

***KITZMILLER v. DOVER:***  
**The Truth Behind the Politics**

**SAMUEL S. CHEN**

**This work is dedicated to  
Miss Lauren Christa Hollon,  
Baylor University Class of 2009.**

**Thank you, Lauren, for all your kind words of encouragement.**

**Thank you for your warm thoughts and prayers.**

**Thank you for all your care and understanding and for being there for me when I  
needed someone the most.**

**Thank you for your patience and for being a wonderful friend even when I was not.**

**Thank you for believing in me and for reminding me to believe in myself.**

**Lauren, you are a true friend and a wonderful sister.**

**Thank you so very much.**

**Your love and care will never be forgotten, only reciprocated.**

# SECTION I: INTRODUCTION

When the issue of evolution and intelligent design (ID) in the public school science classroom is discussed, opinions are thrown back and forth. Adult critics continually argue about the implications of teaching evolution and intelligent design on students. However, how many of those who make statements on both sides have actually experienced the classroom setting when this subject is raised? Consider this account written about in *Liberty Magazine*:

One hates to generalize, but you'd think that of all possible professions, scientists would be the group to keep an open mind. That's what you'd think. But Samuel Chen discovered that at least one scientific theory—evolution—isn't open to speculation. In October 2002 Chen, then a high school sophomore, was co-chair of Third Eye Open, a student organization at Emmaus High School in Emmaus, Pennsylvania, that emphasizes the importance of truth in controversial issues. They “advocate looking beyond personal prejudices and searching for facts on which to establish truth.”<sup>1</sup>

The organization members had decided to explore the issue of evolution because it was taught as science at the school, and they wanted to discuss it in more depth and look at the other side of it. Chen contacted Michael Behe, Ph.D., a professor of biological sciences at Lehigh University and author of *Darwin's Black Box*, who agreed to present a lecture titled “Evolution: Truth or Myth?” in February 2004. In his letter to the Science Department Chen introduced Behe as the speaker by listing his many professional credits, which include a Ph.D. in biochemistry from the University of Pennsylvania, presentations at a congressional hearing, presentation of his work in conferences and debates at prestigious universities such as Notre Dame, Princeton, and Cambridge. He concluded that “Dr. Behe is respected by many to be one of the world's foremost experts on evolution.”<sup>2</sup> Clearly, he was an ideal candidate for a presentation on evolution. Chen considered it an honor for the school to host such an “internationally acclaimed scientist.”<sup>3</sup> Wouldn't anyone?

Unaware a storm of controversy was about to break over him, Chen went about making all the preliminary arrangements: he obtained Behe's commitment as well as approval from school officials and secured the school auditorium for the lecture. The school term drew to a close with no hint of storm clouds on the horizon.

During the summer Chen called the school to check on his arrangements and was told that the event had been canceled. “I was shocked. For one thing, it was also my graduation project. The fact that they just canceled it was a shock.” The principal informed him that his adviser had resigned, and because there was no other teacher to advise the group, it had folded and the lecture was over. But he gave Chen permission to look for another adviser and promised to hold his

reservations until September.

Once Chen obtained a new adviser, his reservations were reinstated. When he returned to school in August, now president of Third Eye Open, he was told that the group needed to raise the funds for the lecture, which he expected, because as a student organization they didn't receive school funding. What he didn't expect was that the school would give him a deadline for procuring the funds two full months before the event. "We had a hundred days to raise the money," Chen said. "No other group ever had a deadline two full months before their event."

It took them just 50 days to raise the \$2,000 [\$4,000 but \$2,000 was negotiated for in the form of discounts] they needed for the lecture. "The school was kind of shocked," Chen says. "I think it shows that the community was very excited about having an internationally acclaimed scientist speak at the school."

Despite this a rumor began to circulate that the school was wasting a ton of money on Behe's lecture. Chen's adviser squashed the rumor in an e-mail to the faculty reiterating that Third Eye Open was not a school-sponsored club and received no funding whatsoever from the school. She also pointedly wondered if other clubs were subject to the same type of scrutiny about funding of their events; if anyone, for example, was going to dances and counting balloons to estimate how much things cost.

In early December of 2003 Chen approached the Science Department at Emmaus to ask if it would endorse the lecture. At first he received a favorable response. Teachers invited him to speak to their classes about the lecture because they felt it was a very valuable learning opportunity. Then the Science Department chair sent an e-mail stating that Dr. Behe was an intelligent design (ID) advocate, and therefore the Science Department would not endorse the lecture anymore. "He said the Biology Department had researched Dr. Behe and reported to him that he was an intelligent design advocate ... so what he was presenting couldn't be science," Chen said. He gave Chen a copy of the school's science statement, supporting the National Science Teachers Association (NSTA), which asserts, "There is no longer a debate among scientists about whether evolution has taken place. There is considerable debate about how evolution has taken place."<sup>4</sup>

At this time one of the science teachers took it upon himself to speak to the teachers in the Science Department individually about the lecture. Then "he asked the principal to cancel the entire lecture on the grounds that it was completely unconstitutional and it was only an attempt to destroy evolution," says Chen. The principal refused, saying there were no grounds.

Next, that teacher approached Chen's adviser, derogatorily referring to the student group as "Third Eye Blind" and claiming that Chen had misrepresented Behe's true stand on evolution, saying ID was antiscientific and scary stuff. Following that, he began to harass Chen, insisting that Third Eye Open also bring

in an evolutionist to speak so that their “third eye” would be “open.”

“As he walked away, he kept shouting for me to keep my third eye open,” says Chen. “I sent him an e-mail and invited him to attend Dr. Behe’s lecture and ask questions during the Q&A session. I even offered him the opportunity to comment and speak a little following Dr. Behe’s lecture; he could be the evolutionist if he wanted to be.” He responded, requesting five or 10 minutes to speak by himself; he didn’t want to argue against the scientist.

Though initially set for February 20, 2004, the lecture was later moved to February 27 because a snow day bumped a choir practice. “The school literally told me to tell this world-class scientist that we’re going to push him back a week because a choir needed to practice,” Chen recalls. Then he found out that someone had relocated the lecture from the main auditorium, an appropriate setting for an academic lecture, to the cafeteria.

The lecture did eventually occur—in the auditorium—followed by the science teacher’s “rant,” which, interestingly enough, Chen reports, was the only time during the lecture when religion was mentioned. “He said the lecture was based upon ignorance,” Chen related, and after insulting the guest speaker, the science teacher left.

The controversy didn’t end with the lecture, as Chen hoped it would, but continued over sales of the videotape that Third Eye Open had commissioned of the lecture. When the one science teacher learned of the videotapes, he objected, citing copyright violations. Because arrangements for the teacher’s rebuttal comments were made so late, Chen didn’t have permission to release them, so he attempted to have them omitted, but the company refused, saying it would be illegal, and forwarded his remarks to the teacher, who then accosted Chen in the hall, screaming that he never said the tapes were illegal. He said removing his remarks was censorship, and he would take action against Chen.

“At this point I was going to be sued if I kept him on the tape because it was copyright violation,” says Chen, “and if I took him off the tape, he was going to sue me for censorship.”

Chen says the teacher wouldn’t stop harassing him, pulling him aside in the halls to yell at him. Finally his parents were forced to go see the principal and demand that the teacher not be allowed to speak to their son again. “The school ordered him to refrain from speaking to me,” Chen says. Because of the intense stress he endured throughout the course of the controversy, Chen’s health declined, and he collapsed several times.

An article about Chen's difficulties hosting the lecture sparked much debate in chat rooms on the Internet and revealed the cutting antagonism between evolutionists and creationists and ID advocates. "If," wrote someone identified as Right Wing Professor, "as it is stated, this was an after-school activity, then the school had no business interfering. Of course, it would be unwise to take anything in a creationist article at face value, including the words 'the' and 'a'." To which MEGoody retorted, "How unbiased of you. Excuse me, your agenda is showing." MCG1969 provided a ray of sanity, posting, "If the school allows the use of school facilities after school hours for extracurricular student groups, then it cannot discriminate between them based on content."<sup>5</sup>

"It was certainly inappropriate of the school to do that," commented Brian Fahling, senior trial attorney and senior policy adviser for the American Family Association Center for Law & Policy, who advised Chen following his ordeal. "If they did it again, it would transgress, in our estimation, constitutional grounds because then we would see a pattern developing. A one-time abhorrent event may escape the clutches of a federal court lawsuit, but if you do it again after being notified, then you've established a custom and practice." Though given the opportunity, the school offered no comment on the incident.

The fact that Emmaus's Science Department got so hot under the collar over an after-school speaker who advocated intelligent design makes you wonder what exactly they're so defensive about. Could it be, as Bruce Thornton, professor of Classics at Cal State Fresno, observed, "Scientists should behave as scientists and be willing to question their own assumptions and meet criticism with reasoned debate rather than with insult, caricature, and appeals to authority. Skepticism is science's most valuable tool; its absence among too many advocates of Darwinian evolution suggests that something other than science is driving their beliefs."<sup>6</sup>

As Thornton goes on to explain, those beliefs, oddly enough, are religious. "For many defenders of evolution, Darwinism indeed is part of a religious system whose tenets are as much a consequence of faith as of reason. This religion is atheism, a belief that arises not from evidence but from faith, as any sophomore philosophy major can tell you. The first principle of atheism is materialism: the belief, equally unproven by science, that all reality is material and so everything must be explained by material causes and forces blindly following the laws of physics."<sup>7</sup>

Samuel Chen says his experience with Darwin's dictatorship hasn't deterred him. "I think that evolution is totalitarianism, it's dictatorship, it's tyranny. And I feel there are no First Amendment rights for students anymore in

schools. I don't want to see any other student go through what I had to go through. I really want this wall to fall.”

