Creationism fight isn’t finished yet

NEW ORLEANS (AP) — The opera isn’t over until the fat lady sings, as the saying goes — and the final aria on Louisiana’s creation science law hasn’t been sung yet.

The U.S. District Court judge who ruled Monday that the law violated the state Constitution also took pains to point out that the Louisiana Supreme Court may have a different view.

Judge Adrian Duplantier said he could not refer the legal issue to the state high court for its decision — but he added that “if this decision is appealed, the 5th Circuit Court of Appeals can do so.”

State Attorney General William Guste promptly announced the decision will, indeed, be appealed to the 5th circuit.

Duplantier’s decision noted that if the state Supreme Court ruling should favor creationism, then the case would be returned to him for trial on the basic issue of whether the law is an attempt to put religion into public school textbooks under the guise of science.

The religion issue, the bottom line in this controversy, was not touched by the decision.

Opponents of creationism contend it is simply an effort to circumvent the U.S. Constitution’s ban against state support of religion. Backers, mainly fundamentalist religious forces, say the law only gives their view “balanced treatment” in schoolrooms.

In fact, the law’s official title is the “Balanced Treatment for Creation Science and Evolution Science Act.”

The judge’s ruling centered entirely on whether the Legislature violated the state Constitution in bypassing the state Board of Elementary and Secondary Education, known as BESE, to require a course of study.

BESE asked Duplantier to rule that the Legislature had infringed on BESE’s authority, and he agreed that it did.

Since enforcement of the creationism law would cost the state money for new textbooks, the law has been under suspension pending the outcome of the legal fight.

Actually, the law had fallen upon lean times even before Duplantier’s ruling. The Legislature refused to put up more money for legal expenses, rejecting a plea for another $100,000.

Guste said he will file the appeal to the 5th Circuit because it won’t cost much. No hearing will be required until the matter is taken up by the appeals court, he added, and that time is six months to a year away.

The law would require that “creation science” be taught if the theory of evolution is part of the course. “Creation science” closely resembles the Biblical account of the Earth’s formation.