



The North Texas

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Inevitable justice

by John Blanton

When the Gods want to punish us, they answer our prayers—Oscar Wilde

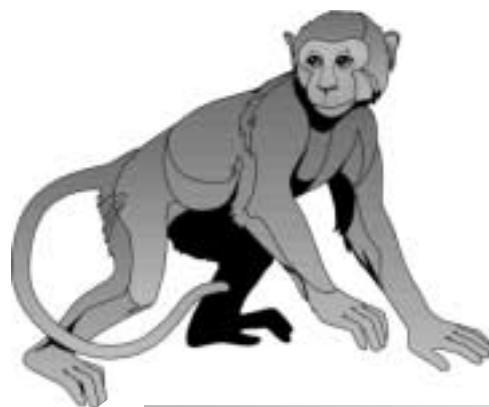
Advocates of Intelligent Design creationism complained for years they weren't being given a public venue for their cause. The entrenched science establishment was afraid to debate them, they said. They protested, why not teach the controversy?

So, it finally came time to put up or shut up. Emboldened by the Discovery Institute's posturing, the good members of the Dover school board in southern Pennsylvania decided Intelligent Design was right and appropriate. Furthermore, the Thomas More Law Center promised to defend the Board in the inevitable suit from the ACLU. In a divisive vote in 2004 the board voted to include Intelligent Design in their science curriculum.

The inevitable suit came from eleven parents of children in the district, and the ACLU did take up their case. It promised to be "Scopes redux," celebrating the 80th anniversary of the famous "Monkey Trial" in Dayton, Tennessee, and the parallel was hard to pass up. In 1925 the fledgling ACLU gained notoriety in its defense of John Scopes. While losing the case, the ACLU succeeded in casting anti-evolution as the backward-looking attitude it was then and still is.

The ACLU has gained strength and prestige in the last 80 years, while anti-evolution has barely budged. Tennessee's Butler Act of 1925 forbade teaching anything contrary to scripture. Scopes was guilty as charged. OK, Scopes only pretended to be guilty for the purpose of a test case. He was not the person who actually taught the proscribed material.

In the Dover case, there was no prohibition against evolution, but the board wanted to introduce material casting doubt on Darwinism. No religious agenda was claimed, and board members asserted only secular intent. That's where their trouble began.



EVENTS CALENDAR

NTS Board Meeting and Election of New Board Members

**Saturday — 14 January 2006
at 2 p.m.**

Center for Nonprofit
Management
2900 Live Oak Street
Dallas, Texas

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The North Texas Skeptics will hold its annual election of members of the board on Saturday, Jan 14. Paid up, full members may vote. Afterwards, the board of directors will appoint new officers for 2006.

North Texas Skeptics

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 members receive the NTS newsletter and may attend
 NTS functions at which admission is charged at no or
 reduced cost. In addition, members will receive mailings
 on topics of current interest or social events.

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During the trial, board members were required to repeat their early denials in the face of evidence to the contrary. Furthermore, Intelligent Design supporters like Michael Behe came forward to testify for the board and were forced to acknowledge what we all suspected. Either the “Designer” was the god of Abraham, or else it could be anything, even space aliens. Worse, on the stand Behe argued for opening up the study of science to include the supernatural. While not pertinent to the case, this revelation was probably quite sobering for otherwise earnest supporters of Intelligent Design. Just how much witchcraft should be allowed in the science curriculum, they must have been wondering.

Having your key witnesses lie in open court is one way not to gain favor with the trial judge. Making obviously ridiculous statements about what is and is not science would be another. In the end, Judge John E. Jones, III, brought the hammer down on the school board. In a scathing, 139-page opinion delivered in December 2005, he ruled that the board’s action had violated the Establishment Clause of the First Amendment. The board had been trying, through the back door, to introduce a course of religious instruction at the expense of taxpayers and under the force of law, law that was ultimately backed by the U.S. Constitution. And they lied on the witness stand.