---

1 Undated letter written by Samuel Chen to the Emmaus High School Science Department.

2 Ibid.

3 Ibid.

4 Statement of National Science Teachers Association, Samuel Chen's file.

5 Chat room posts taken from: [www.freerepublic.com/focus/news/1192551/posts](http://www.freerepublic.com/focus/news/1192551/posts).

6 [www.californiarepublic.org/archives/Columns/Thornton/20040813ThorntonUncommon.html](http://www.californiarepublic.org/archives/Columns/Thornton/20040813ThorntonUncommon.html).

7 Ibid.<sup>1</sup>

The story posted above is a true story about a rude awakening I experienced while in high school. (Many other articles recount the same story, some from different perspectives). In fact, the story above is only a book jacket version of all the happenings at my high schools during the one and a half years I worked on the “Evolution: Truth or Myth?” lecture with Dr. Michael J. Behe, Ph.D.

What is more upsetting than that story being merely the tip of the iceberg is that stories such as mine occur across the nation every school year. No, most students are not subjected to the same degree of harassment that I was subjected to, but students are limited in what they are permitted to say, think, and write in regards to questioning evolution in the science classroom.

Students have been removed from classes, failed assignments, and suffered many other repercussions for possessing the knowledge to think and the audacity to question Darwin's theory.

I have always been taught to keep an open mind, to consider various possibilities, and to always ask the hard questions. I never would have imagined that doing so would result in such repercussions.

However, I know full well that I could be completely wrong. Perhaps asking questions about Darwinian evolution is truly an act that should never be done. Perhaps inquiring about “intelligent design” is wrong.

I am willing to admit my error if I can be shown that what I did is wrong. If it can be shown that intelligent design is clearly not a science and clearly a religion and if it can be shown that evolution is indeed a scientific fact, then I will admit my fault and error.

Dover Area School District is like any other school district in the Commonwealth of Pennsylvania. What happened to me at Emmaus High School in the East Penn School District

could happen at Dover High School in the Dover Area School District. Even if such does not happen, it is inevitable that students will ask questions concerning the debate between evolution and intelligent design.

Hence, I think that it is worthwhile to explore the reasons that the plaintiffs in the case *Kitzmiller et. al. v. Dover Area School District et. al.* offer for denying students the right to know that another scientific view exists besides evolution. Only upon a careful and critical analysis of their arguments can we decide whether or not their complaints are valid.

## **SECTION II:**

### **Critique of the Pepper Hamilton, LLC, ACLU, and Americans United for Separation of Church and State Complaint of the Dover Area School District**

## **Initial Grievance: Presentation of Intelligent Design in Dover High School**

The lawsuit filed against the Dover Area School District by Pepper Hamilton LLP, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State on behalf of Tammy Kitzmiller, Bryand and Christy Rehm, Deborah Fenimore and Joel Lieb, Steven Stough, Beth Eveland, Cynthia Sneath, Julie Smith, and Aralene (“Barrie”) D. and Frederick B. Callahan (“plaintiffs”) states the following:

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.<sup>2</sup>

Their filed complaint later provides the entire statement that would be read to ninth grade biology students:

The state standards require students to learn about Darwin’s Theory of Evolution and to eventually take a standardized test of which evolution is a part.

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.

The school leaves the discussion of the Origins of Life up to individual students and their families. As a standards-driven school district, class instruction focuses on the standards and preparing students to be successful on standards-based assessments.<sup>3</sup>

From this information, the groups filing the lawsuit conclude the following:

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.<sup>4</sup>

Also,

The Board decided to amend the district’s biology curriculum **to include the presentation of intelligent design....**<sup>5</sup>

Also,

...the biology curriculum at Dover High School for the 2004-2005 school year **requires Dover High School science teachers to present intelligent design to their students....**<sup>6</sup>

The logic used in this argument is, as we refer to it in philosophy, a “non-sequitor” argument. Simply, the conclusion does not logically follow the previously given statements.

The Dover Area School District Board of Directors said “students will be made aware of” two things:

1. Gaps/problems in Darwin’s theory
2. Other theories of evolution including, but not limited to, intelligent design.

The groups filing the lawsuit print the one-minute statement teachers were required to read to students in the ninth grade biology class at Dover High School. In these paragraphs, we see that the two points the Dover School Board said they would make students aware of are both mentioned.

In the second paragraph (second paragraph in the entire four paragraph statement), we see one sentence making mention to gaps in evolution. It reads, “Gaps in the Theory [evolution] exist for which there is no evidence.”<sup>7</sup>

In the third paragraph (again, third in the entire statement), we see two sentences making mention to intelligent design. They read, “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.”<sup>8</sup>

With these three sentences, the Dover School Board has fulfilled their two-point resolution of making students “aware of gaps/problems in Darwin’s theory and of other theories of evolution including, but not limited to, intelligent design.”<sup>9</sup>

In fact, the district does even more in the two paragraphs, encouraging students to keep an open mind with both evolution and intelligent design. They also add that “the state standards require students to learn about Darwin’s Theory of Evolution....As a standards-driven district, class instruction focuses on the standards....”<sup>10</sup>

The statement being read in the ninth grade biology classes at Dover High School meets the standard set by the district while further encouraging open-mindedness and reaffirming that the district will focus on the state standards, which “require students to learn about Darwin’s Theory of Evolution.”<sup>11</sup>

The plaintiffs somehow then concludes that the Dover Area School District intends to do two things:

1. Teach students that there are gaps and problems in evolution.
2. Present “intelligent design” to students in public school science class as an alternative to the scientific theory of evolution.

The statement read in the Dover High School biology class makes students aware that gaps exist in evolution, but it does not tell students what these gaps are (although some may argue that it should). The statement also lets students know that there is a concept called “intelligent design” and that if they are interested, they may read a reference book.

The plaintiffs have failed what I call the “spot test.” One cannot point their finger to any one spot in the statement where it might suggest that Dover High School intends to “present intelligent design to students in public school science class.”<sup>12</sup> Furthermore, nowhere in the statement can one find that Dover High School intends to present intelligent design in place of evolution, as the plaintiffs suggest. Thus, it is safe to conclude that the plaintiffs’ conclusion is bogus, one based upon a logical fallacy and one bearing no truth.

At this point, since it is evident that the groups filing the lawsuit have completely misunderstood the current situation in Dover High School, there is no reason to further consider the grievances against the Dover School Board.

However, I will continue to discuss the other points of objection that were raised.

## Objection 1: Intelligent Design Theory is not a Science

The plaintiffs in this case assert that intelligent design (ID) theory is not a science by stating:

Intelligent design is a **non-scientific argument or assertion**....<sup>13</sup>

Also,

...intelligent design is **neither scientific nor a theory in the scientific sense; it...falls outside the realm of science.**<sup>14</sup>

This assertion carries no merit. First, if we speak honestly, we will admit that scientists, philosophers, and others involved with the sciences has argued for over a century as to what exactly constitutes “good science” and what does not. At this point, there really is no general consensus.

Secondly, the above assertion is exactly that: an assertion. The plaintiffs filing suit provide no science whatsoever, not even a hint, to support their claim that intelligent design is not a science. They simply put out a sentence claiming intelligent design theory to be “a non-scientific argument or assertion”<sup>15</sup> and expect the claim to be embraced without any further scientific research, knowledge, or development.

Nonetheless, there are two common arguments, though not mentioned, offered to support the assertion that intelligent design is not a science.

The first says that all genuine scientific theories are falsifiable but intelligent design theory is not. Therefore, intelligent design theory is simply not science.

This argument, like the above assertion, carries not merit. A theory is falsifiable if it specifies some empirical data that, if found, would prove the theory false. For example, the theory of universal gravitation (all things mutually attract) would be proven false if two objects were found which possessed no mutual attraction. Therefore, the theory of universal gravitation is falsifiable.

Intelligent design is falsifiable. The theory claims that certain features of the universe and of living things are best explained by an intelligent cause rather than the result of purely natural and mechanical processes. Therefore, if someone provides a natural or mechanical explanation of something that is claimed to be designed, then intelligent design theory has been falsified.

Even Dr. Michael J. Behe, Ph.D., a professor of biological science at Lehigh University and author of the best-selling book *Darwin's Black Box* describes intelligent design, and more specifically his concept of “irreducible complexity,” as being falsifiable. He writes,

Of course, I could be proved wrong. If someone demonstrated that, say, a type of bacteria without a flagellum could gradually produce such a system, or produce

any new, comparably complex structure, my idea would be neatly disproved. But I don't expect that to happen. <sup>16</sup>

Interestingly, intelligent design, in reality, is more falsifiable than evolution is. Take the bacterial flagellum, for example. Intelligent design claims that no process of slight, gradual modifications could have evolved the flagellum. To falsify this claim, all one has to do is show that there is one way by which slight, gradual modifications could have evolved the flagellum. Evolution, however, claims that there are some ways for the bacterial flagellum to have evolved (based upon slight, gradual modifications). To falsify this claim, one needs to show that all of those possible ways of evolving the flagellum do not work. There could be, theoretically, an infinite number of possible methods proposed for evolving the bacterial flagellum. Hence, intelligent design is more falsifiable than evolution. Even if this claim is not accepted, however, one claim, in honesty, that intelligent design is falsifiable.

Furthermore, and also interestingly, those who claim that intelligent design is not falsifiable are the evolutionists--the very people who are trying to falsify intelligent design. When we examine the history of the evolution and intelligent design debate, we see evolutionists attempting, over and over again, to falsify the very theory they label as unfalsifiable. Take the Miller-Urey Experiment of 1953, for example. (I will return to this experiment later on in this brief). Scientists Miller and Urey attempted to create an experiment that would demonstrate how life's building blocks may have formed on the early earth. We now know that the conditions of the early earth were most likely not even similar to the ones used in the experiment. However, Miller and Urey attempted to create an experiment that would falsify intelligent design. It turns out that the results of the experiment didn't match the hypothesis, but that doesn't negate the fact that Miller and Urey were attempting to falsify intelligent design.

