



The North Texas

Skeptic

Volume 19

October 2005

Number 10

<http://www.ntskeptics.org>

Trials of Dover

by John Blanton

Be careful what you wish for...¹

I don't have to finish the line. By now everybody who follows the creation/evolution controversy knows the sad story of Dover, PA.

It surely started innocently enough. The wise and sensible of the community rested comfortably in the knowledge that this was the twenty-first century, and the world was running safely on auto pilot. Meanwhile, the less wise and sensible saw that the world needed a pilot, and they knew the pilot's name. They also knew just what to do, and they took action.

Carol "Casey" Brown and her husband Jeff Brown were members of the Dover Area school board last year when the issue came to a head. The wife of board member William Buckingham told members that students needed to learn about biblical creation. She also quoted from the Old Testament. Brown, in court testimony, likened the atmosphere at the board meeting to an old style tent revival. Responses to Charlotte Buckingham's remarks were

greeted by amens from others in attendance. Attendees were told how to accept Jesus as their personal savior.

In the end, the creationists did not push for biblical creation in the science curriculum. Religiously motivated board members opted, instead, to go for biblical creationism's weaker cousin, Intelligent Design. Although Intelligent Design was not the creationists' first thought—Jeff Brown was the first to use the phrase in this venue—advocates for change did set out to diminish Darwin's influence. The board had previously put off buying new biology texts, citing budget constraints. Then when the opportunity came to buy new books, William Buckingham sought to reject books that were "laced with Darwinism." He and his political allies subsequently agreed to buy the offending texts, provided the anti-evolution book *Of Pandas and People* was also included.

The anti-evolution contingent failed to muster the clout to purchase the *Pandas* book, so they sought private donations to obtain it. Buckingham's contingent pushed for approval of *Pandas* at a board meeting in October last year, bypassing the traditional policy of running such questions by a panel of interested citizens. *Pandas* was approved 6-3,

EVENTS CALENDAR

NTS Social Dinner and Board Meeting

Saturday 22 October
at 7 p.m.
Good Eats Grill
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Dallas, TX
(214) 691-3287

Upcoming NTS Events for 2005

Future Meeting Dates
November 12 2005
December 10 2005

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with only the Browns and one other member opposing. When Jeff and Casey Brown resigned from the board in protest, board member Alan Bonsell called Casey an atheist. William Buckingham told her she was going to hell.

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Our newsletter, *The North Texas Skeptic*, is
 published monthly by The North Texas Skeptics, P.O.
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Two months after the October meeting, eleven residents of the school district filed a complaint against the board and its members in the United States District Court for the Middle District of Pennsylvania. The filing said in part:

On October 18, 2004, the defendant Dover Area School District Board of Directors (“Dover School Board”) passed by a 6-3 vote the following resolution:

Students will be made aware of gaps/problems in Darwin’s theory and of other theories of evolution including, but not limited to, intelligent design. Note: Origins of Life is not taught.

On November 19, 2004, the defendant Dover Area School District announced that teachers would be required to read a statement to students in the ninth grade biology class at Dover High School that includes the following language:

Because Darwin’s Theory is a theory, it is still being tested as new evidence is discovered. The Theory is not a fact. Gaps in the Theory exist for which there is no evidence. A theory is defined as a well-tested explanation that unifies a broad range of observations.

Intelligent design is an explanation of the origin of life that differs from Darwin’s view. The reference book, *Of Pandas and People* is available for students to see if they would like to explore this view in an effort to gain an understanding of what intelligent design actually involves. As is true with any theory, students are encouraged to keep an open mind.

Thus, the Dover Area School District intends to teach students that there are gaps and problems in the scientific theory of evolution and present “intelligent design” to students in public school science class as an alternative to the scientific theory of evolution.

Intelligent design is a non-scientific argument or assertion, made in opposition to the scientific theory of evolution, that an intelligent, supernatural actor has intervened in the history of life, and that life “owes its origin to a master intellect.” The phrase “intelligent design” was first widely used in the book *Of Pandas and People: The Central Question of Biological Origins* and has been vigorously promoted by opponents of the scientific theory of evolution for the last fifteen years. Unlike the theory of evolution, however, intelligent design is neither scientific nor a theory in the scientific sense; it is an inherently religious argument or assertion that falls outside the realm of science.