For years the creationists have been calling for us to “teach the controversy.” What do they expect to happen if we do teach the controversy? Do creationists really want their children exposed to the controversy? Do they realize the controversy will involve some of their most deeply-held religious convictions, beliefs that cannot be, should not be defended in a bare-knuckles scientific debate. Luckily for them this was one prayer that did not get answered. □

See the following article on page 3, “Dover Creation Case,” which is Judge John E. Jones’ ruling in the Dover case. — Editor

Future Meeting Dates

January 14, 2006

July 8, 2006

February 11, 2006

August 12, 2006

March 11, 2006

September 9, 2006

April 8, 2006

October 14, 2006

May 13, 2006

November 11, 2006

June 10, 2006

December 9, 2006

Dover Creationism Case

U.S. district judge John E. Jones issued his ruling in the case Tammy Kitzmiller, et al. v. Dover Area School District, et al., on December 20, 2005. The ruling runs 139 pages, and a complete copy is available on the NTS Web site. See the link at the end of this article. Following is the conclusion or Judge Jones' ruling:

The proper application of both the endorsement and Lemon tests to the facts of this case makes it abundantly clear that the Board's ID Policy violates the Establishment Clause. In making this determination, we have addressed the seminal question of whether ID is science. We have concluded that it is not, and moreover that ID cannot uncouple itself from its creationist, and thus religious, antecedents.

Both Defendants and many of the leading proponents of ID make a bedrock assumption which is utterly false. Their presupposition is that evolutionary theory is antithetical to a belief in the existence of a supreme being and to religion in general. Repeatedly in this trial, Plaintiffs' scientific experts testified that the theory of evolution represents good science, is overwhelmingly accepted by the scientific community, and that it in no way conflicts with, nor does it deny, the existence of a divine creator.

To be sure, Darwin's theory of evolution is imperfect. However, the fact that a scientific theory cannot yet render an explanation on every point should not be used as a pretext to thrust an untestable alternative hypothesis grounded in religion into the science classroom or to misrepresent well-established scientific propositions.

The citizens of the Dover area were poorly served by the members of the Board who voted for the ID Policy. It is ironic that several of these individuals, who so staunchly and proudly touted their religious convictions in public, would time and again lie to cover their tracks and disguise the real purpose behind the ID Policy.

With that said, we do not question that many of the leading advocates of ID have bona fide and deeply held beliefs which drive their scholarly endeavors. Nor do we controvert that ID should continue to be studied, debated, and discussed. As stated, our conclusion today is that it is unconstitutional to teach ID as an alternative to evolution in a public school science classroom.

Those who disagree with our holding will likely mark it as the product of an activist judge. If so, they will have erred as this is manifestly not an activist Court.

Rather, this case came to us as the result of the activism of an ill-informed faction on a school board, aided by a national

public interest law firm eager to find a constitutional test case on ID, who in combination drove the Board to adopt an imprudent and ultimately unconstitutional policy. The breathtaking inanity of the Board's decision is evident when considered against the factual backdrop which has now been fully revealed through this trial. The students, parents, and teachers of the Dover Area School District deserved better than to be dragged into this legal maelstrom, with its resulting utter waste of monetary and personal resources.

To preserve the separation of church and state mandated by the Establishment Clause of the First Amendment to the United States Constitution, and Art. I, § 3 of the Pennsylvania Constitution, we will enter an order permanently enjoining Defendants from maintaining the ID Policy in any school within the Dover Area School District, from requiring teachers to denigrate or disparage the scientific theory of evolution, and from requiring teachers to refer to a religious, alternative theory known as ID. We will also issue a declaratory judgment that Plaintiffs' rights under the Constitutions of the United States and the Commonwealth of Pennsylvania have been violated by Defendants' actions.

Defendants' actions in violation of Plaintiffs' civil rights as guaranteed to them by the Constitution of the United States and 42 U.S.C. § 1983 subject Defendants to liability with respect to injunctive and declaratory relief, but also for nominal damages and the reasonable value of Plaintiffs' attorneys' services and costs incurred in vindicating Plaintiffs' constitutional rights.

NOW, THEREFORE, IT IS ORDERED THAT:

1. A declaratory judgment is hereby issued in favor of Plaintiffs pursuant to 28 U.S.C. §§ 2201, 2202, and 42 U.S.C. § 1983 such that Defendants' ID Policy violates the Establishment Clause of the First Amendment of the Constitution of the United States and Art. I, § 3 of the Constitution of the Commonwealth of Pennsylvania.
2. Pursuant to Fed.R.Civ.P. 65, Defendants are permanently enjoined from maintaining the ID Policy in any school within the Dover Area School District.
3. Because Plaintiffs seek nominal damages, Plaintiffs shall file with the Court and serve on Defendants, their claim for damages and a verified statement of any fees and/or costs to which they claim entitlement. Defendants shall have the right to object to any such fees and costs to the extent provided in the applicable statutes and court rules.

