

I N D E X T O W I T N E S S

FOR THE PLAINTIFFS DIRECT CROSS REDIRECT RECROSS

Barbara Forrest

By Mr. Rothschild 3 (continuation from morning)

By Mr. Thompson 56

1 THE COURT: All right. We continue then
2 with this witness on direct examination. And, Mr.
3 Rothschild, you may proceed.

4 **DIRECT EXAMINATION (CONTINUED)**

5 BY MR. ROTHSCHILD:

6 Q. Good afternoon, Dr. Forrest.

7 A. Hello.

8 Q. Has the intelligent design movement described its
9 strategy as a big tent strategy? And let's make sure we
10 don't talk about college football.

11 A. A big tent with a T, yes.

12 Q. And what do you understand that term to mean as
13 they use it?

14 A. The big tent strategy was developed by Phillip
15 Johnson. It's a strategy to avoid alienating young
16 earth creationists, to convince them to join in the
17 intelligent design movement, and to agree to put off
18 discussion of what they consider devicive issues, such
19 as the interpretation of the Book of Genesis, and to
20 knight around the effort of the intelligent design
21 movement.

22 Q. And this is a term they've used to describe
23 themselves?

24 A. Yes, they've written about it.

25 Q. Matt, could you pull up Exhibit 429, P-429, and

1 highlight the title and author? And actually, if you
2 could actually highlight further down which indicates
3 where this article was first published. Could you read
4 the title into the record, Dr. Forrest, and the author?

5 A. The title of this article is Life in the Big
6 Tent: Traditional Creationism and the Intelligent
7 Design Community, by Paul A. Nelson.

8 Q. And this indicates it was published in 2002 in
9 the Christian Research Journal?

10 A. That's correct.

11 Q. Who is Paul Nelson?

12 A. Paul Nelson is a young earth creationist who is
13 one of the founding members of the Wedge. He's been
14 with the Center for Science and Culture since it was the
15 Center for the Renewal of Science and Culture. He is an
16 integral member of this group.

17 Q. What is this article about?

18 A. In this article, Dr. Nelson is essentially
19 arguing to his fellow --

20 MR. THOMPSON: Your Honor, objection. The
21 article speaks for itself.

22 MR. ROTHSCHILD: Your Honor, I think this
23 article, first of all, is written by, as Dr. Forrest
24 testified, an important member of the intelligent design
25 movement.

1 This is part of the corpus of intelligent
2 design, and as Dr. Forrest will explain, gives an
3 extremely valuable history of intelligent design. It is
4 again a primary source that is integral to her opinion.

5 THE COURT: That may be true, but that's not
6 Mr. Thompson's objection. His objection is, in effect,
7 you're asking the witness to paraphrase or summarize the
8 article. I'm going to permit the article. It wasn't a
9 hearsay objection. But why don't you go to individual
10 passages rather than have her characterize the article.
11 So the objection is sustained.

12 MR. ROTHSCHILD: I will do that, Your Honor.

13 BY MR. ROTHSCHILD:

14 Q. Have you highlighted passages in this article
15 that you found significant?

16 A. Yes.

17 Q. Matt, could you go to the first highlighted
18 passage?

19 A. This is the synopsis of the article. Quote,
20 Until recently, the majority of active dissenters from
21 neo-Darwinian naturalistic evolution could be classified
22 as young-earth, or what I call traditional creationists.
23 Their dissent could be dismissed as motivated by
24 Biblical literalism, not scientific evidence.

25 While this criticism of traditional creationist

1 is unfair to the actual content of their views, many
2 prominent creationists are outstanding scientists. The
3 absence of a wider community of dissent from Darwinism
4 hindered the growth of scientific alternatives to the
5 naturalistic theory.

6 Such a wider community now exists in the
7 intelligent design, ID, movement. Within the past
8 decade, the ID community has matured around the insights
9 of UC Berkeley Professor Phillip Johnson whose central
10 insight is that science must be free to seek the truth,
11 wherever it lies.

12 The possibility of design, therefore, cannot be
13 excluded from science. This outlook has deep roots in
14 the history of western science and is essential to the
15 help of science as a truth seeking enterprise. Under
16 the canopy of design as an empirical possibility,
17 however, any number of particular theories may also be
18 possible, including traditional creationism,
19 progressive, or old-earth creationism, and theistic
20 evolution.

21 Both scientific and scriptural evidence will have
22 to decide the competition between these theories. The
23 big tent of ID provides a setting in which that struggle
24 after truth can occur and from which the secular culture
25 may be influenced, end quote.

1 Q. Does this synopsis summarize this big tent
2 strategy?

3 A. Yes, it summarizes it.

4 Q. It includes both young-earth or traditional
5 creationists or old-earth creationists?

6 A. Yes, in the big tent.

7 Q. Mr. Nelson indicates they also include proponents
8 of theistic evolution. Have proponents of theistic
9 evolution, in fact, been embraced under intelligent
10 design's big tent?

11 A. No, it has not. In fact the intelligent design
12 movement specifically rejects theistic evolution.

13 Q. Matt, why don't you go to the next passage.

14 A. Quote, The growth of a broader debate about
15 evolution and creation can actually be seen as a boon
16 for those struggling to discern the proper relationship
17 between science and faith, how to understand the Book of
18 Genesis, and how to defend the Christian world view in a
19 hostile secular culture.

20 Life in the big tent of the intelligent design
21 community certainly requires a period of acclamation,
22 but Christians, in particular traditional creationists,
23 should welcome their new ID surroundings.

24 Q. Based on your reading of this article and Mr.
25 Nelson's writing, what did you understand him to mean by

1 traditional creationists?

2 A. He's already defined that as young-earth
3 creationism.

4 Q. And this objective of defending the Christian
5 world view in a hostile secular culture, is that a theme
6 that runs through all forms of creationism?

7 A. That's a very strong theme. That's apologetic,
8 essentially defending Christianity from what they
9 perceive to be a hostile culture.

10 Q. I think that's the first time you used the term
11 apologetics in your testimony. What you just said, is
12 that the definition of apologetics?