Intelligent design has been publicly promoted by an organization called the Discovery Institute and others as a means of challenging the scientific theory of evolution in public classrooms and replacing it with so called “science” that is “consonant with Christian and theistic convictions.” The purpose of the Dover School Board in passing the October 18 resolution was similarly religious.

The Board decided to amend the district's biology curriculum to include the presentation of intelligent design over the objection of the Dover High School's science faculty. The leading proponent on the Board of the October 18 resolution stated during the Board's discussion of the biology curriculum, "Two thousand years ago, someone died on a cross. Can't someone take a stand for him?" The Dover Area School District has also arranged for Dover High School to be supplied with the book *Of Pandas and People: The Central Question of Biological Origin. Of Pandas and People* is, by acknowledgment of its authors, directed at making the "favorable case for intelligent design," and raising doubt about natural descent (i.e., the scientific theory of evolution).

Jeff Brown had warned the board members they were asking for trouble if they persisted in advancing a religious program. Although the board's actions do not overtly promote religion, the plaintiffs' filing points out the religious intent behind them. In this the plaintiffs have a significant legal precedent on their side. In the case of *Edwards v. Aguillard*, the Supreme Court concluded in 1987 that "teaching a variety of scientific theories about the origins of humankind to school children might be validly done with the clear secular intent of enhancing the effectiveness of science instruction." However, this is only one sentence in the 3800-word opinion of the court. Justice William Brennan, writing the majority opinion also pointed out:

In this case, the purpose of the Creationism Act was to restructure the science curriculum to conform with a particular religious viewpoint. Out of many possible science subjects taught in the public schools, the legislature chose to affect the teaching of the one scientific theory that historically has been opposed by certain religious sects.

Evidence in the case also highlighted the stated ambitions of the "equal time" law promoters to advance religion in Louisiana's public schools. Unofficial remarks and actions by Dover school board members expose a similar intent.

Apparently somebody in Dover has been boning up on legal history, because backpedaling has become the order of the day. Damning utterances from Dover board meetings are now being denied by their sources. Unfortunately for the creationists, newspaper reporters present at some board meetings have published their remarks. The creationists have had no recourse but to challenge the reporters' stories. Two reporters have been subpoenaed to testify in the trial about their observations. Rather than become an arm of the court, both have demurred.

Joseph Maldonado, 37, a freelancer for the York Daily Record/Sunday News, and Heidi Bernhard-Bubb, 28, a freelancer for The York Dispatch, both invoked their reporter's privilege against being called to testify at the

depositions. Their decision to rely on their First Amendment right of freedom of the press in a First Amendment trial over the separation of church and state could result in [Middle District Court Judge John E.] Jones' fining or jailing them.²

What a difference a year makes. The threat of legal accountability has put the fear of God into some. Who knew that what goes around comes around? Board members who previously trumpeted the wonders of biblical creation, now seem to have lost their dictionaries. Creationism is a foreign word to them, and nobody seems to know who the Intelligent Designer was. Could have been anybody. Space aliens have never seen such popularity at a school board, and nobody dare speak Jesus' name. Intelligent Design in public schools? The Discovery Institute has excused itself from the trial, and its historical godfather states publicly that Intelligent Design is not suitable for public schools. Yet.

Now comes the bad part. Sportsmanship has never been part of the judicial landscape, and the Dover trial promises to be no different. The plaintiffs have the facts on their side, and, as testimony begins, scientists are piling it on. Pity the poor quarterback for the creationists.

The predictable legions of Nobel laureates are coming forward to denounce creationism in general, and Intelligent Design in particular. Other scientists who have been involved in these debates for years are presenting on a world stage their icy analyses of the Intelligent Design scientists' flimsy efforts. What had, prior to Dover, been a gentlemanly skirmish, is now unfolding into a on-sided death match. It may well put an end to the public's love affair with Intelligent Design.

