

If equal time were granted to all of these positions, along with the many other creation myths from diverse cultures around the world, when would students have time to learn science? Given limited time and resources, and the ever-expanding body of scientific knowledge that students in a twenty-first-century society simply must learn for our nation to stay relevant technologically and economically, such ideas have no place in science classrooms where curricula are determined by the consensus science of the field, not polls on what the public believe. The place for introducing these ideas is in courses on history, cultural studies, comparative mythology, and world religions.

In any case, as far as public policy is concerned, creationists have lost all major court cases of the past half-century – most notably *Epperson v. Arkansas* in 1968, *McLean v. Arkansas Board of Education* in 1982, *Edwards v. Aguillard* in 1987, and *Kitzmiller et al. v. Dover* in 2005 – so legal precedent means that the chances of creationists or Intelligent Design proponents gaining access to public school science classrooms through legislation is nil.²⁴ Consensus science cannot be legislated by fiat from the top down. In the 1920s when evolutionary theory was not widely accepted and politically connected religious groups were successful in passing anti-evolution legislation making it a crime to teach Darwin's theory in public schools, the noted attorney and civil liberties defender Clarence Darrow made this case against the censorship of knowledge in the Scopes case:

If today you can take a thing like evolution and make it a crime to teach it in the public school, tomorrow you can make it a crime to teach it in the private schools, and the next year you can make it a crime to teach it in the hustings or in the church. At the next session you may ban books and the newspapers. Soon you may set Catholic against Protestant and Protestant against Protestant, and try to foist your own religion upon the minds of men. If you can do one you can do the other. Ignorance and fanaticism is ever busy and needs feeding. Always it is feeding and gloating for more. Today it is the public school teachers, tomorrow the private. The next day the preachers and the lecturers, the magazines, the books, the newspapers. After a while, your honor, it is the setting of man against man and creed against creed until with flying banners and beating drums we

are marching backward to the glorious ages of the sixteenth century when bigots lighted fagots to burn the men who dared to bring any intelligence and enlightenment and culture to the human mind.²⁵

In America, the First Amendment protects the right of citizens to express their opinions on anything they like, no matter how unconventional, crazy, conniving, or evil. You are free to doubt not just evolution, for example, but the Big Bang theory, vaccines, the germ theory of disease, and global warming. You can believe that JFK was assassinated by the KGB, Castro, the Mafia, Lyndon Johnson, and the Military Industrial Complex. You can contend that Princess Diana faked her death, along with Hitler and Elvis. You can even challenge the existence of God, Jesus, and the universe itself. No matter how much one may dislike someone else's opinion – even if it is something as disturbing or potentially disruptive as denying that the Holocaust happened or that some people may not be as successful because of innate racial or gender differences – that opinion is protected by the First Amendment. Not everyone thinks such freedom is good for a safe civil society. In particular, and paradoxically given the fact that the Free Speech Movement began at UC Berkeley in the 1960s, the past several years have seen campuses around the country erupt in flames over these charged issues, issuing lists of microaggressions that might offend people, trigger warnings about books that might upset readers, safe spaces to go to for protection from dangerous ideas, and the disinhibition of speakers who might espouse ideas different from the majority of people in the audience.²⁶ Shouldn't we protect people from speech that might be hateful and thus harmful? No. Here are eight reasons why.

1. Who decides which speech is acceptable and which is unacceptable? You? Me? The majority? The control of speech is how dictatorships and autocracies rule. We must resist the urge to control what other people say and think.
2. What criteria are used to censor certain speech? Ideas that I disagree with? Thoughts that differ from your thoughts? Anything that the majority determines is unacceptable? That's another form of tyranny, a tyranny of the majority.
3. It is not just the right of the speaker to speak but for the listeners to listen.

4. We might be completely right but still learn something new.
5. We might be partially right and partially wrong, and by listening to other viewpoints we might stand corrected and refine and improve our beliefs.
6. We might be completely wrong, so hearing criticism or counterpoint gives us the opportunity to change our minds and improve our thinking. No one is infallible. The only way to find out if you've gone off the rails is to get feedback on your beliefs, opinions, and even your facts.
7. Whether right or wrong, by listening to the opinions of others we have the opportunity to develop stronger arguments and build better facts for our positions.
8. My freedom to speak and dissent is inextricably tied to your freedom to speak and dissent. If I censor you, why shouldn't you censor me? If you silence me, why shouldn't I silence you? Once customs and laws are in place to silence someone on one topic, what's to stop people from silencing anyone on any topic that deviates from the accepted canon?

There are exceptions to the purely civil libertarian case for free speech, of course, most notably that you are not free to spread lies about someone that damage their reputation, safety, or income, nor are you free to distribute national secrets like the nuclear codes to known enemies. But never in history have a people been so free to speak their mind, and from that freedom emerges the truth, for the only way to know if your idea is wrong is to allow others to critique it.

CHAPTER 5

Ben Stein's Blunder

*Why Intelligent Design Advocates Are Not Free
Speech Martyrs*

PREAMBLE

I penned this essay in 2008 shortly after the release of a documentary film titled *Expelled: No Intelligence Allowed*. Directed by Nathan Frankowski and starring the popular conservative financial commentator Ben Stein, it featured many of the major proponents of creationism and Intelligent Design theory that I have debated or engaged with publicly in the past, including William Dembski, Stephen Meyer, Jonathan Wells, and Paul Nelson. The film also includes interviews with such noted scientists and scholars as Richard Dawkins, William B. Provine, Eugenie Scott, Michael Ruse, and Christopher Hitchens. Since I was also interviewed for the film and made an appearance therein, I was surprised to see how it turned out, given that it was pitched to me with an entirely different premise.

I include the essay in this section on freedom of speech as the central premise of *Expelled* is that there is an academic conspiracy afoot among scientists and scholars to censor the speech of creationists and Intelligent Design advocates. As the film appeared in over a thousand movie theaters and grossed \$7.7 million (on a budget of \$3.5 million) and was widely discussed in popular culture and the media, evidently we aren't very adept at censorship. More importantly, I felt I needed to set the record straight about what the film is really about and why the speech of those who hold a different view of the origins and evolution of life on earth is not being suppressed. The government never moved to censor the film, theater owners gladly screened it, and a nontrivial portion of the public viewed it. What Stein and his on-camera voices object to is that