13 A. Yes.

14 Q. Is the concept of apologetics a component of the
15 intelligent design movement?

16 A. It's a very strong component. In fact, it's
17 specifically included in the Wedge Strategy.

18 Q. And we'll look at that in a little bit. Why
19 don't you go to the next passage, Matt.

20 A. Quote, Let's begin with some history. The year
21 1997 marks a noteworthy turning point in the American
22 debate over the science and philosophy of origins. In
23 that year, a long cultural battle that had begun more
24 than a quarter century earlier with Henry Morris and
25 John Whitcomb's classic, *The Genesis Flood*, in 1961

1 appeared to many onlookers to have come decisively to an
2 end when the Edwards v. Aguillard decision of the U.S.
3 Supreme Court declared creation-science to be a
4 religious belief, end quote.

5 Q. Dr. Forrest, I'm going to ask you to read a few
6 passages that comprise this history. Does the history
7 that Mr. Nelson sets forth in his article, is it pretty
8 consistent with the history as you have studied the
9 intelligent design movement?

10 A. Yes.

11 Q. Could you go to the next passage?

12 A. Quote, In 1982, Federal Judge William Overton
13 declared the Arkansas balanced treatment law
14 unconstitutional in McLean v. Arkansas Board of
15 Education, but it was the 1997 Supreme Court opinion,
16 Edwards v. Aguillard, that seemed to shut the door
17 permanently on creationism, end quote.

18 Q. Go onto the next passage.

19 A. Quote, The two-model approach to the origin's
20 controversy was now dead, end quote.

21 Q. Just remind us, what is meant by the two-model
22 approach?

23 A. The two-model approach is -- and this was
24 actually referred to in the McLean decision as the
25 contrived dualism. The two-model approach is the view

1 that there are two possibilities for explaining origins.
2 One is creation-science, and the other is evolution.
3 The idea there is that, if evolution can be successfully
4 undermined, creation-science will win the debate by
5 default.

6 Q. If you could just go a little slower for Wendy,
7 that would be helpful. Thanks. I want to go to the
8 next passage, Matt.

9 A. Quote, Edwards v. Aguillard seemingly had ended
10 the public debate over origins. A revolution from an
11 unexpected quarter, however, was about to occur. In
12 1997, Phillip Johnson, a professor of law at the
13 University of California, Berkeley, was taking a year's
14 sabbatical in London, England.

15 Every day on the walk to his office, he passed a
16 book shop where Richard Dawkins' *The Blind Watchmaker*
17 and Michael Denton's *Evolution, A Theory in Crisis*, were
18 on sale. Curious, Johnson bought the books and read
19 them through. He noticed immediately that the
20 ostensible issues of Edwards v. Aguillard were not the
21 real issues at all, end quote.

22 Q. Go to the next passage.

23 A. Quote, The creationists in Louisiana never had a
24 chance. Because of the way science was defined in the
25 debate, the very possibility of evidence against

1 Darwinian evolution had been excluded at the outset.
2 Reading the amicus briefs in Edwards v. Aguillard, such
3 as that filed by the National Academy of Science, the
4 most prestigious group of scientists in the nation,
5 Johnson discovered that what had been presented on the
6 ground rules -- as the ground rules of science had
7 tilted the playing field irrevocably in favor of
8 Darwinian evolution.

9 In Darwin on Trial, the influential book that
10 drew out of his 1987 insights, Johnson wrote, quote, The
11 academy does define science in such a way that advocates
12 of supernatural creation may neither argue for their own
13 position nor dispute the claims of the scientific
14 establishment, end quote.

15 Q. And what do you understand Mr. Nelson to mean by
16 the way science was defined in this debate? How was
17 science defined, so to speak, in Edwards v. Aguillard?

18 A. It's defined as naturalistic, remaining within
19 the area of the natural world and seeking explanations.

20 Q. And under those rules, creationists didn't have a
21 chance?

22 A. As Phillip Johnson understood that. Phillip
23 Johnson considers the definition of science as
24 naturalistic to be arbitrary and operari and so that it
25 would exclude supernatural explanations from the very

1 beginning.

2 Q. Could you go to the next passage?

3 A. Quote, Johnson rejected the philosophical
4 dichotomizing. Definitions of science, he argued, could
5 be contrived to exclude any conclusion we dislike or to
6 include any we favor, end quote.

7 Q. Go to the next passage.

8 A. Quote, In June 1993, Johnson invited several of
9 the mostly younger members of that community to a
10 conference at the California beach town of Pajaro Dunes.
11 Present were scientists and philosophers who themselves
12 would later become well-known such as biochemist Michael
13 Behe, author of Darwin's Black Box, 1996, mathematician
14 and philosopher, William Dembski, author of The Design
15 Inference, 1998, and Intelligent Design, 1999, and
16 developmental biologist, Jonathan Wells, author of Ions
17 of Evolution, 2000.

18 Of the 14 participants at the Pajaro Dunes
19 conference, only three, microbiologist Siegfried Scherer
20 of the Technical University of Munich, paleontologist
21 Kurt Wise of Brian College, and me, that would be Paul
22 Nelson, could be seen as traditional creationists, end
23 quote.

24 Q. So Mr. Nelson is acknowledging he is a
25 traditionalist --

1 A. Dr. Nelson is, yes.

2 Q. These passages I just asked you to read, you
3 agree, this is an accurate history of how the
4 intelligent design movement arose?

5 A. This is consistent with everything I've seen,
6 yes.

7 Q. Creation-science was ruled unconstitutional in
8 Edwards?

9 A. Yes.

10 Q. And then Mr. Johnson came up with with a new
11 strategy for arguing for creationism?

12 A. Yes. Dr. Nelson actually gives Phillip Johnson
13 credit for reviving the debate. After they thought that
14 the two-model approach was dead, he gives Johnson credit
15 for reviving the debate about origins.

16 Q. His new approach was to try to redefine science
17 from how the NAS understood?

18 A. Yes. He rejects the definition of science as
19 naturalistic.

20 Q. And then he gathered around him these figures
21 that are identified here, Behe, Dembski, and Wells, to
22 take up that project?

23 A. Yes. As I understand it, this was a conference
24 that Professor Johnson called in order to do this, to
25 draw these people together, and begin to execute what

1 would become the Wedge Strategy.

2 Q. Matt, could you go to the next passage, please?
3 And could you highlight the heading of this part of Mr.
4 Nelson's article? And what is the heading there?

5 A. This is a subheading in the article. It's God's
6 Freedom and the Logic of Design.

7 Q. And could you highlight the passages, Matt, that
8 Dr. Forrest did in this section?

9 A. Quote, Johnson saw that allowing for the
10 possibility of design as special divine action, for
11 instance, God creating human beings directly, meant that
12 one must also allow for other possibilities, such as God
13 electing, if he so chose, to use an evolutionary process
14 that wasn't self-designed.