There is one disturbing aspect to this whole mess. The creationists were dead sure that eliminating Darwin from the schools while pimping for creationism would work to restore morality to the community's youth. And what message are the youngsters receiving? You are not really responsible for all your words or actions. Only those that can be pinned on you in a court of law. Nothing was said or done that can be successfully denied. What ever happened to "I said it, I did it, and I stand behind it?"

Some have pointed out the similarities to the Scopes trial of 80 years ago. Although differences abound—John Scopes was a willing subject of a test case of a law that prohibited teaching evolution—there is a chilling thread of similarity. The acid pen of H.L. Menken, who came to sneer and found what he wanted, made Dayton, Tennessee, the laughing stock of the world. When the evolutionists and their detractors are done with Dover, when will we ever again speak the name without a smirk?



References

- 1 This article was compiled from sources made available by the National Center for Science Education. Use the following link for the complete story: <http://www2.ncseweb.org/wp/>
 - 2 *York Daily Record*, posted at <http://ydr.com/story/doverbiology/87313/>
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Scientific repression

by John Blanton

The creationists have warned us all along. The scientific establishment protects its turf. Whenever a fresh idea rises to challenge the established paradigm, the gate keepers of the sacred truth heap ridicule on it and beat it down. Proponents face rejection when they attempt to publish their papers, and their careers are in jeopardy. Younger scientists find it difficult to get employment, and even tenured academics find themselves shunted off onto dead end assignments.

Creationists know all of this, because it happens to them all the time. Beyond the tribulations faced by other pioneers of science, creationists regularly endure the scorn of left-wing journalists and the overt oppression of governmental agencies and unionized educators. To date, all attempts to open student's minds to the new science of Intelligent Design have met defeat. A hideous conspiracy by closed-minded bureaucrats and judges is thwarting their attempts to advance this scientific knowledge.

Lest you think creationists bear this burden alone, consider the case of Dr. J. Robin Warren, 68, and Dr. Barry J. Marshall, 54. Twenty-six years ago this pair of Australian physicians challenged the decades-old medical dogma that peptic ulcers are caused by too much stomach acid. They proposed, instead, that a lowly bacterium was the cause.

The reaction of the scientific establishment was predictable. The pair faced ridicule from fellow scientists and the huge pharmaceutical industry. Tremendous profits from the sale of anti-acid medicines were at stake. This new science would not be allowed to survive.

Except that doctors Warren and Marshall did some experiments and proved their case. This week they share the 2005 Nobel Prize for medicine.

Creationists, you're up next.



What's new

By Robert Park

[Robert Park publishes the What's New column at <http://www.bobpark.org/>. Following are some clippings of interest.]

Dover: Discovery Institute watches glumly from the sidelines.

The first week of *Kitzmiller v. Dover Area School District* got underway on Monday. Eight families are suing the school board over a requirement that a statement on Intelligent Design be read to students before classes on evolution. The first witness for the plaintiffs was Ken Miller, a Brown U. biologist who wrote *Finding Darwin's God*, which demolishes intelligent design. An attorney for the School Board, probing for softness in support of Darwin, asked, "Would you agree that Darwin's theory is not the absolute truth?" "We don't regard any scientific theory as the absolute truth," Miller replied. That just about said it all.

Fiction: an imaginative creation that does not represent truth.

For weeks the news was dominated by Katrina and Rita, which drew their energy from the record warm waters of the Gulf. The news this week included satellite images of an open ocean. What made it news was that it was the Arctic Ocean, where the ice cap is rapidly shrinking. What do you do if you're Chair of the Senate Environment and Public Works Committee and you've assured people over and over that global warming is "the greatest hoax ever perpetrated on the American people"? If you're Sen. James Inhofe (R-OK), you hold a full committee hearing and invite a science fiction writer to testify. Michael Crichton, author of "State of Fear," (WN 18 Mar 05) an environmental thriller in which environmentalists cook up evidence to keep federal bucks coming, was Inhofe's expert.

Natural history: museums deal with creationist confrontations.