More recently, professors at Michigan State University in Lansing, Michigan claimed to have "proved evolution." Upon further examination, we see that the experiment used at Michigan State possessed a similar goal to the Miller-Urey Experiment of 1953. This time, however, the experimentations were conducted on a computer. However, no matter what one may conclude from the experiments conducted at Michigan State University, we see that the Darwinian evolutionist professors are attempting to falsify intelligent design, the very theory they claim is unfalsifiable.

The second argument insists the intelligent design theory isn't a science because it appeals to the supernatural. Science cannot appeal to the supernatural; therefore, intelligent design theory cannot be science. The plaintiffs do make this case as they state:

Intelligent design is a non-scientific argument or assertion...that an intelligent, **supernatural** actor has intervened in the history of life and that life "owes its origin to a master intellect." <sup>17</sup>

Also,

The [U.S. Supreme] Court held that the belief that a **supernatural** creator was responsible for the creation of human kind is a religious viewpoint. <sup>18</sup>

Also,

Intelligent design is a belief that the origin and development of living organisms **cannot adequately be explained as the result of purely natural forces**.... In place of natural explanations, intelligent design posits a **supernatural** and intelligent creator....<sup>19</sup>

This assertion, however, is simply not true. Once again, the plaintiffs have failed the spot test. (It will soon become obvious that the plaintiffs fail the spot test numerous times). In this case, they cannot point to the spot where intelligent design suggests, let alone insists, that the intelligent designer is supernatural.

The fact is, simply, that intelligent design does not claim that the designer is supernatural. Certainly some may believe that the designer is supernatural, but such a belief is dependent on each individual's own personal choosing, not on the false notion that intelligent design requires or infers and supernatural being as the designer.

To be clear, however, intelligent design does not outlaw the idea that the designer may be supernatural. This, however, is no implication that intelligent advocates such a belief, it does not. This is evidence that intelligent design is good science. Good science follows where the evidence leads. If the evidence happens to lead to a supernatural designer, then we accept it. If the evidence leads to a purely naturalistic explanation, then we also accept it. However, good science does not, as evolutionists do, place pre-determined paradigms around scientific research. Behe put it well when he said,

Intelligent design may mean that the ultimate explanation for life is beyond scientific explanation. That assessment is premature. But even if it is true, I would not be troubled. I don't want the best scientific explanation for the origins of life; I want the correct explanation.<sup>20</sup>

The idea that intelligent design requires a "supernatural" designer, as discussed above, is completely untrue and those who make this claim have not, and cannot, produce evidence supporting their claim. Opponents of intelligent design will, nonetheless, often subtly slip the word "supernatural" into their arguments as to convince others that intelligent design advocates a religious explanation on the origin of life, not a scientific one.

Such a claim leads to the second key objection raised against intelligent design.

## Objection 2: Intelligent Design Theory is Religion Masquerading as Science

The plaintiffs in the case argue that intelligent design theory is inherently religious. They argue:

...intelligent design...is an **inherently religious argument or assertion** that falls outside the realm of science.<sup>21</sup>

This claim is rather broad and it would serve us better to break it down into several smaller subsections. I have taken the liberty to do so in this document and the subsections are as follows:

- a. Intelligent design requires a supernatural being (this was discussed in the previous section, “Intelligent Design Theory is not science,” and so will not be discussed here).
- b. Intelligent design is simply “creation science,” which the U.S. Supreme Court ruled against in the 1987 case *Edwards v. Aguillard*, 482 U.S. 578.
- c. The “Wedge Document” is evidence that intelligent design is really religion masquerading as science and those who doubt evolution do so on purely religious grounds.
- d. Intelligent design is in violation of the “Establishment Clause” of the First Amendment of the United States Constitution and also the “Lemon Test” as established in the 1971 U.S. Supreme Court case *Lemon v. Kurtzman*.

B.

Since we already addressed point “a,” namely, that intelligent design requires the intervention of a supernatural being, we will not discuss it in this section, but instead, we will proceed to point “b,” the idea that intelligent design is simply “creation science” rewrapped and the U.S. Supreme Court ruled against “creation science” in the 1987 case *Edwards v. Aguillard* (and some will include also the 1982 case of *McLean vs. Arkansas*). The plaintiffs claim:

In 1987, the United States Supreme Court issued a decision in *Edwards v. Aguillard*, 482 U.S. 578 (1987), holding that a requirement that public schools teach “**creation science**” along with evolution violated the Establishment Clause of the First Amendment of the United States Constitution. The Court held that the belief that a **supernatural** creator was responsible for the **creation of human kind** is a **religious viewpoint**. *Id.* at 591. The Court further held that the Act “**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 is its entirety.” *Id.* at 596.<sup>22</sup>

Also,

The existence of such a creator is a **central tenet of traditional theistic religions**. As such, **intelligent design is inherently religious**.<sup>23</sup>

Also,

In reality, intelligent design promotes positions taken by advocates of the same "**creation science**" that was at issue in *Edwards v. Aguillard*, including the divine design of biological adaptations and the special creation of the basic "kinds" or animals.<sup>24</sup>

Also,

The concept of a creator who has power, intelligence, and a sense of design is a **fundamental tenet of the creation science** that courts have ruled is not permitted in schools....<sup>25</sup>

Also,

...it [evolution] has been repeatedly attacked by persons who disagree with it on **religious** grounds because it is perceived by some to contradict their **religious** beliefs about the origin and development of life, including, but not limited to, acceptance of a **literal reading of the creation stories in the Book of Genesis**.<sup>26</sup>

Also,

...a requirement that public schools teach "**creation science**" along with evolution....<sup>27</sup>

The idea the intelligent design is simply "creation science" repackaged carries as much truth as claiming that the brand-name drug Tylenol™ is merely another brand-name drug, Advil™, repackaged and sold separately. This claim (on a medical level) would be ludicrous especially since Tylenol is the generic drug acetaminophen while Advil is the generic drug ibuprofen. Upon closer investigation, one would discover that the purposes of Tylenol and Advil also appear different. For example, while Advil can relieve pain, fever, and inflammation, Tylenol works only for pain and fever, proving useless in any case of inflammation. You may claim that Tylenol and Advil are the same product and serve the same purpose but they are two different drugs that just happen to share a few common usages.

Take another example, this one from my personal experience. My name is Samuel Chen. My friends in high school had numerous nicknames for me. Among them were "Sam," "Chen," "Sammy," and others. All were some form of my actual name. However, the band director at my high school constantly called me "Ryan." The reason was simple, Ryan was the pianist for the school's jazz band while I was the pianist for the school orchestra. Both of us had something in common, namely, we both played piano. Even though the band director called us by the same name, we had two different names because we were two different, unique individuals that just happened to share a common interest.

These two examples illustrate the relation between intelligent design and creation science. While some tenets may seem to overlap, it is only a matter of coincidence. Anyone who actually examines the two theories (as most evolutionists, including the plaintiffs in this case, fail to do)

he or she would discover that the two concepts are rather different and most definitely not the same.

The plaintiffs, however, argue that since a few aspects of intelligent design overlap with creationism, and since creationism is religious, intelligent design is inherently religious. They also argue that some of those who once supported "creation science" now support intelligent design, and therefore intelligent design is religious. Both, however, are not only completely false (as pointed out above), but both are also examples of a logical fallacy called the "guilt by association fallacy." The fallacy follows, simply, that since two people, ideas, etc. are somehow (even vaguely) associated, then the two must be virtually identical.

The guilt by association fallacy would state, for example, that if Ryan (the pianist from the above example) liked the Philadelphia Eagles, then I also am an Eagles fan since Ryan and I are associated by the fact we both play piano. Such a conclusion could not be further from the truth. While I do not mind the Eagles, I am a diehard Detroit Lions fan (and still dream of the day they will win the Super Bowl). Just because both Ryan and I play piano, does not mean we like the same things.

For the plaintiffs to say that simply because a few aspects of intelligent design and "creation science" overlap or because some advocates of "creation science" also support intelligent design that the two are equal and both religious is the guilt by association fallacy. It would be the same thing as if I said that since Dr. Barbara Forrest used to be the president of the Louisiana ACLU and as such advocated legalized child pornography and since now she is part of the evolution movement, that therefore all evolutionists are advocates of child pornography. I would never use such an argument since it is a logical fallacy. Yet, the plaintiffs seem to use this faulty logic as if it were a constitutional law.

So what, exactly, is the difference between intelligent design and creation science? Well, since the plaintiffs fail to point out why the two are the same (another failure of the spot test, since they couldn't point to the spot where the two were identical, except for the idea of a supernatural being, which as we showed earlier, is a false assumption), I hope to show why the two are not the same.

Intelligent design is strictly based upon scientific evidence, observation, and analysis. ID theorists argue that some highly-ordered complex features of the natural world—such as the molecular machines in cells or the finely tuned laws of physics—are best explained as products of an intelligent cause rather than an unguided process.

Creation science, on the other hand, is based upon religion or assumptions. Creation science claims that God is the creator of the universe and of all living things. Intelligent design simply claims that certain aspects of the universe and living thing appears to be designed. For example, when we see Mt. Rushmore (Appendix 1), we know that Mr. Rushmore was designed. That is intelligent design. What we do not know is whether man, God, or the aliens designed it. That is an issue of religion. In the same manner, we know that the bacterial flagellum (Appendix 2) was designed. That is intelligent design, purely science. We do not know, based solely upon science, if man, God, or the aliens designed the flagellum. Creation science would claim that God

created the flagellum, but that ultimately would be left to philosophers and theologians to argue out. The main idea and bottom line is that we know the flagellum was designed, but we are telling our students otherwise. In philosophy, we call that “lying.”

C.