15 Quote, I believe, Johnson wrote, that a God
16 exists who could create out of nothing if he wanted to
17 do so. But he might have chosen to work through a
18 natural evolutionary process instead, end Johnson's
19 quote. God could have created everything in six 24-hour
20 days or not.

21 The fundamental point is to allow for the
22 possibility of design. The scientific narrative of
23 design, when God acted, and how, might capture any
24 number of competing theories, end quote.

25 Q. Any doubt about who Mr. Johnson is declaring the

1 intelligent designer is, according to Mr. Nelson?

2 A. No. As Dr. Nelson recounts, the designer is
3 specifically named as God.

4 Q. Nothing about space aliens?

5 A. No, space aliens are -- Dr. Dembski, in 1992,
6 actually wrote an article in which he stipulated that he
7 was not talking about space aliens, he was talking about
8 a supernatural transcendent designer.

9 Q. Nothing about super time travelers here?

10 A. No, nothing like that.

11 Q. Matt, could you go to the next passage.

12 A. Quote, The promise of the big tent of ID is to
13 provide a setting where Christians and others may
14 disagree amicably and fruitfully about how best to
15 understand the natural world as well as scripture, end
16 quote.

17 Q. Are you aware of any other scientific theories in
18 which understanding of scripture is central to the
19 enterprise?

20 A. Not as science is currently practiced, no, I'm
21 not aware of that.

22 Q. Has Mr. Johnson, in addition to the article we
23 looked at very early in your testimony where he defined
24 intelligent design as theistic realism, has he written
25 other articles or books that suggest, that for him

1 intelligent design is a religious proposition?

2 A. Yes.

3 Q. And made statements as well to that effect?

4 A. Yes. In fact, he made a statement in, I think,
5 1996, that the intelligent design debate is not about
6 science, it's about religion and philosophy.

7 Q. I'd like to have you look at Exhibit P-524. And
8 if you could illuminate the title and author. What is
9 this article called?

10 A. This is called How the Evolution Debate Can be
11 Won. It's by Dr. Phillip Johnson.

12 Q. And do you recognize this document?

13 A. Yes. This is 1999. This is the text of a speech
14 that Professor Johnson gave at a conference that was
15 called by Reverend D. James Kennedy of Coral Ridge
16 Ministries in Florida. It's an annual conference that
17 Dr. Kennedy calls. It's called the Reclaiming America
18 for Christ Conference.

19 Q. Have you highlighted passages in this article?

20 A. Yes.

21 Q. Okay. Can you go ahead and do that, Matt?

22 A. Quote, To talk of a purposeful or guided
23 evolution is not to talk about evolution at all. That
24 is slow creation. When you understand it that way, you
25 realize that the Darwinian theory of evolution

1 contradicts not just the Book of Genesis, but every word
2 in the Bible from beginning to end.

3 It contradicts the idea that we are here because
4 a creator brought about our existence for a purpose.
5 That is the first thing I realized, and it carries
6 tremendous meaning, end quote.

7 Q. Does this fairly summarize Mr. Johnson's
8 opposition to the theory of evolution?

9 A. This is very characteristic of it.

10 Q. We'll go to the next passage, Matt.

11 A. Quote, I have built an intellectual movement in
12 the universities and churches that we call The Wedge,
13 which is devoted to scholarship and writing that
14 furthers this program of questioning the materialistic
15 basis of science. One very famous book that's come out
16 of The Wedge is biochemist Michael Behe's book, Darwin's
17 Black Box, which has had an enormous impact on the
18 scientific world, end quote.

19 Q. According Mr. Johnson, Mr. Behe's work is part of
20 his project?

21 A. It'ss a very prominent part of the Wedge
22 Strategy.

23 Q. Could you go to the next passage, Matt?

24 A. Quote, Now the way that I see the logic of our
25 movement going is like this. The first thing you

1 understand is that the Darwinian theory isn't true.
2 It's falsified by all of the evidence and the logic is
3 terrible.

4 When you realize that, the next question that
5 occurs to you is, well, where might you get the truth?
6 When I preach from the Bible, as I often do at churches
7 and on Sundays, I don't start with Genesis. I start
8 with John 1:1. In the beginning was the word. In the
9 beginning was intelligence, purpose, and wisdom. The
10 Bible had that right. And the materialist scientists
11 are deluding themselves, end quote.

12 Q. So Mr. Johnson finds support for intelligent
13 design in the Bible?

14 A. He specifically supports it in John 1:1.

15 Q. Is he the only intelligent design leader who
16 finds that intelligent design is derived from the book
17 of John?

18 A. No, Dr. Dembski has very prominently cited the
19 Book of John as the foundation of intelligent design.

20 Q. What about Charles Thaxton? Has he done that?

21 A. Yes, he has. Dr. Thaxton wrote a book with
22 Walter Bradley and Roger Olsen published by the
23 Foundation for Thought and Ethics in 1984. It's called
24 the Mystery of Life's Origins.

25 In the epilogue of that book, he argues for

1 special creation, supernatural creation by a creator
2 beyond the cosmos. Near the end of that epilogue
3 chapter, he cites someone named P Fong. That's initial
4 P Fong. And the citation of P Fong called upon the
5 (inaudible) prologue, which is the first 18 verses of
6 the First Book of John.

7 Q. Could you pull up Exhibit P-355? Do you
8 recognize this document?

9 A. Yes.

10 Q. What is it?

11 A. This is an article from World Magazine about Dr.
12 Phillip Johnson. It is dated December 2003.

13 Q. And what is World Magazine?

14 A. World Magazine is a religious magazine.

15 Q. Matt, could you go to the first highlighted
16 passage?

17 A. Quote, But once someone accepts the fact that
18 random evolution couldn't produce life on earth, it has
19 to have developed some other way. Quote by Johnson, I
20 look for the best place to start the search, Mr. Johnson
21 says, and I found it in the prologue to the Gospel of
22 John. In the beginning was the word.

23 And I ask this question, does scientific evidence
24 tend to support this conclusion or the contrary
25 conclusion of the materialists that in the beginning

1 were the particles, end quote.

2 Q. So again, the reference to the Book of John?

3 A. Yes.

4 Q. And is it fair to say, Mr. Johnson starts with
5 the Book of John and looks for scientific evidence to
6 support it?

7 A. Actually, he talks about having -- upon rejecting
8 natural selection as an explanation, he looked around
9 for the place to start in finding an alternate
10 explanation. He says he found it in the Book of John.