John E. Jones III
United States District Judge



Icons of evolution

by John Blanton

Read the book, saw the movie, wrote the report. Here it is. Three years ago I wrote a short piece about *Icons of Evolution*, the anti-evolution book by Jonathan Wells.¹ As noted then, Wells has a Ph.D. in biology but doesn't seem to use it in the ordinary sense.

There are ten topics that Wells considered to be icons of evolution—points that evolutionary scientists worship but are more show than substance. Practicing scientists have demonstrated that it is Wells' ten points that lack substance.

Now ColdWater Media, LLC, of Palmer Lake, Colorado, has come out with an *Icons of Evolution* video. While ColdWater's offerings include two notable secular videos, the remaining listings on their Web site are anti-Darwin titles: *Unlocking the Mystery of Life*, *The Incurable Dr. Berlinski*, and *How to Teach the Controversy over Darwin*²

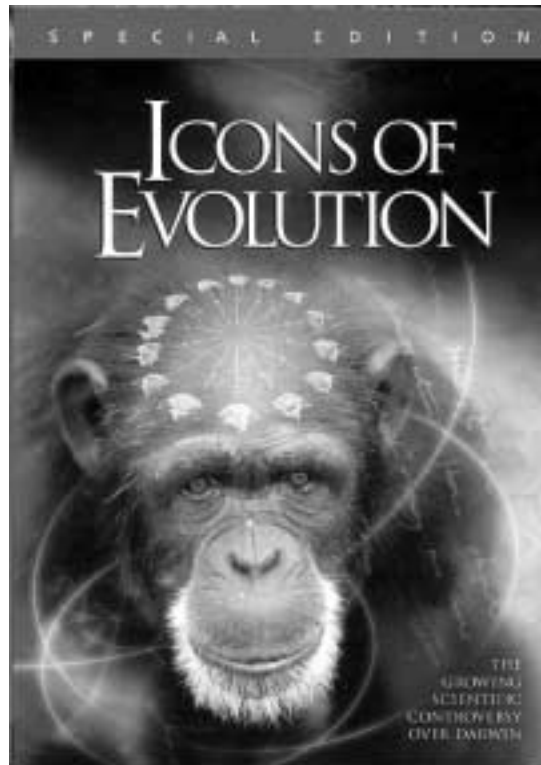
Unlocking, we have covered before.³ It's one of the Discovery Institute's assaults on Darwinism, covering all the major players and events of the Intelligent Design movement. David Berlinski is also known to us. He stands out from the creationists in that he doesn't advertise a religious agenda. He's just an ornery philosopher who has decided to pick a fight with one of the main pillars of science. We encountered him first in December of 1997 when he appeared in the PBS *Firing Line* Creation-Evolution Debate.⁴ With him were *Firing Line* co-host William F. Buckley and creationists Michael Behe and Phillip Johnson.

The good news is the *Icons* video fits comfortably into your daily schedule. It runs 51 minutes, just right for a public TV showing and viewable on your laptop computer without any bathroom breaks. Not long enough to get in all ten icons, though.

When my copy arrived from Amazon I searched the disk and its case for any mention of the Discovery Institute. Nothing there. *Inside* is a different story. The *Icons* program is

wall-to-wall DI. Besides Wells there is Behe, Berlinski, Chapman, Meyer, Minnich, Nelson, and West.

Michael J Behe, David Berlinski, and Jonathan Wells are listed as senior fellows of the Center for Science and Culture on DI's Web site. Scott Minnich and Paul Nelson are listed as fellows. Stephen C. Meyer is program director, and John G. West is associate director. Bruce Chapman is president of the Discovery Institute. Michael Behe is the author of the Intelligent Design book *Darwin's Black Box* and is also the featured player in the *Unlocking* video.



The *Icons* video uses the case of a deposed high school science teacher as a story line vehicle. Roger DeHart is the former Burlington, Washington, teacher who ran afoul of the official curriculum because he wanted to teach *more* about evolution. In particular, he wanted to tell his students what's wrong with evolution. Throughout, DeHart's story of his earnest concern for teaching *real* science forms the background, while Discovery Institute speakers explain the key icons. The creationists also explain that they are being unfairly painted as creationists by mainstream scientists.

In the interest of fairness to evolution, *Icons* gives these mainstream scientists ample opportunity to tell us why we should still believe in evolution. Speakers for evolution include Eugenie C. Scott, who heads up the National Center for Science Education.⁵ NCSE is this nation's leading organization devoted to promoting the teaching of

evolution (and arguing against creationism). Kenneth Miller is the Brown University biology professor who seems to have shouldered the lead roll in the support of evolution against Intelligent Design. Scott and Miller also participated in the *Firing Line* debate.

