U.S. Supreme Court

Epperson v. Arkansas, 393 U.S. 97 (1968)

Epperson v. Arkansas

No. 7

Argued October 16, 1968

Decided November 12, 1968

393 U.S. 97

*APPEAL FROM THE SUPREME COURT OF ARKANSAS*

# Syllabus

Appellant Epperson, an Arkansas public school teacher, brought this action for declaratory and injunctive relief challenging the constitutionality of Arkansas' "anti-evolution" statute. That statute makes it unlawful for a teacher in any state supported school or university to teach or to use a textbook that teaches "that mankind ascended or descended from a lower order of animals." The State Chancery Court held the statute an abridgment of free speech violating the First and Fourteenth Amendments. The State Supreme Court, expressing no opinion as to whether the statute prohibits "explanation" of the theory or only teaching that the theory is true, reversed the Chancery Court. In a two-sentence opinion, it sustained the statute as within the State's power to specify the public school curriculum.

*Held:* The statute violates the Fourteenth Amendment, which embraces the First Amendment's prohibition of state laws respecting an establishment of religion. Pp.393 U. S. 102-109.

(a) The Court does not decide whether the statute is unconstitutionally vague, since, whether it is construed to prohibit explaining the Darwinian theory or teaching that it is true, the law conflicts with the Establishment Clause. Pp. 393 U. S. 102-103.

(b) The sole reason for the Arkansas law is that a particular religious group considers the evolution theory to conflict with the account of the origin of man set forth in the Book of Genesis. Pp. 393 U. S. 103, 393 U. S. 107-109.

(c) The First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion. Pp. 393 U. S. 103-107.

(d) A State's right to prescribe the public school curriculum does not include the right to prohibit teaching a scientific theory or doctrine for reasons that run counter to the principles of the First Amendment. P. 393 U. S. 107.

(e) The Arkansas law is not a manifestation of religious neutrality. P. 393 U. S. 109.