11 Q. Then tried to gather the scientific evidence that
12 would support it?

13 A. Well, he regards this as true scientifically.

14 Q. Could you go to the next passage, please?

15 A. Quote, Mr. Johnson notes that if we start with
16 with the Gospel's basic explanation of the meaning of
17 creation, we see that it is far better supported by
18 scientific investigation than the contrary.

19 At this point, we haven't proved the Bible's
20 claims about creation, but we've removed a powerful
21 obstacle in the way of such belief. And all I really
22 want to do with the scientific evidence is to clear away
23 the obstacle that it presents to a belief that the
24 creator is the God of the Bible, end quote.

25 Q. Would you go to the next passage, Matt?

1 A. Quote, It's a great error Christian leaders and
2 intellectual leaders have made to think the origin of
3 life, just one of those things scientists and professors
4 argue about, Mr. Johnson says. The fundamental question
5 is whether God is real or imaginary.

6 The entire way of thinking that underlies
7 Darwinian evolution assumes that God is out of the
8 picture as any kind of a real entity. He points out
9 that, it is a very short step from Darwinism and science
10 to the kind of liberal theology we find in many of our
11 seminaries that treats the resurrection as a faith
12 event, something that didn't happen, but was imagined by
13 the disciples, and assumes that morality is something
14 human beings may change from time to time as it's
15 convenient to change it, end quote.

16 Q. Could you go to the next passage, Matt?

17 A. Quote, Resistance from some Christians to
18 intelligent design has been one of Mr. Johnson's biggest
19 surprises and greatest disappointments. He expected
20 many scientists to attack him because their careers
21 depend on Darwinism. This is a quote by Johnson.

22 The more frustrating thing has been the Christian
23 leaders and pastors, especially Christian college and
24 seminary professors. The problem is not just convincing
25 them that the theory is wrong, but that it makes a

1 difference. What's at stake isn't just the first
2 chapter of Genesis, but the whole Bible from beginning
3 to end, and whether or not nature really is all there
4 is, end quote.

5 Q. I think we have one more passage in this
6 document.

7 A. Quote, Mr. Johnson explains, Once God is
8 culturally determined to be imaginary, then God's
9 morality loses its foundation and withers away. It may
10 stay standing for a historical moment without a
11 foundation until the winds of change blow hard enough to
12 knock it over like a cartoon character staying suspended
13 for an instant after he runs off the cliff. We are at
14 the end of that period now, end quote.

15 Q. Fair to say that this is the whole shooting match
16 for Mr. Johnson? He's challenging evolution because of
17 God's morality and the truth of the Bible?

18 A. Yes, he regards the -- he regards evolution as a
19 threat to the Bible in its entirety and as a threat to
20 the moral fabric of American culture.

21 Q. We have one more document associated with Mr.
22 Johnson. Matt, could you pull up the Exhibit P-379?
23 Can you tell me what this document is?

24 A. This is a partial transcript of a speech that Mr.
25 Johnson made in June of 2001 at a conference in Kansas.

1 Q. Just before we go on, Kansas is another place
2 where the evolution creation controversy is quite alive?

3 A. Very much alive, yes.

4 Q. And it indicates this is from his speech on June
5 29th, 2001?

6 A. Yes, these are excerpts from his speech that he
7 entitled The State of the Wedge.

8 Q. Matt, could you go to the first highlighted
9 passage? Just -- he's saying, one of the goals of his
10 movement is to unify the religious world?

11 A. Correct.

12 Q. Strange objective for a scientific proposition?

13 A. Science doesn't attempt to do anything of that
14 kind.

15 Q. Would you go to the next passage?

16 A. Quote, It would involve the simple question of
17 creation. Do you need a creator to do the creating or
18 don't you? What does the evidence of science tell us
19 about that when it is viewed without prejudice? Now, of
20 course, that's the tough thing, isn't it? When it is
21 viewed without prejudice, because you see, the immediate
22 response will be that the evidence of science is viewed
23 through the conclusive prejudice that natural causes can
24 do and did do the whole job. End of story, end quote.

25 Q. So the prejudice he's complaining about is

1 methodological naturalism?

2 A. Yes.

3 Q. Go onto the next passage.

4 A. Quote, And so we thought the religious people
5 ought to challenge that. The people of God ought to be
6 unwilling to accept that kind of a dogmatic decision by
7 definition, end quote.

8 Q. I think we have one more passage, Matt.

9 A. Quote, This is a way of phrasing the issue that
10 ought to bring together Protestants of different views,
11 young-earth believers and the scriptures, old-earthers
12 who interpret Genesis differently, even the people who
13 take the whole thing allegorically. Again, they should
14 have a common interest in the issue. In the beginning
15 was the word. In the beginning God created. True or
16 false. End quote.

17 Q. He's trying to situate all of these different
18 creationists, including the intelligent design
19 creationists around the Book of John?

20 A. Yes, around the Book of John.

21 Q. Dr. Forrest, you've referred on quite a few
22 occasions during your testimony to the Discovery
23 Institute and the Center for Science and Culture. When
24 was the Discovery Institute founded?

25 A. The Discovery Institute itself, which is a think

1 tank, was founded in 1990.

2 Q. And where is that located?

3 A. It's in Seattle, Washington.

4 Q. And then there was the center that was started.
5 When was that?

6 A. Yes, the Center for the Renewal of Science and
7 Culture was established as an arm of the Discovery
8 Institute in 1996.

9 Q. And does it still go by that name?

10 A. No, the name has been shortened to Center for
11 Science and Culture.

12 Q. How does the center fund -- is the center devoted
13 to the proposition of intelligent design?

14 A. Yes, it exists expressly to promote intelligent
15 design.

16 Q. How does the center fund its operations?

17 A. Mostly through donations.

18 Q. Are there -- are you aware of who the major
19 donors are to the center?

20 A. Yes. My research revealed that the major donors
21 were the Stewardship Foundation, the McClellan
22 Foundation, and a gentleman by the name of Howard
23 Amenson.

24 Q. The two foundations you named, what is your
25 understanding of what their mission is?

1 A. Both of these are religious organizations with
2 religious or evangelical missions, as they state on
3 their websites.

4 Q. Do they state they have an objective of
5 supporting scientific research generally?

6 A. No, they support missions which are consistent
7 with the requirement of spreading of Gospel, or what is
8 called the great commission, and that is specifically
9 stated on the website.