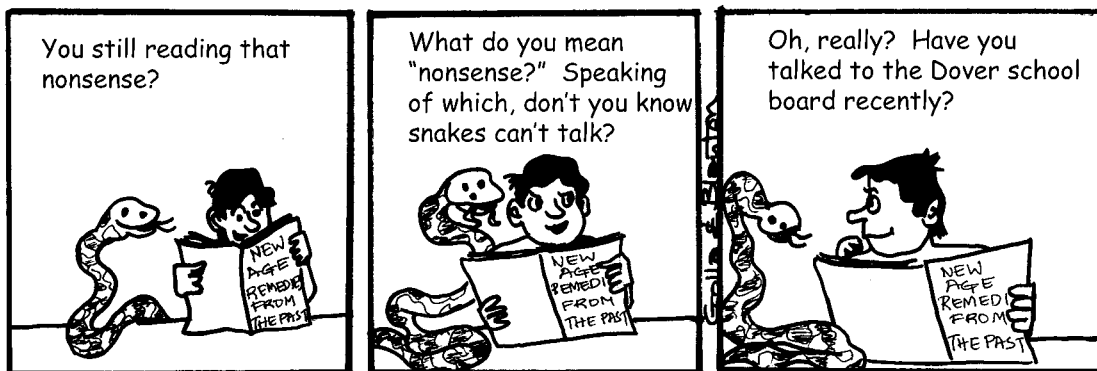
With the first court test of whether intelligent design theory belongs in science class beginning on Monday, visitors to natural history museums complain that exhibits disagree with biblical accounts. Meanwhile, the Discovery Institute issued a statement dissociating itself from the Dover School Board's "misguided" approach in treating the trial as a test of the "establishment clause" of the First Amendment, rather than the "free speech clause," as the Discovery Institute would prefer.

Intelligent design: Dover school board unable to stop trial.

On Tuesday, a federal judge in Harrisburg, PA denied the Dover Area School Board request for a summary judgment. The

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trial will begin as scheduled on September 26. The legal team that represents the 11 parents who filed the lawsuit welcomed the decision. The lawsuit challenges a decision by the Board to require biology teachers to present “intelligent design” as an alternative to the scientific theory of evolution. The lawsuit alleges that “intelligent design” is a religious theory that lies far outside mainstream science. Who is the “intelligent designer”? The answer makes it clear that this is just religion.

Zero-point energy: Katrina revives a struggling industry.

Even as gas approaches the price of bottled water, Katrina has cut oil production in the Gulf and shut down key ports. Drilling in the ANWAR faces a key vote, and the President has ordered oil released from the strategic reserve. So where is the free-energy industry? Right on schedule. The San Francisco Chronicle had a rather skeptical article in the business section this week about a “clean, inexhaustible energy source.” However, we don’t do perpetual-motion in the 21st Century. Nowadays we tap zero-point energy (WN 2 Aug 02), and Magnetic Power Inc says it’s “on the verge” of it. “We are still having

trouble making it repeatable,” the CEO said. “All we know is that we’re seeing more energy output than input, what else could it be?” Is this sounding vaguely familiar? The Air Force sank \$600,000 in the company. Last year, the AF was investing in teleportation (WN 29 Oct 04). Any time now we can expect to hear new claims for cold fusion.

Hydrogen economy: “new catalyst produces hydrogen from water.”

Well, not exactly. The prospect of a hydrogen economy hinges on the ability to produce hydrogen economically. Thirty years ago, an inventor named Sam Leach claimed to have invented a car that ran on water. He said it used a secret catalyst to dissociate water. That would be thermodynamically impossible. But a brief report in Scientific American last week implied a new rhenium catalyst might dissociate water. It was based on an article in the Journal of the American Chemical Society, but the title of the story in SA was misleading. The hydrogen was from catalytic oxidation of organosilanes. Cars still won’t run on water.

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is published bimonthly by the Committee for the Scientific Investigation of Claims of the Paranormal. Subscriptions should be addressed to SKEPTICAL INQUIRER, Box 703, Amherst, NY 14226-0703. Or call toll-free 1-800-634-1610. Subscription prices: one year (six issues), \$35; two years, \$60; three years, \$84. You may also visit the CSICOP Web site at <http://www.csicop.org> for more information.

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