

NEWS AND COMMENTS

CREATION-SCIENCE AND THE LOUISIANA BALANCED-TREATMENT ACT

On Wednesday, December 10, 1986, the merits of the Louisiana Balanced Treatment of Creation-Science and Evolution-Science Act (see *Origins* 12:38-40; 13:36-37) were heard by the nine justices of the U.S. Supreme Court. Representing the State of Louisiana, attorney Wendell R. Bird argued that the statute intended to ensure that *all* the scientific evidence for origins — including evidence supporting creation-science — would be taught in public-school science classes. Jay Topkis, a New York City lawyer representing the American Civil Liberties Union (ACLU), contended that creation-science was merely pseudoscience and that legal attempts to enforce its teaching were promoted by Christian fundamentalists who wanted to “give God equal time” with “godless evolution.”

The court is expected to rule on the case by July. The final decision will depend upon the justices’ perception of the statute’s intent. If its primary purpose is perceived as promoting religion, it will be considered a violation of the U.S. Constitution’s prohibition against the establishment of religion.

Previous decisions by lower courts reveal a tendency for judges to equate presenting scientific evidence for creation-science with indoctrination in religion. They have consistently overruled the creationists’ appeals for “academic freedom,” “equal time,” “alternative views,” and “fairness” by agreeing with the evolutionists’ charges that creation-science is a religious belief and that laws to enforce its teaching are unconstitutional.

Opponents of “Scopes Trial II” lawsuits are alarmed by the support given to legal measures to enforce the teaching of creation-science in science classes. They fear that “balanced treatment” is only the first step in the process whereby evolution will be limited in presentation and eventually banished from the science classes not only in Louisiana, but throughout the United States. Martha Kegal, president of the Louisiana ACLU, describes the Balanced-Treatment Act as “the latest wrinkle in a century-old attempt to ban the teaching of evolution.”

If the Louisiana Balanced-Treatment Act is struck down because creation-science is not perceived as having a secular intent, evolutionists will consider it a major victory. Perhaps in future lawsuits, creationists can then return to emphasizing the “free exercise of religion” clause of the

First Amendment to the U.S. Constitution by arguing that even though creation theory has a religious basis, the scientific evidence which supports it should be presented in public-school science classes.

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