US creationism

Louisiana law thrown out

Washington

THE Louisiana law requiring "balanced treatment" of evolution and creationism in the public schools has been found unconstitutional by a federal judge. This is the second time since 1982 that such a state law has been thrown out by a federal court. And because this time the decision came in the form of a summary judgment, finding that the law is unconstitutional, other states are unlikely to test the courts further. No other state at present has a creationism law on the books.

The Louisiana attorney general has announced that he will appeal Judge Adrian Duplantier's decision to the federal circuit court, but meanwhile the state has agreed not to begin enforcing the statute.

The plaintiffs in the case, represented by the American Civil Liberties Union (ACLU), argued in their motion for summary judgment that no trial was necessary because no facts were in dispute. Judge Duplantier agreed. "Because it promotes the beliefs of some theistic sects to the detriment of others", he wrote in a ten-page decision, "the statute violates the fundamental First Amendment principle that a state must be neutral in its treatment of religions." Duplantier said that it was not necessary to repeat the lengthy 1982 trial of Arkansas's similar statute, in which dozens of expert witnesses testified as to what constituted science. "Whatever 'science' may be", Duplantier wrote, "'creation', as the term is used in the statute, involves religion, and the teaching of 'creation-science' and 'creationism', as contemplated by the statute, entails teaching tailored to the principles of a particular religious sect or group of sects."

The Louisiana law had avoided one pitfall of the earlier Arkansas statute by not providing specific definitions of "creation-science" and "evolution-science", thus making it a relatively easy matter to show that "creation-science" derives directly from *Genesis*. The Louisiana law simply declared "creation-science" to be the "scientific evidence for creation and inferences from those scientific evidences". Schools would not have been required to teach "the subject of origin", but if they had chosen to do so, equal time would have had to be given to evolution and creationism. A seven-member panel of "creation scientists" would have been appointed by the governor to advise local school districts on a suitable curriculum.

The "balanced treatment" approach was formulated by the creationist organizations (a model statute, drafted by the Institute for Creation Research, has been introduced in several state legislatures and was the basis for both the Arkansas and Louisiana laws) in an attempt to skirt earlier court decisions that laws banning the teaching of evolution are unconstitutional. Arkansas

had such a law on the books until 1969, when it was thrown out by the US Supreme Court. Opponents of the equal-time law argued that its obvious intent was to make the teaching of evolution so controversial and difficult that schools would choose to avoid the issue altogether.

Duplantier said it was unnecessary for him to consider the evidence that the state had presented, in over 1,000 pages of memoranda and affidavits, contending that creationism is science. A trial "could not affect the outcome". Duplantier said "we decline to put the people of Louisiana to the very considerable needless expense (in-

cluding fees of attorneys on both sides) or a protracted trial". The Arkansas trial cost the state not only its own legal expenses; it also had to pay ACLU's \$1.2 million bill for legal fees.

Martha Kegel, executive director of ACLU in Louisiana, said the decision in Louisiana sets a precedent for a "knock-out blow" to creationist statutes. The creationists, however, had already appeared to have begun shifting strategy after the Arkansas statute was voided in 1982 and after an earlier setback for the Louisiana law last year. (At that time, Duplantier held the law to violate the state constitution's delegation of authority over curriculum matters to the state's board of education but he was overruled on this point by the state Supreme Court; that was when the case came back to him to be heard on federal constitutional grounds of separation of church and state.)

Wayne Moyer of People for the American Way, a first-amendment lobbying group, notes that creationist efforts have been moving more and more to the local level. A number of local school boards have adopted creationist curricula; most of these have been successfully reversed by local action by concerned parents, teachers and clergy. Moyer also cited several recent cases in which individual teachers have been attacked by local creationists for teaching evolution. These cases, Moyer noted, are much harder to learn about and oppose.

Stephen Budiansky

Press goes off to Moscow

Washington

DR Frank Press, president of the US National Academy of Sciences, is in Moscow this week to discuss reestablishing a programme of scientific exchanges with the Soviet Academy of Sciences. A large part of the programme was suspended in 1980 by the National Academy in protest against the internal exile of Soviet dissident Andrei Sakharov.

Press was to have made the trip last summer, but cancelled it at the last minute amid growing concern that Sakharov was in failing health and might even have died. An earlier scheduled trip was cancelled following the Soviet downing of the Korean airliner in autumn of 1983.

Press said last week that he had informed the Soviet academy two or three months ago that he was now ready to rearrange the visit. He said that discussions with academy members and people who had recently visited the Soviet Union had convinced him that it was a good time to start talking again.

The programme suspended in 1980 provided for the academies to sponsor joint symposia that would bring together scientists from both countries. Such meetings had been going on since 1959. Since 1980, the only official contact between the two

academies has been through a Committee on International Security and Arms Control. During the period, however, the academy has continued to help to arrange individual scientific exchanges under a programme sponsored by the National Science Foundation.

These exchanges were cut almost in half in 1981, from 100 man-months per year each way to 56, but have remained steady since then. The reduction in 1981 reflected the Reagan administration's budget austerity measures rather than direct political sanctions, although the Reagan administration made no bones about its belief that the Soviets were getting more than they were giving in scientific exchanges between the two countries.

The academy is clearly sensitive about Press's visit, as little new information has emerged about Sakharov's condition since last summer. Press stressed that his discussions with the Soviet Academy will be only "explanatory". The academy would not confirm reports that Press would attempt to see Sakharov during his visit, although it is reasonably certain that Press will at least raise the subject of Sakharov's treatment when he meets A.P. Alexandrov, president of the Soviet Academy.

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