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2016 Legislature

REGULAR SESSION

Bills aimed at striking unlawful statutes

Gay marriage ban, anti-sodomy law not among efforts

BY REBEKAH ALLEN
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An effort is afoot in the Legislature to revise Louisiana's law books and chip away at statutes that have been declared unconstitutional and unenforceable yet remain on the books.

Republican Sen. Dan Claitor has proposed a variety of bills that would delete outdated laws, like one that caps LSU parking violation fees at \$1 and another that requires teachers to present both creationism and evolution in the classroom in a balanced manner. Neither of those laws is enforced.

The laws he's targeting are mostly noncontroversial — like one that addresses attorneys' fees for people who sue elected officials — with the exception of the law about teaching creationism in schools.

Claitor has tried unsuccessfully to repeal this law in previous years. The Family Forum advocated against removing it.

The Balanced Treatment for Creation Science and Evolution Science Act has been on the books since 1981, but it was ruled unconstitutional by the U.S. Supreme Court in 1987. The law forbade the teaching of evolution in public schools unless it was accompanied by lessons on creationism.

Gene Mills, president of the Louisiana Family Forum, said he's unsure if he will oppose Claitor's bill this year. He said discussing creationism in the classroom is protected by the Louisiana Science Education Act, a law passed in 2008 that allows teachers to supplement their science instruction with theories that are critical of evolution and global warming.

State Senator Dan Claitor (R-District 16) is leading an effort in Louisiana to

repeal various outdated laws on its books. In a recent report on these efforts, there's an interesting comment from radical cleric Gene Mills. In both the online and print editions of the Baton Rouge *Advocate*, Mills—head of the state affiliate of Focus on the Family—was asked about Claitor's bill repeal a 1981 law requiring "balanced treatment" for evolution and creationism. The 1981 law was struck down by the US Supreme Court in 1987's *Edwards v. Aguillard* decision, but it was never taken off Louisiana's books.

Gene Mills, president of the Louisiana Family Forum, said he's unsure if he will oppose Claitor's bill this year. He said discussing creationism in the classroom is protected by the Louisiana Science Education Act, a law passed in 2008 that allows teachers to supplement their science instruction with theories that are critical of evolution and global warming.

Now, since the misnamed LSEA was proposed, its advocates have claimed that there was nothing creationist about it, but here Mills seemed to be giving away that game, agreeing that the bill really does protect creationist lessons.

A few hours after that story went online, [the passage was revised](#) [11], switching up the reference to creationism and adding an editor's note:

Gene Mills, president of the Louisiana Family Forum, said he's unsure if he will oppose Claitor's bill this year. He said discussing the weaknesses of the theory of evolution and other scientific theories in the classroom is protected by the Louisiana Science Education Act, a law passed in 2008 that allows teachers to supplement their science instruction with alternative theories. ...

Editor's note: this story has been changed from the original version to reflect that the Louisiana Science Education Act does not expressly protect the discussion of Creationism in the classroom. Instead, it protects the discussion of strengths and weaknesses of any given scientific theory, by allowing teachers to supplement science instruction with theories critical of topics like evolution and global warming.

The editor's note looks for all the world like a direct quote from an email, either from Mills or even the *Disco*. 'tute. To be fair, it isn't clear whether the revision happened because Mills didn't actually say "creationism," or if he just bullied the paper into toning down the story.

Either way, what Mills said undercuts the rhetoric of the law's defenders, and demonstrates the point critics have been making. Mills appears to feel that the LSEA covers comparable ground to the 1981 law, that "the discussion of strengths and weaknesses" of evolution is the rough equivalent of requiring equal time for creationism.

Indeed, Mills wouldn't be the first to see things that way. Just after the 1981 law was struck down, Wendell Bird (the general counsel for the Institute for Creation Research who was deputized by the state of Louisiana to defend the "balanced treatment" law) wrote an essay laying out the strategy which ultimately led to the creation of the LSEA:

In the meantime, school boards and teachers should be strongly encouraged at least to stress the scientific evidences and arguments *against evolution* in their classes (not just arguments against some proposed evolutionary mechanism, but against evolution *per se*), even if they don't wish to recognize these as evidences and arguments *for creation* (not necessarily as arguments for a particular date of creation, but for creation *per se*). To do anything less is equivalent to making humanistic evolution an article of faith, and this would be an establishment of religion! It is important to note that the teaching of "theistic evolution" is no more permissible under this decision than is "theistic creation," since both concepts require the production of human beings by God. Theistic evolution has always been both unscriptural and unscientific, and now it is also illegal, so it would seem that those theistic evolutionists who have argued against having creation taught in the schools have hurt their own cause at least as much as they have that of the creationists.

From Wendell Bird (1987) "The

Supreme Court Decision and Its Meaning," ICR Impact #170. school boards and teachers should be strongly encouraged at least to stress the scientific [sic] evidences and arguments *against evolution* in their classes (not just arguments against some proposed evolutionary mechanism, but for creation *per se*), even if they don't wish to recognize these as evidence and arguments *for creation* (not necessarily as arguments for a particular date of creation but for creation *per se*).

Mills's comments on repeal of the 1981 law seem to repeat this line of argument, implying that arguments against evolution are *de facto* arguments for creationism. The anti-evolution lessons the law explicitly protects will have the same effect as the creationist lessons from the 1981 law. And until the legislature acts to repeal the LSEA, the 1981 "balanced treatment" law is far from dead letter.

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