

NEWS AND COMMENTS

THE U.S. SUPREME COURT RULES AGAINST CREATION-SCIENCE

On June 19, 1987, by a vote of 7-2, the justices of the U.S. Supreme Court struck down the Louisiana Balanced Treatment of Creation-Science and Evolution-Science Act. Previous issues of *Origins* (12:38-40; 13:36-37, 86-87) have discussed the legal battles over this 1981 Act which required the equal presentation of scientific evidence for creation whenever evolutionary ideas concerning origins are presented in public-school science classes.

The justices did not rule on the validity of scientific evidence for creation; rather, they rejected the Louisiana law's pre-eminent purpose, which they perceived to be "clearly to advance the religious viewpoint that a supernatural being created humankind." Representing the majority opinion, Justice William J. Brennan, Jr. stated that the law's purported neutrality was a sham and that its actual purpose "advances a religious doctrine by requiring either the banishment of the theory of evolution from public school classrooms or the presentation of a religious viewpoint that rejects evolution in its entirety." Rather than advancing academic freedom, Brennan said, "The act actually serves to diminish academic freedom by removing the flexibility to teach evolution without also teaching creation science."

Walter Slocombe, an attorney who had filed a brief representing 72 Nobel-Prize winning scientists and 17 state academies of science who opposed the Louisiana law, applauded the verdict: "This decision tells lower courts and responsible state legislatures that simply relabeling religious dogma as pseudoscience won't do."

In a 31-page dissenting opinion, Justice Antonin Scalia and Chief Justice William H. Rehnquist argued that the merits of the law had not been fully considered by the lower courts and that it should have been returned to the appeals courts for a trial that would have given definition to "creation science." The two justices compared the ruling to the 1925 Scopes Trial:

In this case ... the Court's position is the repressive one. The people of Louisiana, including those who are Christian fundamentalists, are quite entitled, as a secular matter, to have whatever scientific evidence there may be against evolution presented in their schools, just as Mr. Scopes was

entitled to present whatever scientific evidence there was for it... Yet that illiberal judgment, that Scopes-in-reverse, is ultimately the basis on which the Court's facile rejection of the Louisiana Legislature's purpose must rest.

Although the Supreme Court ruling apparently killed further attempts to enforce the teaching of creation-science through state laws, the creation movement is not dead. Arthur J. Kropp of People for the American Way predicted that “the battle to stop this thinly veiled fraud isn’t over.” Louisiana Attorney General William Guste observed that teachers should be able to present evidence favoring creation, because the Supreme Court recognizes that teachers “already possess” the “flexibility to teach *all* the scientific evidence about the origins of life.” The monitoring of state textbooks and science curricula is expected to continue, along with individual lawsuits by teachers who are punished or prohibited from teaching a variety of theories, including creation-science.

Katherine Ching