violated the state constitution.

Don Aguillard joined the Orleans Parish school board, religious leaders and other co-plaintiffs in charging that the Balanced Treatment Act, which was supposed to go into effect this year, violated the free speech provision of the U.S. Constitution as well as a provision of the Louisiana constitution which gives the state Board of Elementary and Secondary Education (BESE), not the legislature, power to make policy for public schools. Duplantier ruled only on the state issue.

The Balanced Treatment Act requires that public school teachers who teach evolution also must teach the biblical account of creation. It is the only such law in the country; a similar law in Arkansas was ruled unconstitutional last year.

Aguillard said that the law violates the state constitution because in years gone by the legislature passed laws mandating driver's education in the high schools and other co-plaintiffs in charging that the Balanced Treatment Act, which was supposed to go into effect this year, violated the free speech provision of the U.S. Constitution as well as a provision of the Louisiana constitution which gives the state Board of Elementary and Secondary Education (BESE), not the legislature, power to make policy for public schools. Duplantier ruled only on the state issue.

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Aguillard said that the law marked "the first time the legislature mandated what is to be taught in the classroom. It infringes upon my task of selecting appropriate material for my classroom." Beyond the Constitutional issues, Aguillard believes that the required teaching of creationism puts science teachers in the position of having to teach something that has never been proved by the scientific method. "Creation science attempts to disprove that evolution is valid, and by doing so, creation science suggests that their theories are correct," he said. "Creation science never offers solid evidence that their concept is correct. It's always an 'if-then' situation: If evolution science is not correct, then creation science must be. We never teach that type of thinking in the classroom.''

In reading articles published about creationism in scholarly journals, Aguillard says he has "not found a single article that seriously suggests that creationism is a legitimate science." Rather, he says, creationists look for flaws in evolution to prove their points.

Duplantier only dealt with the constitutional issue of the legislature's function in controlling curriculum content. He likened the law to requiring that economics teachers teach certain economic theories.

Aguillard has not won the fight, but merely round one. Shreveport State Sen. Bill Keith, the law's principal sponsor, said the decision is being appealed to the 5th Circuit Court of Appeals in the hopes that the circuit court will either overturn the recent ruling or transfer the case back to the Louisiana Supreme Court.

Keith questioned Duplantier's decision that only "the Board of Elementary and Secondary Education can establish curricula in the public schools."

"We find this quite interesting," he said, "because in years gone by the legislature passed laws mandating driver's education in the high schools and courses in free enterprise in the public schools. The BESE board never questioned any of those laws.''

Nor did BESE lobby against the 1979 attempt to require schools to teach sex education, he said. The attempt failed.

Duplantier answered that argument by saying that there is a difference between "dictating to the public schools that a subject must be taught" and saying "how it must be taught."

"Actually, I'm sure there would be a difference," Keith said. But, the Balanced Treatment Act does not mandate how creationism must be taught, he reasoned.

"The judge left an open door in his decision," the senator said. In other words, if the state and federal courts disagree, the case will go to trial. Aguillard will be a principal witness, according to Martha Kegel, executive director of the American Civil Liberties Union of Louisiana. Attorneys on both sides have already gotten his testimony transcribed by a court reporter.

Aguillard fears that if the federal judge's ruling is overturned, and the Balanced Treatment Act is reinstated, school districts in the state will stop teaching evolution, in order to get out of teaching creationism. This would be an economic decision, he said: with budgets tight, school districts may feel as if they "need not spend their textbook allotments replacing science textbooks.