Evolutionists often argue that intelligent design is inherently religious based upon something called the “Wedge Document” or the “Wedge Strategy.” The plaintiffs in this particular case state:

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 the so called “science” that is **“consonant with Christian and theistic convictions.”**<sup>28</sup>

Also,

Since the Court’s decision in *Edwards v. Aguillard*, opponents of the scientific theory of biological evolution have developed the assertion or argument of intelligent design as a means for undermining efforts to teach the scientific theory of evolution in public schools and replacing it with so-called “science” that is **“consonant with Christian and theistic convictions.”**<sup>29</sup>

Also,

Public proponents of intelligent design have acknowledged its **religious content and purposes**. For example, the Discovery Institute produced a paper entitled **“The Wedge Strategy,”** which explains in its “Governing Goals” that the purpose of advocating intelligent design is **“[t]o defeat scientific materialism and is destructive moral, cultural and political legacies”** and **“[t]o replace materialistic explanations with theistic understanding that nature and human beings are created by God.”**<sup>30</sup>

Also,

As a further example, Phillip Johnson, a public spokesperson for intelligent design, explained on American Family Radio in 2003 that “[o]ur strategy has been to change the subject a bit so that we can get the issue of **intelligent design, which really means the reality of God,** before the academic world and into our schools.”<sup>31</sup>

Obviously, opponents of intelligent design will argue, the purpose of intelligent design is religious and is to replace evolution with science that is “consonant with Christian and theistic convictions.”<sup>32</sup> After all, Phillip Johnson writes in his book *Defeating Darwinism by Opening Minds*,

If we understand our own times, we will know that we should affirm the reality

of God by challenging the domination of materialism and naturalism in the world of the mind. With the assistance of many friends I have developed a strategy for doing this.... We call our strategy the “wedge.”<sup>33</sup>

This may seem as a blatant admission that intelligent design is truly religious, and those who oppose intelligent design have undoubtedly used the Wedge Strategy against the ID movement. It seems very clear that intelligent design is serving the purpose of a wedge, attempting to hold the door open for fundamental Christian and theistic convictions to enter the classroom.

However those who make this assertion show two things about themselves. First, that they have not actually read much of anything written by Phillip Johnson, and second, they have a poor understanding of philosophy and the rules which govern it.

Phillip Johnson’s “Wedge Strategy” is further developed in another one of his books. Take note of the full title of that book: *The Wedge of Truth: Splitting the Foundations of Naturalism*. The “wedge” does not serve the purpose of holding the door open for Christian and theistic views. Those who claim that it have failed to even read the full title of Johnson’s book, let alone the book itself. Instead, it serves the purpose of splitting the foundations of naturalism, or scientific materialism.

This is good, since scientific naturalism or scientific materialism is the pre-determined paradigm that has been placed around science. With scientific naturalism or materialism, science is no longer the objective search for the truth through research but instead, it is now a subjective search for any possible answer that must fit within a purely and completely naturalistic or materialistic setting.

“Science” as described above is not true science, it is philosophy and religion, an idea which was echoed by Cornell professor and evolutionist Dr. William Provine, Ph.D. when he said, “Evolution is the greatest engine of atheism ever invented.”<sup>34</sup> When Phillip Johnson said, “This isn’t really, and never has been, a debate about science. It’s about religion and philosophy.”<sup>35</sup> he was referring to this relation between evolution and philosophy and religion, although this particular quote is another one from Phillip Johnson that evolutionists continue to misuse.

Dr. William A. Dembski, Ph.D., Ph.D. put it well in his book *The Design Revolution: Answering the Toughest Questions about Intelligent Design*. He writes,

The wedge metaphor, as Phillip Johnson initially used it, focused on the discrepancy between science as an empirical enterprise that goes where the evidence leads (which is a legitimate conception of science) and science as applied materialist philosophy that maintains its materialism regardless of evidence (which is a bogus, though widely held, misconception of science).” According to Johnson, the discrepancy between these two conceptions of science provides a point of weakness into which the thin end of a wedge can be inserted. Pounding the wedge at the point of weakness is supposed to invigorate science,

renew culture and liberate society from the miasma of materialism and naturalism. That's the promise.

The wedge metaphor has outlived its usefulness.... The wedge, to vigorously mix metaphors, has already swept the field, cleaned house, shone the spotlight and exposed scientific materialism's dirty laundry. Now that that has been accomplished, where do we go from here? <sup>37</sup>

Not only have those who use Johnson's "Wedge" as a term of abuse not read much, if any, of Johnson's actual line of reasoning, they demonstrate a very poor grasp on philosophy, even the very definition of it.

For one, as pointed out earlier, evolutionists have failed to realize that the definition which they give to "science" actually places science in the realms of philosophy and religion, not science.

Secondly, they also fail to recognize that, in some instances, not all, science is overruled by philosophy. For example, if someone were to show me "scientific evidence" for the idea that there could be a married bachelor, I, without doing any scientific research on my own, could correctly assert that their "scientific evidence" is flawed or nonexistent. Why is this? Simply because the definition of the word "bachelor" eliminates any possibility of marriage and therefore, logically (which is also philosophically), no matter how much "evidence" one may have for a married bachelor, I can know that one does not exist.

This example is further displayed when you examine the highest degree one can attain in the science. It is a doctorate degree, or simply referred to as a Ph.D. What does Ph.D. stand for? Doctorate of Philosophy. Why philosophy? Because in many senses, the sciences are branches of philosophy.

Therefore, when evolutionists argue that intelligent design is a religion because of the Wedge Document or the Wedge Strategy, basic philosophical logic tells me that such an argument holds not merit, especially when those using the argument cannot properly define "science" without implicating their own, personal, philosophical and religious views.

Finally, the Wedge Document shows that intelligent design advocates possess something that evolutionists do not—honesty and the ability to admit mistakes. While the Wedge Document suggests replacing evolution with science that is "consonant with Christian and theistic convictions." <sup>38</sup> intelligent design advocates have made it very clear that the goal now is not to have science presented from a Christian or theistic point of view, but to have science presented from an objective point of view.

And so we see that the Wedge Document and the Wedge Strategy have only become terms of abuse used against intelligent design. The wedge reveals only that intelligent design is not religious and that evolutionists who use the "Wedge" against design advocates have a very shallow, if any, understanding of the writings of Phillip Johnson.

D.

The final argument about intelligent design being religious is that design theory violates the “Establishment Clause” of the First Amendment of the United States Constitution by violating the “Lemon Test” as established in the 1971 landmark United States Supreme Court case *Lemon v. Kurtzman*.

The plaintiffs claim that the defendant’s “intelligent design policy” violates the Establishment Clause and the Lemon Test. They state:

The actions of the defendants...subjected plaintiffs to a **deprivation of their rights** under the **Establishment Clause of the First Amendment** of the Constitution of the United States, as applied to the states by the Fourteenth Amendment.<sup>39</sup>

Also,

The...resolution and the...press release (collectively, the “defendants’ intelligent design policy” or the “policy”) **facially and as applied violate the Establishment Clause of the First Amendment** to the United States Constitution.<sup>40</sup>

For this claim to have any merit, however, the plaintiffs must show how the Establishment Clause of the First Amendment was violated. They attempt to do this by showing that the “defendants’ intelligent design policy” violates the Lemon Test.

The Lemon Test, which deals with religion and government, has three prongs. First, the matter in question (in this case, the policy) must possess a secular purpose or motivation. Concerning this, the plaintiffs claim:

**The policy has no secular purpose.** Singling out evolution from all other scientific topics in the curriculum for special, negative treatments detracts from the science education of students in the Dover Area School District, and misleads them about the established position of the scientific theory of biological evolution in the scientific community.<sup>41</sup>

Also,

**The purpose and effect of the policy are to advance and endorse the specific religious viewpoint and beliefs** encompassed by the assertion or argument of intelligent design.<sup>42</sup>

Also,

By telling students that there purportedly are “gaps/problems” in the scientific theory of biological evolution, while not presenting any “gaps” or “problems” in the assertion or argument of intelligent design, the defendants’ policy exhibits a

preference for the assertion or argument of intelligent design over the scientific theory of biological evolution. The defendants are **thereby preferring religion over a religion-neutral scientific theory**, and are **preferring the specific religious views reflected in the assertion or argument of intelligent design.** <sup>43</sup>

Also,

**The purpose of the defendants' intelligent design policy is to advance and endorse religion and a particular religious viewpoint.** <sup>44</sup>

However, the plaintiffs have misinterpreted the Lemon Test and, as a result, once again failed the spot test. The first prong of the three-prong Lemon Test states that the policy must have a secular purpose. It does not say anything about possessing a religious purpose. Having a religious purpose and/or a religious aspect is allowable, as long as there also exists a secular purpose and/or secular aspect. If the Lemon Test had banned all matters possessing a religious purpose or having a religious aspect, then many issues would be forced, by law, to be banned from the public and from public schools.

For example, if the Lemon Test really bans matters possessing a religious purpose and/or having a religious aspect, then public schools can not teach students the Golden Rule. This would be because many religions, including what many term "fundamentalist Christianity," preach the Golden Rule. It is, therefore, religious and should be banned from public education. By the same logic, it would be improper and illegal to discipline students for stealing or lying and courts could not punish criminals for murder, since all of these acts are considered wrong by the Ten Commandments, advocated by both Judaism and Christianity. To discipline students for stealing or lying or to punish criminals for murder, would be to affirm, even if not all, at least part of the Ten Commandments, which is no doubt religious.

Such examples appear ludicrous and if they were implemented, they would certainly cause great problems for public schools, courts, prisons, and most, if not all, of the nation. However, by the misinterpreted Lemon Test, which is being used by the plaintiffs in this case, such honorable things, like the Golden Rule, would be required to be banned.