10 Q. What is the mission of the Center for Science and
11 Culture?

12 A. The mission of the Center for Science and
13 Culture, as they state, is to replace materialistic
14 science with science that is consonant with their
15 Christian and theistic convictions.

16 Q. Is there a document that states that?

17 A. There is.

18 Q. And is that the Wedge document that you referred
19 to earlier in your testimony?

20 A. It is. The formal title of that document is The
21 Wedge Strategy.

22 Q. Could you pull up the Exhibit P-516, please? Is
23 that the cover page of The Wedge?

24 A. That is the cover page, yes.

25 Q. And it indicates that it is from the Center for

1 the Renewal of Science and Culture, the Discovery
2 Institute?

3 A. Right.

4 Q. And has the Discovery Institute acknowledged,
5 yes, this is our product?

6 A. They have. They acknowledged it in 2002.

7 Q. Is the Wedge Strategy document particularly
8 important to your understanding of the intelligent
9 design movement?

10 A. It's the best most concise statement of what the
11 what the movement is about in its entirety. It lays out
12 the strategy and goals for the next 20 years.

13 Q. Have you highlighted important parts of the Wedge
14 document for your testimony here today?

15 A. Yes.

16 Q. What I'd like you to do is, just walk us through
17 what you considered the important parts of the document
18 and explain why they're important to your opinion about
19 intelligent design?

20 A. Okay. Matt, could I have the first slide,
21 please? This is the first page of the Wedge Strategy,
22 and this is the opening paragraph of it. Quote, The
23 proposition that human beings are created in the image
24 of God is one of the bedrock principles on which western
25 civilization was built.

1 This is the opening statement, and it states very
2 well the foundational belief behind the intelligent
3 design movement and the reason that they have rejected
4 the theory of evolution. The next slide, please.
5 Quote, Debunking the traditional conceptions of both God
6 and man, thinkers such as Charles Darwin, Karl Marx, and
7 Sigmund Freud portrayed humans not as moral and
8 spiritual beings, but as animals or machines who
9 inhabited a universe ruled by purely impersonal forces
10 and whose behavior and very thoughts were dictated by
11 the unbending forces of biology, chemistry, and
12 environment.

13 As you can see, Darwin here is bundled with two
14 other thinkers, Karl Marx and Sigmund Freud, and there
15 is a reason for that. Charles Darwin is the one, the
16 scientist whose theories are the specific target of the
17 intelligent design movement. And what they are saying
18 here is that, Darwin is a source of a type of biological
19 determinism which precludes the existence of a spiritual
20 side of human life and, therefore, takes away our
21 spiritual dimension.

22 Karl Marx represents historical determinism.
23 Sigmund Freud represents psychological determinism. And
24 all of these thinkers are regarded as materialists who
25 have contributed to the degradation of western culture.

1 Next slide, please. Quote, The cultural
2 consequences of this triumph of materialism were
3 devastating. Materialists deny the existence of
4 objective moral standards claiming that environment
5 dictates our behavior and beliefs. Such moral
6 relativism was uncritically adopted by much of the
7 social sciences, and it still underguards much of modern
8 economics, political science, psychology, and sociology,
9 end quote.

10 This is, of course, an objection to materialism.
11 This is not new. Creationists typically object to
12 materialism. And it also, they also object to moral
13 relativism, the idea that moral standards are less than
14 absolute. You can also see here that they regard the
15 effect of evolution as pervasive have throughout all of
16 the disciplines, which include the social sciences as
17 well.

18 Next slide, please. Quote, Discovery Institute's
19 Center for the Renewal of Science and Culture seeks
20 nothing less than the overthrow of materialism and its
21 cultural legacies, end quote. This gives a very good
22 indication of the comprehensive program that the
23 Discovery Institute's Center for Science and Culture has
24 instituted.

25 They would like to completely change the way

1 science is understood and to completely reverse the
2 effect of what they call scientific materialism on
3 American culture. And as they understand it, the only
4 way they can do that is through renewal, which means
5 basically renewing the religious foundations of American
6 culture.

7 Next slide, please. Quote, The center explores
8 how new developments in biology, physics, and cognitive
9 science raise serious doubts about scientific
10 materialism and have reopened the case for a broadly
11 theistic understanding of nature, end quote. What this
12 indicates is that the intelligent design creationists
13 are using the developments of modern science and
14 reinterpreting them in such a way as to support their
15 view that the supernatural can be a scientific
16 explanation.

17 I might point out that this was original wording
18 on an early website, which actually helped me to
19 authenticate this document. But on that early website,
20 it says, have reopened the case for the supernatural.
21 It was specifically stated. That term was used.

22 Next slide, please. Quote, The center is
23 directed by Discovery Senior Fellow, Dr. Stephen Meyer,
24 an associate professor of philosophy at Whitworth
25 college, end quote.

1 Q. Can you situate, I know you mentioned Dr. Meyer
2 already in your testimony, but can you situate him in
3 the intelligent design movement?

4 A. He is one of the founders of the Wedge Strategy.
5 He is one of the very early members of the -- one of the
6 founding members of the Center for the Renewal of
7 Science and Culture. Dr. Meyer met Professor Johnson in
8 1987 when they were both in England. And Professor
9 Meyer took back a paper that Professor Johnson had
10 written and introduced it to some of the other people
11 who were interested in intelligent design.

12 Q. Did he have thinking to do with the drafting of
13 Pandas or the writing of Pandas?

14 A. Yes, he's the co-author of the note to teachers
15 at the end, along with Mark Hartwig, who we referred to
16 earlier.

17 Q. And as he also written an article called The God
18 Hypothesis about intelligent design?

19 A. Yes, he has.

20 Q. Won't you continue?

21 A. Next slide, please. This is a representation of
22 the phases. The Wedge Strategy is to take place in
23 three phase, which they -- the document says that these
24 phases are roughly, but not strictly, chronological.
25 Chronologically, this is how they work.

1 Phase 1, scientific research, writing and
2 publicity. Phase 2, publicity and opinion making.
3 Phase 3, cultural confrontation and renewal. My
4 research shows that they have really executed virtually
5 every aspect of these phases, except the first one.
6 Scientific research was supposed to be the foundation of
7 the Wedge Strategy, but no meaningful scientific
8 research has been produced.

9 They have, however, done a great deal of writing
10 and a great deal of publicity. A very strong component
11 of the Wedge Strategy is cultivation of the media. The
12 third phrase is, ultimately their goal is to renew
13 American culture by confronting secular cultures,
14 scientific materialism.