What is completely missing from *Icons* is also what is missing from Wells' book. Since the book came out in 2000 a number of scientists have posted critiques explaining a lot of what is wrong with its claims. In the interest of fairness to creationism, *Icons* does not rehash these critiques.

It's too bad the video does not recap the book's peppered moth icon. If it did then I would be able to recap some of the damning rebuttals from the scientists Wells cites in the case. As it is, I will have to do with a footnote.⁶

Homology

Icons curiously wants to take on “Darwin’s tree of life.” That’s Darwin’s conclusion that we, all plants and animals, share a common descent. Curious, I say, because the Intelligent Design people have traditionally not had any heartburn with common descent. Phillip Johnson is considered the founder of the ID movement, starting with his book *Darwin on Trial*. When Johnson was in Dallas in 1992 to debate Michael Ruse, he agreed, with very little encouragement, that he believed in common descent. Jon Buell heads the Foundation for Thought and Ethics, publisher of the Intelligent Design book *Of Pandas and People* and also host of the debate. At the time he, too, nodded in agreement with Johnson.

So, why now does Icons argue against the ToL? My guess is it makes tactical sense. While the Discovery Institute outwardly denies any religious argument for Intelligent Design, their speakers continue to reinforce its religious basis. To the extent this gathers religious fundamentalists under their tent it works for the DI to disrupt Darwin at every opportunity.

In the video DeHart and others tell us that the ToL is supported largely by homology. The skeletal structure of our arms and hands resembles a bat’s wing because we share a common ancestor with bats. *Icons* doesn’t get into a lot of detail about additional evidence for common descent. Instead, Wells explains that the fact of common form requires an explanation. Darwinists cite common descent as the source of homology, but Wells tells viewers that homology (similar form) can result from different genes in different species. He does not explain at great length that similar forms can result from both common descent *and* from convergent evolution. The *Pandas* book has previously used the Tasmanian wolf to make the argument against inherited homology. Drawings in *Pandas* compare the skull of the Tasmanian wolf (a marsupial) with the skull of a real wolf to assert this is a case where similarity is not due to heredity. Ignoring for the moment the drawings are not models of accuracy, this argument picks and chooses cases of look-alike animals and ignores the vast sea of evidence of homology due to heredity.

Survival of the fittest

Something mentioned in the video but not in the book is the evolution of drug resistance by bacteria. Creationist Scott Minnich introduces the topic of evolved drug resistance as a point in favor of evolution, and the narrator explains why it is not. Pictorials show the growth of bacterial colonies in a Petri dish. Minnich explains that in a colony of bacteria there may be an organism that has an immunity caused by some gene mutation, and this allows this bacterium to reproduce in the presence of the drug. The growth of this bacterium’s colony and the eradication of other colonies can be observed. However, Minnich explains, there is a cost associated with the mutation,

and in the absence of the drug the standard strain again predominates, and the drug-resistant strain disappears.

Despite what impression Minnich and the other DI creationists may give, biologists are hardly surprised by this fact. However, it seems to be the goal of the video to encourage viewers to believe this information is contrary to Darwinian evolution. Sympathetic viewers might even conclude the facts are concealed by scientists to protect their evolutionary viewpoint.

In reality, medical scientists employ Darwinism in formulating their caution against overuse of antibiotic drugs and antibacterial hand soap. While the science behind evolution has come a long way since Darwin (why do we even still call it Darwinism?), it’s remarkable that one of Darwin’s basic principles can be applied to everyday life. If you don’t use antibiotic hand cleaner, then the resistant bacterial strains will virtually disappear from your skin—displaced by the non-resistant varieties, which have lived with us and our ancestors for millions of years.

Along the lines of the acquired immunity argument, the video repeats the book’s assertions about the Galapagos finches. When climate on the islands changed, so did the shape of the birds’ beaks. When the climate changed back, so did the beaks. The evolutionary change didn’t stick, and that makes the creationists’ argument. What they don’t go on to explain is that 1) the short time span involved does not allow for all instances of the old beak genes to wash out of the pool, and 2) even if the previous gene did wash out over time, it, or an equivalent gene, could reappear and again dominate the pool when conditions on the islands reverted. Also, Wells and others do not go into instances where evolution has progressed too far to be easily reversed. Examples involving birds immediately come to mind. The dodo’s ancestors flew to Mauritius Island from India as pigeons. In the absence of land predators their line lost the ability to fly. When predation confronted them with the arrival of human explorers, the new species could not back out millennia of evolution and soon ceased to exist. The flightless kiwi and penguin are additional examples of flightless birds who had flying ancestors.