Having now clarified what the first prong of the Lemon Test truly states, we can also see that the plaintiffs have once again failed the spot test. The claim is that "**the purpose and effect of the policy are to advance and endorse the specific religious viewpoint and beliefs...**" <sup>45</sup>, that "the defendants are **thereby preferring religion...**" <sup>46</sup>, and that "**the purpose of the defendants' intelligent design policy is to advance and endorse religion....**" <sup>47</sup>

By observing the statements and charges made, we see that the plaintiffs initially claimed that the defendants' intelligent design policy had "no secular purpose." <sup>48</sup> However, they follow up that assertion by claiming the defendants' policy has a religious purpose or is religious in nature. They cannot point to the spot where the defendants' intelligent design policy lacks a secular purpose. Simply possessing a religious purpose or religious aspect does not mean that there is no secular purpose or secular aspect. It definitely does not even suggest that such a policy should be

banned, as shown in the examples of the Golden Rule, school rules about stealing and lying, and the courts ruling concerning murder.

Furthermore, many organizations in opposition to the idea of intelligent design, have labeled intelligent design “secular creationism.” While this is an incorrect and false name for intelligent design, it shows that intelligent design opponents have deemed ID theory as secular. In addition, as shown earlier, there is no link between intelligent design and creationism, unless through the guilt by association fallacy. Hence intelligent design is indeed a secular theory.

The plaintiffs continue by quoting the words of members of the Dover Area School Board, using them as evidence that the purpose for the policy was religious. This, however, is not only false, but had it been true, would not be in violation of the Lemon Test’s first prong.

This leads us to the second prong of the Lemon Test, which requires that the matter in question (the defendants’ intelligent design policy) cannot be a government endorsement of religion. To this charge, the plaintiffs claim

The defendants’ intelligent design policy **promotes religious views** that may not be adhered to by the plaintiffs and their children and invades their prerogative to instruct their children about their beliefs with respect to religion.<sup>49</sup>

Also,

The plaintiffs perceive the district’s action as conveying a **government message that students should subscribe to the religious views** reflected in the assertion or argument of intelligent design.<sup>50</sup>

Also,

The plaintiffs feel harmed, intimidated, and distressed by the defendants’ **endorsement and promotion of religious views** which they feel should not be taught in public school.<sup>51</sup>

Also,

The defendants’ intelligent design policy violates the plaintiffs’ rights under the Establishment Clause by subjecting their children to an unwelcome **governmental endorsement of religion....**<sup>52</sup>

Also,

The purpose of the **defendants’ intelligent design policy is to advance and endorse religion and a particular religious viewpoint.**<sup>53</sup>

Also,

The defendants' intelligent design policy succeeds in doing so, resulting in...**an endorsement by the state of religion over non-religion and of one religious viewpoint over others.**<sup>54</sup>

The plaintiffs also quote several of the members of the Dover School Board indicating that the purpose for implementing the intelligent design policy was to advance and endorse a particular religion, namely, fundamentalist Christianity.

However, the plaintiffs have again failed the spot test. They make assertions that the defendants' intelligent design policy is a government endorsement of a particular religious viewpoint over other religious viewpoints. Yet, aside from a few comments made by members of the Dover School Board, the plaintiffs cannot point to any evidence that the statement being read in the biology classes at Dover High School is an endorsement of religion.

Concerning the comments made by the few board members, the plaintiffs follow the argument that because the board members said what they did, therefore the intelligent design policy of Dover Area School District is an endorsement of religion.

This argument is another logical fallacy, this time, the identity fallacy. The plaintiffs are holding that because the board members that support the intelligent design policy are Christians, therefore the policy is an endorsement of religion.

This fallacious argument attempts to discredit intelligent design not based upon the content of intelligent design, but instead, simply because the person arguing for intelligent design happens to be a Christian. The argument simply, but incorrectly, states that since Christians support intelligent design, and some even say Christian things to support it, therefore intelligent design is an endorsement of religion.

This would be the same as if I had said that we cannot remove the words "under God" from the Pledge of Allegiance because Michael Newdow, the gentlemen asking for the words' removal, is an atheist. Because Mr. Newdow is an atheist and advocates the removal of the words "under God" from the Pledge, therefore removing the words "under God" from the Pledge is an endorsement of atheism.

It would be silly for me to make that assertion since I did not evaluate any of Mr. Newdow's arguments against the Pledge. I dismissed his arguments based simply upon his identity. That is exactly what the plaintiffs have done in this case.

So if one were to actually examine intelligent design, or the intelligent design policy of the defendants, in search of a possible endorsement of religion, they would find something very different than the plaintiffs have argued.

The fact is that all religions, except for atheistic humanism, which subscribes to evolutionary theory, subscribe to some form of design theory. Since intelligent design does not specify who or what designed, each religion can decide that for them. Hence, intelligent design does not

endorse any religion, but instead, almost all religions subscribe to design theory.

In addition, design theorists are open to having intelligent design and evolution taught side by side in the science classroom. Design theorists are not trying to diminish the teaching of intelligent design, as evolutionists often assert. Therefore, since evolution is still being taught, no religion is being endorsed over another one.

This is not the same, however, for evolutionists. Evolutionists, such as the plaintiffs in this case, argue that only evolution is ever allowed to be taught in the public school science classroom. Since evolution is also the dogma of secular, atheistic, humanism, allowing only evolution to be taught is endorsing a religion, namely, atheism. In teaching evolution as a scientific fact is to tell students that all religions, except atheism, are somehow in error, at least scientifically, since they subscribe to design theory.

Hence, we see that if any theory is endorsing one religion over another, it would be evolution. This assertion can continue to be debated, but there is no doubt that intelligent design is not an endorsement of religion.

This leads us to the third prong of the Lemon Test, which states that a policy, in this case, the defendants' intelligent design policy, cannot involve excessive entanglement between government and religion.

To this claim, the plaintiffs claim:

The defendants' intelligent design policy also results in **an excessive entanglement of government and religion....**<sup>55</sup>

Also,

The defendants' intelligent design policy succeeds in doing so, **resulting in an excessive entanglement of government and religion....**<sup>56</sup>

This time, the plaintiffs take the spot test and point to an area where the plaintiffs' intelligent design policy may be in violation of excessive entanglement between government and religion.

The plaintiffs offer a scenario in which "the Dover Area School District will have to monitor the classroom behavior of its teachers to prevent them from identifying God as the 'intelligent agent' or 'designer' when students ask that question."<sup>57</sup>

However, there are a few items of objection with this scenario.

First, the scenario is hypothetical. It was not based upon a true incident and was made up by the plaintiffs for one reason alone: to support the plaintiffs' cause. However, I do grant that such a scenario could take place, and although there is no indication that it has, it is worth discussing.

In this particular case at Dover High School, the hypothetical scenario raised by the plaintiffs'

would never happen. The plaintiffs complain that if a student asks who the “intelligent agent” or “designer” is, the school district would have to monitor the classroom so that the teacher will not identify “God” as such.

However, the plaintiffs also write that

This resolution [the defendants’ intelligent design policy] was developed without the participation of district science faculty and was opposed by the faculty when they found out about it.<sup>58</sup>

What the plaintiffs are arguing is that the very teachers who are greatly opposed to intelligent design and the defendants’ intelligent design policy might somehow tell their students that God is the “designer” or “intelligent agent.”

The idea that God is the “designer” or “intelligent agent” is an aspect of creationism, not intelligent design. So it is highly doubtful that teacher who are very much opposed to intelligent design will give an answer endorsing creationism.

Here, the plaintiffs take the spot test by giving an example of how the defendants’ intelligent design policy may be a violation of excessive entanglement between church and state. However, they fail the test because the hypothetical situation they set up as an example would never happen in the science classroom at Dover High School, a conclusion arrived at by thinking logically.

Hence, we see that intelligent design passes every prong of the Lemon Test and as a result it is not in violation of either the Lemon Test or the Establishment Clause of the First Amendment of the United State of America.

In fact, if any theory were to be in violation of the Lemon Test, it would be evolution. Concerning the first prong, evolutionists claim their theory to be a scientific fact, yet they continuously fail to answer the questions posed by intelligent design. Hence, there may be another purpose, aside from a secular one, to mandate the teaching of evolution.

On the second prong of the Lemon Test, evolutionists argue that only evolution is to be permitted in the public school science classroom. Since evolution is the dogma of secular, atheistic humanism (not that atheists or humanists all believe in evolution or that all evolutionists are atheists or humanists, but that the doctrine of evolution serves as a dogma of secular, atheistic humanism).

On the third and final prong of the Lemon Test, since evolutionists claim their theory is a fact but fail to produce legitimate evidence and fail to provide answers to questions about their theory. Since evolutionists insist on being so vague as to presenting and defending their theory, it could be in violation of the excessive entanglement clause.

Whether or not evolutionary theory is in violation of the Lemon Test and the Establishment Clause of the First Amendment is debatable. However, in no way is intelligent design in

violation of either.

Upon examination of the facts, it is safe to conclude that intelligent design is not a religious concept, it is not based upon a religion, and it is not a violation of the Lemon Test or the First Amendment of the United States Constitution.

### Objection 3: Intelligent Design is *not* a Theory

The plaintiffs also claim that intelligent design is not a theory. They claim that:

Intelligent design is a non-**scientific argument or assertion**, made in opposition to the scientific theory of evolution....<sup>59</sup>

The claim is that by the scientific definition for “theory,” intelligent design does not qualify. The plaintiffs define the science term “theory” saying that a theory

has a distinct meaning and does not suggest uncertainty, doubt, or speculation. The National Academy of Sciences defines “theory” as follows: “In science, a well-substantiated explanation of some aspect of the natural world that can incorporate facts, laws, inferences, and tested hypotheses.”<sup>60</sup>

What the plaintiffs fail to realize is that the definition is given for a “theory” by the defendants in their intelligent design policy. The statement read to the students prior to the lesson on evolution in their biology classes states,

a theory is defined as a well-tested explanation that unifies a broad range of observations.<sup>61</sup>

The definition provided by the plaintiffs is merely an extension of the definition provided by the defendants. The plaintiffs never once pointed out any error with the defendants’ definition of a “theory,” once again failing the spot test.