15 Q. What did you do to examine the question of
16 whether they have, in fact, produced science?

17 A. I researched this on the scientific data bases
18 that would contain all of the articles published in the
19 peer review journals.

20 Q. What did you find?

21 A. I'll give you an example of -- the biggest data
22 bay is medline. And I did a key word and subject
23 searches for peer reviewed articles in science journals
24 using intelligent design as a biological theory.

25 Q. And did you find anything?

1 A. I found nothing.

2 Q. And when you say found nothing, did you find any
3 peer review -- did you find any peer reviewed articles
4 in which there was used data research?

5 A. I'm sorry. I couldn't hear your question.

6 Q. Did you find any articles in the peer review
7 literature using original data or research?

8 A. Not about intelligent design, no, none.

9 Q. Are you aware that there is one article by Steven
10 Meyer that was published in a peer review journal?

11 A. I am.

12 Q. Have you read that article?

13 A. I have.

14 Q. You're aware there's a controversy around that
15 article?

16 A. Yes, that article also invokes the idea of
17 intelligent design.

18 Q. Now putting aside the controversy, why doesn't
19 Dr. Meyer's article qualify as a peer reviewed article
20 presenting data and research in support of intelligent
21 design?

22 A. Well, first, Dr. Meyer is not a scientist. He's
23 not a paleontologist. Second, the article contains no
24 new data. He presents no new data. He calls it a
25 review essay. What he does is, review the scientific

1 literature, and he's attempting to reinterpret it in
2 such a way that it supports his thesis of intelligent
3 design with respect to the Cambrian fossils that we
4 mentioned earlier. That's what this article is about.

5 Q. And again, reinterpreting the Cambrian record,
6 he's not doing that from the prospective of an expert in
7 paleontology?

8 A. No, he has no credentials in paleontology. He's
9 not a scientist.

10 Q. Have members of the intelligent design movement
11 admitted that they are lagging behind on the phase of
12 scientific research?

13 A. Yes, they have admitted it.

14 Q. Matt, could you pull up the Exhibit P-410? And
15 this is actually the cover of a magazine. Can you tell
16 us what this is that is?

17 A. This is the cover of a magazine called Touch
18 Stone, a journal of mere Christianity. This is the
19 July/August 2004 issue. The special title of this issue
20 is Darwin's Last Stand, a special issue of Darwinism,
21 naturalism, and intelligent design.

22 Q. And what was contained in this magazine?

23 A. There were articles by intelligent design
24 supporters, and most prominently, an interview with the
25 leaders of the intelligent design movement.

1 Q. And I'd actually like to look at that interview.
2 Matt, could you turn to the cover page of that
3 interview? And what is that called, Dr. Forrest?

4 A. The title for this interview is called The
5 Measure of Design.

6 Q. And some of the people who were interviewed
7 included Phillip Johnson, William Dembski, Paul Nelson?

8 A. Yes, Phillip Johnson, Dr. William Dembski, Dr.
9 Paul Nelson, and several others.

10 Q. And, Matt, could you highlight the answers given
11 by Paul Nelson that Dr. Forrest asked you to highlight?
12 And can you tell us what Mr. Nelson is talking about
13 here?

14 A. Would you like me to read that? Yes, this is Dr.
15 Nelson. Quote, This is in response -- by the way to a
16 question, so that you'll understand the context of it.
17 The question was, Is intelligent design just a critique
18 of evolutionary theory or does it offer more? Does it
19 offer something that human kind needs to know? This is
20 his answer. Quote, It offers more, but demonstrating
21 that is going to be a long-term challenge. Science in
22 the key of design, if you will, is a melody that we are
23 going to have to teach others to hear and play.

24 First, of course, we have to master it ourselves.
25 Easily, the biggest challenge facing the ID community is

1 to develop a full-fledged theory of biological design.
2 We don't have such a theory right now, and that's a real
3 problem. Without a theory, it's very hard to know where
4 to direct your research focus.

5 Right now, we've got a bag of powerful intuitions
6 and a handful of notions such as irreducible complexity
7 and specified complexity, but as yet, no general theory
8 of biological design, end quote.

9 Q. Dr. Forrest, the school district and school board
10 in Dover sent a newsletter to the Dover community which
11 told the citizens of Dover that intelligent design is a
12 scientific theory. Is there any way you can reconcile
13 that with Mr. Nelson's statements?

14 A. There's no way to reconcile that at all.

15 Q. Matt, could you pull up Exhibit 354? Do you
16 recognize this document?

17 A. Yes, that's the key notes -- it's called Becoming
18 a Disciplined Science, Prospect, Pitfalls, and Reality
19 Check for ID by William A. Dembski. That is a keynote
20 address that Dr. Dembski delivered at a conference in
21 October 2002 called the RAPID Conference. That RAPID is
22 an acronym for Research And Progress in Intelligent
23 Design. And he is here assessing the state of
24 intelligent design in this speech.

25 Q. Matt, could you go to the highlighted passage to

1 see what Mr. Dembski said about this subject?

2 A. Quote, Because of ID's outstanding success at
3 gaining a cultural hearing, the scientific research part
4 of ID is now lagging behind, end quote.

5 Q. Consistent with the way you portrayed the Wedge
6 document, they're moving full steam ahead on cultural
7 confrontation and publicity, but not so much on
8 scientific research?

9 A. That's correct.

10 Q. And one more exhibit on this topic. Matt, could
11 you pull up P-473? Do you recognize this document?

12 A. Yes, this is a recent Seattle Times article about
13 the intelligent design movement.

14 Q. Matt, could you highlight the title? Thank you.
15 Could you read that into the record?

16 A. The title of this article from March 31, 2005, is
17 Does Seattle Group Teach the Controversy or Contribute
18 to It?

19 Q. And when they're talking a Seattle group, who is
20 this article talking about?

21 A. The Center for Science for Culture, the
22 intelligent design people there.

23 Q. Matt, could you pull up the highlight passage?
24 And there is a reference to a Meyer. Who is the Meyer?

25 A. That's Dr. Stephen Meyer?

1 Q. What did he say?

2 A. Quote, The school board in Dover, Pennsylvania,
3 however, got it wrong, Meyer said, when it required
4 instruction in intelligent design. The matter is now in
5 court. Intelligent design isn't established enough yet
6 for that, Meyer says.

