

# Georgia court bans biology textbook stickers

Jessica Ebert, Washington

A court in Georgia has overturned a suburban Atlanta school policy that required a disclaimer about evolution to be placed in science textbooks.

Cobb County School District — the second largest in Georgia, with more than 100,000 students — started placing stickers in newly adopted high-school biology textbooks in the spring of 2002. The stickers read: “This textbook contains material on evolution. Evolution is a theory, not a fact, regarding the origin of living things. This material should be approached with an open mind, studied carefully and critically considered.”

But five local parents, backed by the American Civil Liberties Union of Georgia, sued the school district. They claimed the stickers inhibit the teaching of evolution and promote faith-based alternative views on the origins of life, including creationism and ‘intelligent design’.

On 13 January, Clarence Cooper, a judge at the district court in Atlanta, ruled that the sticker “misleads students regarding the significance and value of evolution in the scientific community”.

By placing stickers in science books, “the school board has effectively improperly entangled itself with religion by appearing to take a position”, he wrote in his ruling, and impressionable students “are likely to view the message on the sticker as a union of church and state”. This undermines the first amendment, the judge ruled. So, the stickers must go.



Sticky issue: creationists question Darwin's theory of evolution.

“This ruling is bigger than evolution,” says Jeffrey Selman, a computer programmer and one of the parents who filed the lawsuit. “This will defend keeping science education pure.”

The Cobb County Board of Education issued a written statement saying it was “disappointed” in the ruling, maintaining that

“textbook stickers are a reasonable and even-handed guide to science instruction”.

The board is expected to take legal advice sometime this week on whether or not to appeal, says Doug Goodwin, spokesman for Cobb County schools.

Textbook disclaimers are not a new tactic for spreading creationist views, says Eugenie Scott, head of the National Center for Science Education. The stickers have existed in one form or another since the 1970s and are popular with school boards across the country because they are cheap.

Although the Cobb County decision will not put an end to disclaimers entirely, there is a broader significance to the ruling, says Scott. “This is the first time that there has been a chance for a judge to rule on the softer forms of creationism.” She refers specifically to intelligent design, an intellectual movement that challenges evolution by maintaining that the complexity of the origin and diversity of life must have been created by an intelligent mind.

Scott sees intelligent design as an attempt to “repack creationism in a way that will avoid legal problems”. This will soon be tested in Dover, Pennsylvania — the first school district in the United States to add intelligent design to the science curriculum. Eleven parents have sued to overturn the policy and, according to Scott, the federal trial seems likely to begin this autumn. ■

## All parties on edge as NIH delays open-access briefing

Erika Check, Washington

The US National Institutes of Health (NIH) has cancelled a briefing on the final version of its new policy for open access to scientific literature — leaving the plan’s supporters and opponents anxious about what happens next.

On 10 January, officials at the biomedical research agency alerted reporters and other interested parties that the NIH would unveil its open-access policy the next day. But that same evening, they abruptly cancelled the announcement, and declined to say when it will be rescheduled.

The plan, whose progress has been followed avidly by scientific publishers and many researchers, has already been outlined by NIH director, Elias Zerhouni. He has written that the agency will request, but not require, that NIH-funded researchers submit the final, peer-reviewed version of

their publications to the NIH. The agency would then make the manuscripts freely available after a specified time.

Zerhouni has previously said that the papers would be made public on the National Library of Medicine’s PubMed Central website no earlier than six months after the date of publication (E. A. Zerhouni *Science* 306, 1895; 2004). But multiple sources briefed on the new version of the plan last week say that the date has now changed to 12 months post-publication.

Sources close to Congress and the NIH speculated that the White House had scuttled the NIH announcement over concerns that the issue would complicate the confirmation hearings of Mike Leavitt, whom President George Bush has nominated as health secretary. Those hearings were set to be held on 18 and 19 January. But some questioned

this explanation, which wasn’t officially confirmed. This has left each side of the open-access debate worrying that the policy may now be revised in favour of their opponents.

“Obviously the policy could change — we’ve certainly heard that it may,” says Barbara Meredith, a vice-president at the Association of American Publishers, which opposes early, open release of all research findings.

“The fact that they’ve postponed the announcement gives us concern,” says Emily Sheketoff of the American Library Association, which supports quick, open access to literature. Sheketoff worries that her opponents may now influence the policy. The NIH “is not waiting to hear more from us”, she frets. “It is waiting to hear more from them.” ■