Furthermore, the definition for a “theory” set by evolutionists is a contradiction from other arguments they make. Evolutionists argue that a scientific theory must be falsifiable. Yet, evolutionists argue that a theory cannot “suggest uncertainty, doubt, or speculation”<sup>62</sup>

The plaintiffs are arguing that evolutionary theory is a scientific theory that has no uncertainties, no doubts, and no speculations, yet it can be proven incorrect because it is falsifiable. The plaintiffs cannot have things both ways, they must make a decision. Either the plaintiffs must accept that evolution may have uncertainties, doubts, and speculations and is therefore falsifiable and may be a legitimate scientific theory by their own definition. Or, the plaintiffs argue that evolution cannot have uncertainties, doubts, or speculations and therefore it is not falsifiable and is disqualified as a legitimate scientific theory.

By the definition for a scientific “theory” as set by the plaintiffs, all scientific “theories” are not “science,” since without any possibility of uncertainty, doubt, or speculation they can never be falsified. If they cannot be falsified, they are not considered scientific.

Other evolutionist groups have provided other definitions for the scientific definition of a “theory.” Most of these definitions indicate that a “scientific theory” is naturalistic or

materialistic. This confines science and scientific theories to the paradigm of naturalism and materialism, as mentioned earlier in the brief. However, such a definition denies science as an objective research-based inquiry. It requires that science be taught with limitations. Yet who decides what the limitations are? Apparently evolutionists have decided to take that upon themselves as their job to do so.

Dr. William A. Dembski, Ph.D, Ph.D. makes mention to this problem in his book *The Design Revolution: Answering the Toughest Questions about Intelligent Design*. In there, he discusses

the discrepancy between science as an empirical enterprise that goes where the evidence leads (which is a legitimate conception of science) and science as applied materialist philosophy that maintains its materialism regardless of evidence (which is a bogus, though widely held, misconception of science).<sup>63</sup>

Unfortunately, opponents of intelligent design today have changed the definition of science to force it into the paradigm of naturalism and materialism, no longer allowing science to be an inquiry and research program and no longer allowing science to be objective and honest.

So, by a faulty definition, intelligent design most certainly is not a scientific theory. However, if scientists are open to an honest pursuit of the truth and an objective research-based inquiry, their intelligent design most definitely qualifies as a scientific theory.

## Objection 4: Intelligent Design will *Minimize Evolution* in the Science Classroom

The plaintiffs also argue that by reading the intelligent design statement in classrooms and thereby allowing students to know that another theory besides evolution exists, will minimize evolution in the classroom. To this claim the plaintiffs bring several grievances.

- A. There is a scientific consensus on the validity of the scientific theory of evolution.
- B. Intelligent design forbids evolution.
- C. The plaintiffs singled out evolution as having flaws.
- D. The book *Of People and Pandas* rejects evolutionary theory.

A.

The plaintiffs argue that there is a scientific consensus concerning the validity of evolution. They begin by quoting the National Academy of Sciences in defining the term “evolution.” They state:

Biological evolution concerns changes in living things during the history of life on earth. It explains that living things share common ancestors. Over time, evolutionary change gives rise to new species. [Charles] Darwin called this process “descent with modification,” and it remains a good definition of biological evolution today.<sup>64</sup>

It is upon this definition of evolution that the plaintiffs have based all of their arguments in their suit. However, the definition given for evolution is an incredibly inaccurate definition.

The idea of biological evolution is not merely that living things share common ancestors. That concept is called “common descent” and some intelligent design advocates even accept it. Common descent does not indicate Darwinian evolution nor does it indicate a rise to new species.

Evolution, as used in the sense of Darwinian evolution or neo-Darwinism, is a process driven by natural selection acting upon random mutations. It is a purposeless process that, as the National Association of Biology Teachers (NABT) says, “has no specific direction or goal, including survival of a species.”<sup>65</sup> It is worth noting that the National Association of Biology Teachers is a great proponent of evolutionary theory and its position as a fact in public school science classrooms.

The plaintiffs claim, as most evolutionists do, that there is a scientific consensus on the validity of evolution. They state:

The National Academies of Sciences has stated that “**evolution is one of the strongest and most useful scientific theories we have**” and “[t]he scientific consensus around evolution is overwhelming.”<sup>66</sup>

Also,

The American Association for the Advancement of Science has stated that: “The **contemporary theory of biological evolution is one of the most robust products of scientific inquiry. It is the foundation for research in many areas of biology as well as an essential element of science education.**”<sup>67</sup>

Also,

While the **scientific theory of biological evolution is overwhelmingly accepted in the scientific community....**<sup>68</sup>

Also,

...the **established position** of the scientific theory of biological evolution **in the scientific community.**”<sup>69</sup>

Other groups, such as the National Science Teachers Association (NSTA) have also issued such statements, claiming that

**there is no longer any debate among scientists as to whether evolution has happened.** There is considerable debate as to how it happened.<sup>70</sup>

However, such statements and assertions made by opponents of intelligent design are often exaggerated at best and flat out lies at worst. First, the plaintiffs have once again failed the spot test. They assert that biological evolution is overwhelmingly accepted in the scientific community and that there is a consensus on evolution as a scientific fact.

Yet, they have provided no evidence supporting this claim. The truth is that many scientists have doubts about Darwinian evolution. The Discovery Institute, a think-tank based in Seattle, Washington, has produced a list of over 400 doctoral scientists who doubt or question the absolute validity of evolutionary theory. Does this mean that evolution is definitely a false theory? Absolutely not, but it does mean that we should proceed cautiously when we teach evolutionary theory in public school science classrooms. We should certainly refrain from claiming that it is a fact.

So if over 400 scientists, and the list is not exhaustive, doubt or question Darwinian evolution, why do the plaintiffs and other evolutionists argue that their theory has been fully accepted as fact by the scientific community? The answer is easy; evolutionists claim that anyone who subscribes to design theory is not a true “scientist” and any science that does not fully support a conclusion of evolution being factual is not true “science.”

To think in this manner, however, is a logical fallacy. The evolutionists, and in this case the plaintiffs as well, are arguing that there exists a consensus among scientists as to the validity of evolution as a fact and intelligent design as not being a science. Such a consensus exists because the over 400 doctoral scientists who doubt Darwin cannot be

considered true scientists and therefore their doubts cannot count. They cannot be considered true scientists because they doubt Darwin and therefore they are “unscientific.” And because they are “unscientific,” their doubts about evolution cannot count. And because their doubts cannot count, a consensus as to the validity of evolution as a fact exists among scientists. This line of reasoning, or lack thereof, is not good science nor good logic. It is circular logic, another logical fallacy used by the plaintiffs.

The honest truth is that there are “true” scientists who have honest, scientific doubts about Darwinian evolution. These doubts should be known to students who learn Darwin’s theory as a well-established principle in science. To deny students this knowledge is to have reached the pinnacle of academic arrogance. To students, as myself, it is an incredible insult to know that my teachers are lying to me or that my teachers find me so obtuse that I cannot ponder upon doubts to evolutionary theory. Such arrogance has, and will continue to, hurt students, education, and science. There is science behind intelligent design and there are doubts to Darwinian evolution. Dover Area School District is presenting neither. They are merely informing students that such concepts exist.

B.

The plaintiffs continue by arguing that intelligent design forbids the teaching of evolution. They claim:

Opponents of evolutionary theory in the United States have on many occasions attempted to forbid, limit, or otherwise undermine the teaching of the scientific theory of biological evolution in public schools.<sup>71</sup>

Also,

Challenges have included laws or policies to prohibit the teaching of evolution....<sup>72</sup>

If intelligent design does forbid the teaching of evolution, then certainly we should be concerned with teaching design theory in schools. However, design does not forbid the teaching of evolution. In fact, it is evolution that forbids and hinders the teaching of evolution.

Intelligent design advocates insist that evolution should be taught in the public school science classroom. In fact, they believe that more of evolution should be taught than is being taught now. Intelligent design advocates believe that all of evolution, including questions and flaws with the theory, should be presented.

This, however, is not even what Dover Area School District has proposed with their intelligent design policy. The school district proposed to allow students to know that flaws and questions exist concerning evolutionary theory, that’s all.

So, the evolutionists and the plaintiffs are the ones who truly want to censor the teaching of evolution. They are the ones who want to deny students the knowledge that questions exist

concerning evolution. They are the ones who wish to lie to students and deceive them into believing that no one questions evolution and that no errors exist in the theory.

C.

The plaintiffs also argue that the Dover Area School District singled out evolution as having problems. To this assertion, they argue:

Pursuant to the defendants' intelligent design policy, the biology curriculum at Dover High School for the 2004-2005 school year requires Dover High School science teachers to...single out the scientific theory of evolution among all other scientific theories and concepts taught to students as having "gaps" and "problems."<sup>73</sup>

Also,

Singling out evolution from all other scientific topics in the curriculum for special, negative treatment detracts from the science education of students in the Dover Area School District....<sup>74</sup>

However, this "singling out" is alluded to in such negative connotations while it is truly not, perhaps, a negative problem. The reason evolution is "singled out," to borrow the plaintiffs' language, is because no other scientific concept taught in public school science classrooms has had so much empirical evidence working against it.

Furthermore, why don't we single out more theories, as the plaintiffs suggest we do. My answer is this, if we find gaps and flaws with Newton's Theory of Gravity, let's teach them. If we find gaps and flaws with Einstein's Theory of Relativity, let's teach them. Anytime we find legitimate gaps and flaws in a theory, they most definitely should be taught. The challenge is, finding these flaws in the other theories. This is because evolution is the only theory taught in science curricula that has so little scientific backing.