7 Q. And based on your reading of the article, what
8 isn't established enough?

9 A. It isn't established enough as a science for
10 anyone to teach it.

11 Q. This is coming from the director of the science
12 enter for science and culture?

13 A. Coming from the director and one of the founding
14 members of the Wedge.

15 Q. Why don't we go back to the Wedge, Doctor? And,
16 Matt, could you highlight the next passage there Dr.
17 Forrest requested?

18 A. These are the governing goals. I'll read these.
19 Quote, To defeat scientific materialism and its
20 destructive moral, cultural, and political legacies; to
21 replace materialistic explanations with the theistic
22 understanding that nature and human beings are created
23 by God. These are the general goals which are, of
24 course, stated in the opening paragraph of the opening
25 passages that I read.

1 They would like to completely reverse what they
2 regard as the deleterious effects of scientific
3 materialism on American culture. It's undermining of
4 religion.

5 Q. Next slide, please.

6 A. This is another goal.

7 Q. Just to be clear. Could we go back to that for a
8 second, Matt? These are the only two governing goals
9 that have been listed?

10 A. These are the two governing goals, that's
11 correct.

12 Q. Not a lot of science there?

13 A. No, there's no science there.

14 Q. Can you go on, Matt?

15 A. This is another of their -- I think this is one
16 of their five year goals. To see -- quote, To see
17 design theory permeate our religious, cultural, moral,
18 and political life. It's pretty clear here that their
19 goal is not scientific, but rather religious, cultural,
20 moral, and political.

21 Next slide, please. This is under their five
22 year objectives. This one says, quote, Ten states begin
23 to rectify ideological imbalance in their science
24 curricula and include design theory.

25 This goal makes it clear that they do want design

1 theory included in the science curriculum, and, of
2 course, Dover is an example of that at the local level.
3 Next slide. Another goal, one of their activities that
4 they list that they intend to carry out, an important
5 activity is, quote, alliance building, recruitment of
6 future scientists and leaders, and strategic
7 partnerships with think tanks, social advocacy groups,
8 educational organizations and institutions, churches,
9 religious groups, foundations, and media outlets, end
10 quote.

11 Again, there's a very strong component. One of
12 the specific goals is to form alliances with churches,
13 which scientific organizations are not known to do, but
14 you can also see again that cultivating media outlets is
15 a another recurrent component in the Wedge Strategy.

16 Next slide. This is a very important goal. It's
17 the goal of spiritual and cultural renewal, which really
18 represents phase 3 of the strategy that was entitled
19 Cultural Confrontation and Renewal. Quote, spiritual
20 and cultural renewal. Main line renewal movements begin
21 to appropriate insights from design theory and to
22 repudiate theologies influenced by materialism.

23 Q. What do you understand main line renewal
24 movements refer to?

25 A. There are movements within some of the main line

1 churches, for example, in the Presbyterian Church USA in
2 which a conservative faction within a church is trying
3 to force it back toward a more conservative, more
4 traditional understanding of scripture.

5 Q. Does that include a literal interpretation?

6 A. In some cases, yes, I think it is. Shall I
7 continue?

8 Q. Please.

9 A. The next item is major Christian denominations
10 defend denominations, defend traditional doctrine of
11 creation and repudiate Darwinism. This is another goal.
12 And they actually did succeed in getting a statement
13 from the now deceased director of the Lutheran Church
14 repudiating evolution.

15 The next goal is seminaries increasingly
16 recognize and repudiate naturalistic presuppositions.
17 Very strong component of the Wedge Strategy is to change
18 the way future ministers are educated in seminaries.
19 They regard seminary education in the main line
20 denominational seminaries as too accommodating to modern
21 science.

22 And then the last goal is positive uptake in
23 public opinion poles on issues such as sexuality,
24 abortion, and belief in God. That's a rather amorphous
25 goal. I'm not sure what their aims are there.

1 Next slide, please. This is a summary of their
2 five year strategic plan. Quote, The social
3 consequences of materialism have been devastating. As
4 symptoms, those consequences are certainly worth
5 treating. However, we are convinced that in order to
6 defeat materialism, we must cut it off at its source.
7 That source is scientific materialism.

8 This is precisely our strategy. If we view the
9 predominant materialistic science as a giant tree, our
10 strategy is intended to function as a wedge that, while
11 relatively small, can split the trunk when applied at
12 its weakest point. The very beginning of this strategy,
13 the thin end of the Wedge was Phillip Johnson's critique
14 of Darwinism begun in 1991 and Darwinism on Trial and
15 continued in Reason in the Balance and Defeating
16 Darwinism by Opening Minds. Those are Professor
17 Johnson's books.

18 Michael Behe's highly successful Darwin's Black
19 Box followed Johnson's work. We are building on this
20 momentum, broadening the wedge with a positive
21 scientific alternative to materialistic scientific
22 theories, which has come to be called the theory of
23 intelligent design, ID. Design theory promises to
24 reverse the stifling dominance of the materialistic's
25 worldview and to replace it with a science consonant

1 with Christian and theistic convictions, end quote.

2 Q. Michael Behe is an extremely important part of
3 this strategy?

4 A. He is very important. He is an integral part of
5 the Wedge Strategy.

6 Q. And Darwin's Black Box was the book where he
7 introduced the concept of irreducible complexity?

8 A. Yes, the book is centered around that.

9 Q. He argues for intelligent design?

10 A. He argue for intelligent design. And he also
11 argues in the last chapter for admitting the
12 supernaturals as a scientific explanation, that that
13 should be done.

14 Q. Has he made that same argument for intelligent
15 design and the supernatural creator in peer reviewed
16 scientific literature?

17 A. Professor Behe has not done that.

18 Q. Does he make presentations about intelligent
19 design?

20 A. Not at science meetings. He has been quoted as
21 saying he does not think scientific meetings are the
22 proper venue for discussing intelligent design.

23 Q. What venues has Professor Behe chosen?

24 A. He has presented talks on intelligent design at
25 numerous conferences and at religious gatherings and at

1 numerous churches.

2 Q. Science consonant with Christian and theistic
3 convictions, not a normal description of science?

4 A. That is certainly not the way practicing
5 scientists speak of what they're doing.

6 Q. And fair to say that their goal is a science
7 consistent with a particular religious viewpoint?

8 A. Yeah. Specifically here, it says, Christian.
9 This is very much understood in the minds of this
10 movement's leaders as a Christian effort.

11 Q. Please continue.

12 A. Next slide, please. Quote, Alongside a focus on
13 influential opinion makers, we also seek to build up a
14 popular base of support among our natural constituency,
15 namely Christians. We will do this primarily through
16 apologetics seminars, end quote.

