but Darwinists try to deny it". It also appeared in a slightly revised form as "Deny, deny, deny" by John West in WorldNetDaily (http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=25946). In both versions, West contended that NCSE originally was wholeheartedly against the Santorum Amendment and then, when it appeared in weakened form in the conference committee report, opportunistically engaged in "after-the-fact attempts to rewrite history" by praising the conference committee's wish to keep "religious and philosophical claims that are made in the name of science" out of the science classroom. Needless to say, he misrepresented NCSE's views: it was only clause (2) of the Santorum Amendment that was intrinsically objectionable.

The Discovery Institute was misleading on the status of the Santorum Amendment vis-à-vis the bill that was signed into law, but Phyllis Schlafly of the conservative Eagle Forum was downright wrong. In an editorial posted on the conservative web site TownHall.com on February 6, 2002, Schlafly wrote:

The "No Child Left Behind" bill signed by President Bush on Jan 8 includes a science requirement that focuses on "the data and testable theories of science". This new federal law specifies that "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". Because Schlafly was discussing the ongoing controversy about state science standards in Ohio (see "*Ohio: The next Kansas?*", p 4), she may have been relying on misinformation about the Santorum Amendment posted on SEAO's web site, which was later corrected.

To give credit where credit is due, the anti-evolutionist ministry Answers in Genesis recognized that the fact that the Santorum Amendment was not present in the No Child Left Behind Act was a defeat for the anti-evolution movement. In "Honest science 'left behind' in US education bill", posted at the AIG web site on January 7, 2002, Mike Matthews emphasizes that "The final version of the bill ... says not one word about evolution or the controversy surrounding it" and remarks in a footnote that "The original Senate amendment was 'watered down' in two senses", citing the same changes of wording cited above (http://www.answersingenesis.org/docs2002/0107ed_bill.asp).

Nevertheless, expect to see distorted reports of the Santorum Amendment in the anti-evolution press from now on. As we know from long experience, creationist misinformation is hard to quash.