Finally, could singling out be wrong? Certainly. However, is there ever a time that it should be done? How if, for example, the entire math class correctly answers  $5+2=7$ . One student, however, incorrectly writes the answer down as 4. Should this child be given credit for getting the problem right or should this child's answer be "singled out" as a wrong response? Such is that case in the science classrooms when dealing with evolution and intelligent design.

The plaintiffs also complain that

Students will not be told of any flaws or weaknesses in intelligent design.... The defendants' policy will suggest to students that the scientific theory of biological evolution is false....<sup>75</sup>

This assertion, however, makes little, if any, sense. If evolutionists wish to dispel intelligent design and expose gaps in the theory need to produce their own research and answer the questions posed by design. The burden of proof is on the evolutionists, not the design theorists.

Furthermore, it makes no sense to point out flaws, if they exist, with intelligent design when intelligent design is not being taught in the science classroom. First of all, the plaintiffs claim that intelligent design is not on the same level as evolution, so why should the two be put under the same scrutiny? Such is an inconsistency in the plaintiffs' position. Also, at Dover High School, according to the policy, intelligent design is merely mentioned. There is no need to point out flaws to a theory not being taught.

D.

The plaintiffs finally argue that the students will be reading the pro-ID book, *Of Pandas and People: The Central Question of Biological Origins* authored by Dr. Dean Kenyon and Dr. Percival Davis. This book, they claim, is heavily biased in favor of intelligent design. They state:

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).**<sup>76</sup>

Also,

***Of Pandas and People* is published by the Foundation of Thought and Ethics, which describes itself as a Christian think-tank that includes in its mission “proclaiming, publishing, preaching [and] teaching...the Christian Gospel and understanding of the Bible and the light it sheds on the academic and social issues of the day.”**<sup>77</sup>

Also,

At some time after the August 2, 2004, Dover School Board meeting, the Dover Area School District approved the **anonymous donation of fifty copies of *Of Pandas and People* for the Dover High School science classrooms.**<sup>78</sup>

Also,

According to the [press] release, the School Board has “made a considerable effort to develop and adopt a fair and balanced *science* curriculum.” (emphasis added by the plaintiffs). In “an effort to present a balanced curriculum, **the [*Pandas*] book is made available to all students who wish to review the book.**”<sup>79</sup>

Also,

The Dover Area High School has **received sixty donated copies of *Of Pandas and People*.**<sup>80</sup>

In these assertions, the plaintiffs draw up several points. First among them is the idea that *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).”<sup>81</sup>

This argument, however, is not an argument. The plaintiffs are stating that even the authors of the book, *Of Pandas and People*, admit that it supports intelligent design and raises doubts about natural descent, which is evolution. The latter portion of that statement is false. Natural descent does not necessarily signify biological evolution. It is another tactic, called lying, used by the plaintiffs to make people believe evolution is something that it is not.

Furthermore, there is no one that denies that *Of Pandas and People* supports intelligent design. Certainly you would not ask your students to read a book on democracy so that they would understand the basic tenants of communism. Would they have a good comparative view, certainly, but would reading about democracy tell you exactly what communism is? Most certainly not. In the same manner, if a student wishes to find more concerning what intelligent design is, he or she should read a book that would discuss intelligent design, which *Biology*, the science text used in Dover High School, does not.

The second point drawn up concerning *Of Pandas and People* is that it is published by a Christian think-tank who wishes to proclaim, publish, and preach the Gospel of Christianity and a better understanding of the Bible.

This argument, however, is also no good. The plaintiffs are using, again, the guilt by association fallacy stating that because the publisher of *Of Pandas and People* is a Christian think-tank, then *Of Pandas and People*, must be a Christian book. They then proceed to use the identity fallacy as well. They claim that if *Of Pandas and People* is a Christian textbook, then it cannot possibly be correct scientifically and it must be banned from public schools. This entire argument put forth by the plaintiffs rests upon two logical fallacies.

The final point is that the Dover Area School District received several donated copies of *Of Pandas and People* and has made them available for students to read.

This argument is also pointless. Since the books *Of Pandas and People* were donated to the Dover Area School District, no tax dollars were used since no books were purchased by the school district itself. Furthermore, no person is being coerced or even asked to read *Of Pandas and People*. The books are simply there if someone wanted to read them. If this is a problem, then the plaintiffs should sue all the public libraries and public school libraries in the country for carrying copies of the Holy Bible. After all, students, or anyone for that matter, may just read it, and that would be, as the plaintiffs may argue, violation of church and state.

The plaintiffs also complain that several board members have made negative comments concerning the text used for the science classes, called *Biology* by Dr. Kenneth Miller and Dr. Joseph Levine. One member on the board even referred to the book as being “laced with Darwinism.”<sup>82</sup>

However, here again, develops a problem. The problem is that the comment made by the board member is true. Now, if the text *Biology* was “laced with Darwinism,” that would be all right. However, it is not simply “laced with Darwinism,” the Darwinism is supported by nothing less than poor logic and lies upon more lies.

Miller and Levine’s book, *Biology*, discusses seven of the most popularly used images and ideas that support Darwinian evolution. These seven “icons of evolution” are all either completely false or misleading. Miller and Levine’s book discusses them in such an affirming manner that the book managed to fail a recent textbook evaluation for Darwinism.

The areas are:

- A. Miller-Urey Experiment of 1953
- B. Darwin’s Tree of Life
- C. Vertebrate Limb Homology
- D. Haeckel’s Embryos
- E. Archaeopteryx
- F. Peppered Moths
- G. Darwin’s Finches

A.

The text *Biology* includes a picture or drawing of the Miller-Urey apparatus with a misleading caption claiming (some may argue implying) that the experiments conducted simulated the conditions of the early Earth. However, the accompanying text points out that this probably was not the case, listing other gasses and leaving the student confused as to whether the Miller-Urey experiment truly demonstrated how life’s building blocks formed on the early earth.

The truth, is that scientists today, evolutionists included, almost unanimously acknowledge that the early Earth’s atmosphere consisted of volcanic gasses, not the gasses used by scientists Stanley Miller and Harold Urey in the experiment. If the gasses now believed to exist in the early Earth’s atmosphere were placed in the same experiment Miller and Urey conducted, scientists have found that the experiment fails. Most evolutionists even acknowledge that the Miller-Urey experiment was staged, yet the text being used in Dover High School continues to use it as evidence for evolution.

B.

Concerning Darwin’s “tree of life,” *Biology* assumes that common ancestry is a universal fact and denies any possibility of questioning it. The text even fails to mention the Cambrian explosion, when at one point in time, millions of species were found simultaneously in the fossil record. Even Darwinian evolutionists such as the late Dr. Stephen Jay Gould of Harvard University admitted to the Cambrian explosion, a very key event in the history of science. Yet, the *Biology* refuses to mention it and even attempts to refute it.

C.

Miller and Levine define “homology” as similarity of structure and position and cite homology as evidence for common ancestry and also for evolution. However, the authors cite no evidence

to support this claim. The reasoning is because all evidence argues against this claim. So, naturally, no evidence may be provided, lest it doubts Darwinian evolution.

D.

*Biology* provides a set of drawings of Haeckel's Embryos, which were drawn to show the similarities between early stages of embryos between species. The text argues that these similarities are evidence for common ancestry and Darwinian evolution. However, they fail to mention that the drawings were not actually in the earliest stages, as described. They are towards the middle stages, and each drawing is often in a different stage as the one next to it. The truth is that at the earliest stages, the embryos look nothing alike.

E.

Miller and Levine present Archaeopteryx (the supposed missing link) as the transitional stage between reptiles (or dinosaurs) and the modern birds. They admit that a controversy exists over this animal. However, they fail to mention what the controversy is by failing to point out the scientists now know that the modern bird, if descended, did not descend from Archaeopteryx and that its supposed ancestors do not appear until millions of year later, according to the fossil record.

F.

The text uses photos of peppered moths resting on trees and describes this experiment as a demonstration of natural selection, since the moths that were dark from the soot of the factories at the time were resting on dark tree trunks and the white moths (the ones that did not get dirty with the soot) were easily picked off for prey.

What the text fails to mention, however, is that the moths were pinned to the tree trunks and that moths normally do not rest on tree trunks in that manner they were in the pictures. It is true, sadly, that all the photographs were staged, debunked in the 1980s, and used today in this text to teach our students that evolution is a fact.

G.

*Biology* describes the Galapagos finches so commonly referred to as "Darwin's Finches" as good examples of the origin of species by natural selection. This is because during a dry season, the finches' beaks will evolve so they can get food out of shells and other hard places. What they failed to mention is that the finches barely played a role in Darwin forming his theory. Also, they fail to mention is that during a wet season, the finches beaks evolve back making the net evolution zero and the "evolution" of the finches "microevolution" or simply, "adaptation."

Is *Biology* by Kenneth Miller and Joseph Levine a good science textbook? It does a fairly good job explaining the many other topics of biology. However on the issue of evolution, it continuously lies to students giving them false information upon which false conclusions are drawn.

## SECTION III: CONCLUSION

So what is the point of all of this? The point is that as students, we deserve a fair and honest education. If intelligent design truly is a pseudoscience and truly is religious, then perhaps we should not even discuss it in the science classroom or in any aspect of public education. However, that is not true. It is evident that intelligent design is a legitimate science and is not religious.

Certainly evolutionists, and the plaintiffs in this case, will challenge my claims. However, there are resources that can answer their questions. I, for one, would always be happy to entertain any questions concerning my statements. Many books are also available, covering every aspect of the design debate. However, evolutionists have again and again failed to read these resources or if they read them, they fail to comprehend them.

This is similar to the days of Socrates. During the trial of Socrates, Socrates claimed that many people claim to know much, when they actually know very little, concerning certain topics. He said that when it is discovered that these people know little, they “instead of being angry with themselves are angry with me: This confounded Socrates, they say; this villainous misleader of youth!—and then if somebody asks them, Why, what evil does he practice or teach? they do not know, and cannot tell; but in order that they may not appear to be at a loss, they repeat the ready-made charges....” [sic]<sup>83</sup> Socrates was then executed based upon these undeveloped charges for which no evidence was provided.