The whole story

Since *Icons* keys off the plight of a persecuted science teacher who just wants to teach *all* of evolution, it might be worth while looking at the complete picture.

Roger DeHart wanted to teach students the pro and con of evolution and had no overtly religious agenda. He was unfairly treated and forced by circumstances to take a teaching assignment at a different school. So goes the story in *Icons*.

The complete story is he made an issue of the creationism controversy in his classroom and used the play/movie *Inherit the Wind* to depict evolutionists as insincere. When a student, responding to an examination question, was strongly unsympathetic to creationism he noted on her paper that her response showed bigotry. When an Instructional Materials Committee member voted to reject creationist materials, DeHart phoned him and questioned how he could, as a Christian, do that.⁷

The video does not make clear that DeHart showed overt bias toward creationism in his science lectures. The facts of the case make it clear he never had any intention of providing balanced treatment. For example, he was given permission to present material from the *Pandas* book if he would, in return, present material from practicing biologists. Apparently he presented the *Pandas* excerpts but did not follow through on his promise to provide balance. A letter between lawyers spells out the situation. It was written by Clifford D. Foster, Jr. with the law firm of Dionne & Rorick, apparently representing the school district, to the law firm of Zientz, Chestnut, Varnell, Berley, & Slonim, apparently representing the ACLU. Beth Vanderveen was principal of Burlington-Edison High School at the time. Mr. Foster wrote, in part:⁸

Ms. Vanderveen's oral approval of four pages of supplemental instructional materials on the subject of "irreducible complexities" directed Roger DeHart to present another article on the subject to demonstrate how scientists subscribing to evolution based principles address the issue. This directive was confirmed in her memorandum to Mr. DeHart dated July 1999. Mr. DeHart, however, did not present such an article to his class as directed. He apparently found some materials regarding consisting of an outline on evolutionary theory he found on the Internet, as noted in the Superintendent's letter of October 25, 1999. When the District reviewed this situation further, it became apparent that Mr. DeHart did not present the materials to his class, retain them, nor is he capable of relocating them. Accordingly, it does not appear that any documents can be produced that are responsive to your public records request for these materials.

Many such details escaped inclusion in the *Icons* story of Roger DeHart. His halo slips a bit when you look at the whole story, and the *Icons* video comes across more as propaganda than as real science advocacy.

Not to say there's anything wrong with propaganda. Propaganda is how you get your message out, and it has its attractions in other ways. I bought the video, didn't I? I've been in this Skeptics business for over 15 years, and every now and then I like to check myself to make sure I'm still on the right side of

issues. Viewing creationists products like *Icons of Evolution* keeps me at peace with myself. I suggest you do it too.



References

- 1 *Icons of evolution, The North Texas Skeptic.* October 2002
- 2 <http://www.coldwatermedia.com/>
- 3 *Unlocking the mystery, The North Texas Skeptic.* February 2004
- 4 We have a transcript of the program. You can also get one here: <http://www.bringyou.to/apologetics/p45.htm>
- 5 <http://www.natcensci.org/>
- 6 <http://www.talkorigins.org/faqs/wells/iconob.html#moths>
- 7 <http://www.scienceormyth.org/discoveryinstitute.html>
- 8 <http://www.scienceormyth.org/jan-2000.html>

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.]

Intelligent Design: Dover decision destined to be bestseller.

