through as finalists in the competition run this year by the SFC. Ashland proposed to build a coal liquefaction plant in Breckinridge, Kentucky. The goal at first was to produce 20,000 barrels a day; then, reflecting more realistic cost estimates, the project was cut in half. Now Ashland has given up entirely.

The other SFC finalist was a coal-to-methanol-to-gasoline scheme in Wyoming, known as the Hampshire project. It became unraveled in October when the chief backer, Standard Oil of Ohio, decided to get out. The remaining partners are looking for a new investor, and one of their prime candidates is the U.S. government.

Earlier, on 2 May, Exxon scuttled another plant, the Colony shale oil project in Colorado. The partners in that case had received $1.1 billion from DOE before the SFC was officially in operation. Now the Colony partners have returned the money, and the Treasury Department is dickering with the SFC over who gets to keep it.

One other project has won government support, the Great Plains coal gasification plant in North Dakota. The congressmen who backed it were so doubtful of the SFC's intentions that they ordered the project kept within DOE, which is solely responsible for monitoring it. With the help of a $2 billion federal loan guarantee, the Great Plains project should start producing gas by the end of 1984. Work is proceeding on schedule.

The reasons Ashland gave for dropping out were predictable. Costs turned out to be greater than anticipated, and private investors were unwilling to throw in more money. It is particularly hard to find cash now because the demand for energy is slack and new oil sources are appearing, it seems, every week. Oil prices are likely to remain stable for a long time, making synfuels uncompetitive. In addition, Ashland complained that the tax reform bill passed earlier this year made oil investments less profitable.

It seems that the SFC has been put in charge of a mission without missionaries. The SFC chairman, Ernest Noble, insists that the agency will sponsor "half a dozen plants" in the next year. The purpose is "to prove once and for all," Noble says, "for the rest of the world to see, that the United States can convert its reserves of coal and oil shale and tar sands into liquids and gas. . . ." This will help keep energy prices down, he claims.

Some congressmen are eyeing the SFC's cash reserve hungrily, for they see in it a quick and ready meal for the housing industry. They would like to create new mortgage subsidies, but would also like to avoid appropriating new funds. Thus, if the SFC is to build its half dozen plants, it may have to move quickly. Indeed, Noble announced recently that the agency is adopting a new "more active role" to reach out and help applicants put together the financing they need. Of the 12 candidates for SFC financing now awaiting a decision, two are likely to receive preliminary letters of support from the SFC in December, officials at the agency say. They hope that this will keep enthusiasm alive.

—ELIOT MARSHALL

ACLU 2, Creationists 0

Louisiana's creationism law, passed by the state legislature in July 1981, was struck from the statute book by federal judge Adrian Duplantier in New Orleans on 22 November. Duplantier declared that the law violated the state constitution, which confers authority to determine school curricula on the Board of Elementary and Secondary Education (BESE) not on the legislature.

A similar law enacted in Arkansas was struck down earlier this year because, decided judge William Overton, it violated the federal constitution, specifically the First Amendment clause directing the separation of church and state.

"The Louisiana decision is a tremendous victory," says Jack Novik, a lawyer with the American Civil Liberties Union (ACLU) who was involved in both cases. "We have defeated the creationists at the federal level by showing that so-called creation science is just religion in disguise. And we have now defeated them at the state level by showing that a legislature cannot mandate detailed curricula. They will find it very difficult to come back after this."

Attorney General William Guste, who has been defending the law with the help of creationist lawyer Wendell Bird, has said he will appeal Duplantier's decision.

The tussle between the creationists and the ACLU in Louisiana has been long and tortuous. First, the creationists filed suit in federal court in Baton Rouge, asking for judgment that the law was indeed constitutional. Judge Frank Polozola eventually dismissed this unusual suit on the grounds that his court had no jurisdiction over the issue: federal court cannot compel state officials to enforce a state law.

Meanwhile, the ACLU had filed suit in New Orleans with a complaint like that which had prevailed in Arkansas. This suit was, however, stayed, pending the outcome of the Baton Rouge case. Even with the dismissal of the creationists' suit, the ACLU's case was never revived. Instead, the judge in New Orleans indicated he would be prepared to receive a motion for summary judgment on the purely legal grounds of the provisions of the state constitution. The motion was submitted in October and granted in November.

In his decision Duplantier said: "Specifically, BESE contends that under the 1974 Louisiana State Constitution it, and not the legislature, has the sole prerogative to mandate the teaching of a course of study." The creationists' position was that the constitution gives final responsibility on educational matters to the legislature. Duplantier noted that in only one case had the Louisiana Supreme Court discussed the power of BESE under the new constitution, the case of *BESE* v. *Nix* (1977). Both parties cited the case in their submissions, but Duplantier decided that "We reject the contention that the legislature has 'absolute authority' over BESE."

Duplantier allowed that the legislature has some authority over curriculum content. But he went on to explain that "By way of analogy, it might be constitutional for the legislature to direct that the public schools teach a course in economics, but clearly the legislature could not require that conflicting theories each be given 'equal treatment'."

If Duplantier's decision were to be overturned on appeal, and the creationist law revived, then the ACLU's suit on the constitutionality of the law could be revived also. Meanwhile there is now no law in the land mandating the teaching of the Biblical account of creation in the guise of science.—ROGER LEWIN