The same is often true in today’s public school. Educators who have read little, if any, concerning intelligent design and evolution, educators who often do not know what intelligent design truly is, assert that intelligent is “anti-scientific” and “based upon ignorance,” while claiming evolution to be a “scientific fact.” Yet, when asked about the scientific evidence behind evolution, these educators cannot tell; but in order that they may not appear ignorant, they repeat the ready-made statements. And as was with Socrates, intelligent design is executed and those who support it are deemed unknowledgeable, based upon undeveloped assertions for which no evidence is ever provided.

However, *Kitzmiller v. Dover* is not in their hands, it is in the hands of the judicial system of the United States of America. I would be most disappointed and horrified if the judges of this nation have the courage to make decisions without reading the many sources that are so conveniently before them. I hope that the courts which hear this case would not be so ignorant and arrogant and that the judges hearing this case would honestly search for the answers before making a decision.

Aside from all the scientific, philosophical, and political jargon, I make a plea to the courts from the standpoint of a student. As a student who has suffered the most horrifying confrontations against Darwinism in public schools, I am deeply concerned for the students in Dover Area School District and for students in schools across the nation.

I hope and pray that no student will ever have to go through the difficulties and the harassment I was subjected to for simply questioning a theory. I had never thought that scholars, especially scientists, could be so arrogant and so closed minded. I thought there was freedom in America. I believed that as a student, I would be allowed to think, to ask questions, and explore various viewpoints to various subjects. I never would have envisioned that the America I love could become the tyrannical dictatorship it is today.

America may claim itself to be a democratic republic, but there is no evidence of this in the public school system in America. Instead, the freedom of academia, the freedom of speech, and even the freedom of thought have been stripped away from students. I implore you, members of the court, please return these rights to us students and end the academic tyranny in our schools. My heart weeps for the millions of students that will, like myself, be harassed without end for simply wanting to think and wanting to question.

The decision is now in the hands of the judicial system. I can only hope that they rule wisely and honestly and that they would remove their personal prejudices, and yes, we all have them. I hope they honestly consider the evidence and arguments proposed. Students like myself cannot possibly learn in a society so dominated by arrogance, ignorance, and intellectual slavery.

Communism was a suppressive government that controlled the people of a nation. Modern intellectual slavery, of which evolution is a part, is a suppressive set of thought that controls the minds of students and that persecutes those who may wish to think. This suppression has built a wall between freedom of academia, speech, and thought on one side and students on the other side. It is far worse than communism or any other dictatorship this world has seen. And so, for the sake of the students in this nation and for their education, I ask the courts of this nation, please, tear down this wall!

## **SECTION IV: APPENDIX**

### **Appendix 1: Mount Rushmore**



### **Appendix 2: The Bacterial Flagellum**



## REFERENCES

### Section I: Introduction

1. Perrino-Walker, Celeste. "Darwin's Dictatorship." Liberty Magazine. Vol. 100. No. 2. Mar./Apr. 2005. Pages 21-23.

### Section II: Critique of the Pepper Hamilton, LLC, ACLU, and Americans United for Separation of Church and State Complaint of the Dover Area School District

#### Initial Grievance: Presentation of Intelligent Design in Dover High School

2. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section I: Introduction. Pages 1-2.
3. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 40. Pages 16-17.
4. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section I: Introduction. Page 2.
5. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section I: Introduction. Page 3.
6. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 45. Pages 18.
7. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 40. Page 16.
8. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 40. Pages 16.

9. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section I: Introduction. Page 2.
10. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District’s Change to the Science Curriculum. Paragraph 40. Pages 16-17.
11. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District’s Change to the Science Curriculum. Paragraph 40. Pages 16.
12. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section I: Introduction. Page 2.

Objection 1: Intelligent Design Theory is not a Science

13. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section I: Introduction. Page 2.
14. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section I: Introduction. Page 3.
15. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section I: Introduction. Page 2.
16. Behe, Michael J. “Darwin Under the Microscope.” The New York Times. 20 October 1996: A25.
17. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section I: Introduction. Pages 2-3.
18. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District’s Change to the Science Curriculum. Paragraph 17. Page 9.

19. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 19. Pages 9-10.
20. Behe, Michael J. "Darwin Under the Microscope." The New York Times. 20 October 1996: A25.

Objection 2: Intelligent Design Theory is Religion Masquerading as Science

21. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section I: Introduction. Pages 3.
22. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 17. Page 9.
23. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 20. Page 10.
24. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 21. Page 10.
25. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 22. Page 10.
26. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 15. Page 8.
27. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 17. Page 9.

28. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section I: Introduction. Page 3.
29. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 18. Page 9.
30. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 23. Page 11.
31. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 23. Page 11.
32. Johnson, Phillip E. "The Wedge Document." [The Discovery Institute's "Wedge Document.](http://www.geocities.com/CapeCanaveral/Hangar/2437/wedge.html) 2 September 2005. <<http://www.geocities.com/CapeCanaveral/Hangar/2437/wedge.html>>
33. Johnson, Phillip E. [Defeating Darwinism by Opening Minds.](#) Downers Grove: IL. InterVarsity Press. 1997.
34. Provine, William. Quoted in: Dembski, William A. "Ten Questions to Ask Your Biology Teacher About Design." [The Design Inference: The Writings of William A. Dembski.](#) 15 August 2005. <<http://www.designinference.com>>
35. Grelen, Jay. "Witnesses for the prosecution." [World.](#) 30 November 1996. 18 May 2005. <<http://www.worldmag.com/displayarticle.cfm?id=374>>
36. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 23. Page 11.
37. Dembski, William A. [The Design Revolution: Answering the Toughest Questions About Intelligent Design.](#) Downers Grove, IL: InterVarsity Press. 2004.
38. Johnson, Phillip E. "The Wedge Document." [The Discovery Institute's "Wedge Document.](http://www.geocities.com/CapeCanaveral/Hangar/2437/wedge.html) 2 September 2005. <<http://www.geocities.com/CapeCanaveral/Hangar/2437/wedge.html>>
39. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of

*Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 49. Page 19.

40. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 50. Page 19.
41. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 50. Page 19.
42. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 50. Page 19.
43. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 50. Page 20.
44. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 55. Page 22.
45. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 50. Page 19.
46. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 50. Page 20.
47. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 55. Page 22.
48. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of

*Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 50. Page 19.

49. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 51. Page 20.
50. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 51. Page 20.
51. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 51. Page 20.
52. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 53. Page 21.
53. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 55. Page 22.
54. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 55. Page 22.
55. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 52. Page 21.
56. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 55. Page 22.
57. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of

*Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 52. Page 21.

58. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 34. Page 15.

Objection 3: Intelligent Design is not a Theory

59. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section I: Introduction. Page 2.
60. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 13. Page 7.
61. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section I: Introduction. Page 2.
62. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 13. Page 7.
63. Dembski, William A. The Design Revolution: Answering the Toughest Questions About Intelligent Design. Downers Grove, IL: InterVarsity Press. 2004.

Objection 4: Intelligent Design will Minimize Evolution in the Science Classroom

64. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 12. Page 7.
65. "National Biology Teachers Association Statement on Teaching Evolution." NABT Statement on Teaching Evolution. 7 September 2005.  
<[http://www.kcfs.org/Fliers\\_articles/nabtstatement.html](http://www.kcfs.org/Fliers_articles/nabtstatement.html)>
66. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of

*Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 14. Page 8.

67. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 14. Page 8.
68. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 15. Page 8.
69. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 50. Page 19.
70. NSTA Position Statement: The Teaching of Evolution.” NSTA- View Position Statement. 2 August 2005. <<http://www.nsta.org/positionstatement&psid=10>>
71. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 16. Page 8.
72. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 16. Page 9.
73. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 45. Page 18.
74. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 50. Page 19.
75. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 50. Page 19-20.

76. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section I: Introduction. Pages 3-4.
77. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 15. Page 12.
78. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 32. Page 14.
79. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 40. Page 16.
80. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 42. Page 17.
81. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section I: Introduction. Pages 3-4.
82. Complaint filed by Pepper Hamilton, LLC, the American Civil Liberties Union of Pennsylvania, and Americans United for Separation of Church and State in the case of *Kitzmiller et. al. v. Dover Area School District et al.* Section V: Dover Area School District's Change to the Science Curriculum. Paragraph 29. Page 13.

### Section III: Conclusion

83. Plato. *Dialogues of Plato*. New York: Simon & Schuster, Inc. 1950



**Samuel S. Chen** was born in Lancaster, Pennsylvania in 1987 and raised in Wescosville, Pennsylvania, a suburb of the city of Allentown. He graduated from Emmaus High School in Emmaus, Pennsylvania in June of 2005 and is a student at the Honors College at Baylor University in Waco, Texas where he is double-majoring in philosophy and political science.

Chen has been involved with the intelligent design/evolution debate for several years, researching, writing about, speaking on, and debating the issue as well hosting speakers such as Dr. Samuel Neidbala, the former CSO of Orasure Technologies, Inc. and current associate professor of the sciences at Lehigh University and Dr. Michael J. Behe, professor of biological sciences at Lehigh University and author of the best-selling book *Darwin's Black Box: The Biochemical Challenge to Evolution*. It was the intense negative reaction to Behe's invitation to Chen's high school that led him to join the intelligent design movement.

Chen's current work deals with the theories of evolution and intelligent in the public school science classroom and the issue of academic freedom in education. He is a member of the Intelligent Design Evolution Awareness Center (IDEA Center), a representative of the Access Research Network (ARN), and the director of the Intelligent Design Undergraduate Research Center (IDURC).