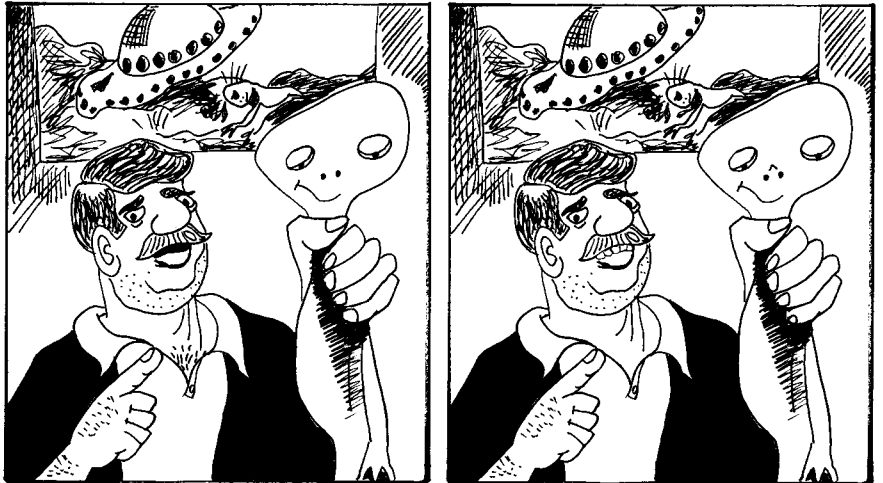
"Our conclusion today," wrote United States District Judge John E. Jones III, "is that it is unconstitutional to teach ID as an alternative to evolution in a public school classroom." You must read 137 pages to get to that line, but it's time well spent. Jones, a conservative Republican appointed by George W. Bush, reviews the "legal landscape" of church-state separation, and then addresses the key question of whether ID is science or religion. He does so, "in the hope that it may prevent the obvious waste of resources on subsequent trials." Science, he observes, "rejects appeal to authority in favor of empirical evidence," whereas, "ID is not supported by any peer-reviewed research, data or publications." Not only does he enjoin Dover schools from teaching ID, he says the parents who brought suit are entitled to damages. That may cool the ardor of other school boards thinking of hopping in bed with the Discovery Institute. In the Senate, Rick Santorum (R-PA), who had earlier praised the Dover School Board for "teaching the controversy," was so moved by the Jones decision that he severed his ties to the Thomas Moore Law Center, which had defended the Board.

Skeptic Ink

by Prasad Golla and John Blanton.
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Find six differences between the two UFOlogists.

Blanton & Golla



This is heaven? you may want to ask about the alternatives.

Having just read Judge Jones “passionate paean to science,” I turned on “Heaven: Where Is It? How Do We Get There,” a two-hour special on ABC. The only hard information was that 90 percent of the public believes in it, whatever it is. That’s scary, but how could ABC spend two hours on something for which there is no evidence whatever? Easy, have Barbara Walters interview experts, from mega-church evangelist Ted Haggard, who explains Heaven is only for born-again Christians, to a failed suicide bomber in a Jerusalem prison who was certain it’s only for Muslims.

Ghost story: while we’re on the subject of scientific ethics.

On Tuesday, a front-page article in the Wall Street Journal, by Staff Reporter Anna Wilde Mathews, dealt with publication of ghost-written papers in major medical journals. The papers bear the names of academic researchers, who presumably agree with the articles. The intent, however, is not to disseminate knowledge, but to promote the products of the company that paid to have it written. We expel students who turn in ghost-written papers. WN has reported before on unhealthy ties of NIH scientists to drug companies, (WN 9 Jul 04) . Something like it seems to be going on with academic scientists.

Evolution: things are a little sticky in Cobb County, Georgia.

Yesterday, a federal appeals court panel seemed to some observers to be critical of the ruling requiring removal of a sticker from biology texts (WN 14 Jan 05) . It read: “This textbook contains material on evolution. Evolution is a theory, not a fact, regarding the origin of living things. This material should be approached with an open mind, studied carefully, and critically

considered.” The sticker was not factually inaccurate. The attorney who argued the case against the stickers at last years trial remarked admitted that, “I’m more worried than I was when I walked in this morning.”

Report cards: a lot of children are going to be left behind.

On Wednesday, the Thomas B. Fordham Institute released a report on science standards for K-12 set by 49 states, “The State of State Science Standards.” Iowa, which doesn’t set standards for any subject, was left out. The report was authored by Paul Gross with help from a panel of distinguished science educators. Predictably, evolution got particular attention. A year ago, with Barbara Forrest, Gross examined the “intelligent design” movement in *Creationism’s Trojan Horse* (Oxford, 2004). Only seven states got an A, and almost half flunked. Kansas achieved special distinction with the only F-. Ironically, the report suggests the No Child Left Behind law contributed to the low science scores by requiring testing only in reading and math.

Columbine redemption: “bad science produces bad consequences.”

Who could disagree? This was the title of a statement issued by the father of Rachel Scott, one of the victims of the Columbine tragedy. The “bad science” Mr. Scott had in mind is evolution. Columbine Redemption, the organization he founded, is devoted to taking evolution out of our schools, and putting prayer back in. We note only the obvious point that the most violent conflicts in the world today, including that between Sunni and Shiite in Iraq, involve cultures on both sides that demand frequent prayers in school and teach the Genesis account of human origins.

Bob Park can be reached via email at opa@aps.org

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