17 Again, you see the specific stipulation that
18 their primary constituency is Christians. They include
19 here specifically the element of apologetic seminars,
20 which they have held. Professor Dembski has conducted
21 such seminars. And apologetics, as I stated earlier,
22 revolves around -- it's the development of arguments to
23 defend Christianity against what is perceived as hostile
24 attacks on Christianity.

25 Q. Dr. Forrest, you obviously, in many of the

1 writings that you reviewed, that intelligent design, in
2 your view, is a religious proposition, and that's
3 reflected in the writings?

4 A. Yes.

5 Q. If it was only presented as a religion
6 proposition and not as a scientific proposition, would
7 you find it objectionable that it's being presented in
8 religious journals and churches and the like?

9 A. If it were presented up front as a religious
10 proposition, I would have no problem with that
11 whatsoever.

12 Q. But it is being represented as a scientific
13 proposition?

14 A. It is being represented as science.

15 Q. Please continue.

16 A. This is from the last phase, phase 3, which was
17 entitled Cultural Confrontation and Renewal. Quote,
18 Once our research and writing have had time to mature,
19 and the public prepared for the reception of design
20 theory, we will move toward direct confrontation with
21 the advocates of materialistic science through challenge
22 conferences and significant academic settings.

23 We will also pursue possible legal assistance in
24 response to resistance to the integration of design
25 theory into public school science curricula, end quote.

1 There are two significant references here.

2 The first -- several actually. The first is that
3 they're indicating that they were going to start this
4 third phase once their scientific research had matured.
5 This third phase actually began immediately. And one --
6 an example of the kind of confrontation we're talking
7 about here is conferences on the campuses of
8 universities where they appear on the platform with
9 evolutionary scientists whose materialistic views, as
10 they put it, they intend to confront. And there have
11 been several of these conferences.

12 The other indication here that is significant is
13 that they specifically state that they intend to
14 integrate design theory into the public school science
15 curriculum and that they are anticipating legal problems
16 because they were planning for legal assistance in that
17 event.

18 Q. Has the Discovery Institute been a leader in the
19 intelligent design movement?

20 A. Yes, the Discovery Institute's Center for Science
21 and Culture.

22 Q. And are almost all of the individuals who are
23 involved with the intelligent design movement associated
24 with the Discovery Institute?

25 A. All of the leaders are, yes.

1 Q. Mr. Johnson?

2 A. Mr. Johnson is the advisor. He's held that
3 position as advisor. He's listed that way on the
4 website.

5 Q. Steven Meyer?

6 A. Steven Meyer is the director.

7 Q. And Michael Behe?

8 A. Michael Behe is a senior fellow.

9 Q. Scott Minnich?

10 A. Scott Minnich is a fellow.

11 Q. Nancy Piercy?

12 A. Nancy Piercy is a fellow.

13 Q. Dean Kenyon?

14 A. Dean Kenyon is a fellow.

15 Q. Paul Nelson?

16 A. Paul Nelson is a fellow.

17 Q. Jonathan Wells?

18 A. Jonathan Wells is a fellow, in fact one of the
19 earliest ones along with Dr. Behe and Dr. Nelson.

20 Q. Is Jonathan Wells a scientist?

21 A. He is by training. He has a Ph.D. in biology.

22 Q. Has he -- does he practice science?

23 A. No, not at all.

24 Q. Has he explained why he pursued his degree, Ph.D.
25 in biology?

1 A. Yes, he has explained it. As Dr. Wells explains
2 it, he hasn't -- he had a first Ph.D. in religious
3 studies from Yale. He also attended the Unification
4 Theological Seminary, which is the seminary in the
5 Unification Church of which he's a member, and that
6 church is led by the Reverend Sun Myung Moon.

7 Q. I'm sorry. Continue, Dr. Forrest.

8 A. He has explained that the Reverend Moon urged him
9 to go back to school to get a Ph.D. in biology so that
10 he could, as Dr. Wells puts it in his own words, so that
11 I could devote my life to destroying Darwinism.

12 Q. And what activities has he carried out in pursuit
13 of that goal?

14 A. He has promoted intelligent design full-time for
15 the Discovery Institute's Center for Science and
16 Culture. He's written a book entitled Icons of
17 Evolution.

18 Q. Has that book also been made into a video?

19 A. Yes, there is a video of the same title.

20 Q. And one last individual, William Dembski. Is is
21 he affiliated with the Discovery Institute?

22 A. Yes, he's one of the founding members of the
23 Center for the Renewal of Science and Culture, one of
24 the founders of the Wedge Strategy.

25 Q. What else do you know about Dr. Dembski?

1 A. Dr. Dembski has a Ph.D. in philosophy, a Ph.D. in
2 mathematics, and he also has a divinity degree from
3 Princeton Theological Seminary. He is presently
4 employed at the Southern Baptist Theological Seminary in
5 Louisville, Kentucky, where he has the Center for Science
6 and Theology, I believe, is the current name of it. He
7 has written a number of books about intelligent design.

8 Q. Has he ever described his work on the issue of
9 intelligent design as Christian apologetics?

10 A. Yes, in fact that's one of the ways in which he
11 has described it. It's a primary factor in his
12 involvement in the intelligent design movement. He has
13 described it that way himself.

14 Q. Has he actually written a book about apologetics?

15 A. Yes, there is a book that he edited -- he
16 co-edited a book with another of his Center for Science
17 and Culture fellows, J. Wesley Richards. That book is
18 entitled Unapologetic Apologetics. That is a book of
19 essays, some of which Dr. Richards and Dr. Dembski
20 wrote.

21 These essays were written by them and their
22 classmates when they were students at the Princeton
23 Theological Seminary, and I believe it was in 2001 that
24 Dr. Dembski edited these essays and published them as a
25 book entitled Unapologetic Apologetics.

1 Q. Has Dr. Dembski written articles and written in
2 his books about intelligent design in a way that
3 suggests that, for him, it is a religious proposition?

4 A. Yes, he has.

5 Q. Matt, could you pull up Exhibit P-386? Could you
6 highlight the title and author and date? Could you read
7 that into the record?

8 A. This title says, Intelligent Design's
9 Contribution to the Debate Over Evolution, A Reply to
10 Henry Morris, by William A. Dembski, 1 February 2005.

11 Q. And Henry Morris, as you described him, is sort
12 of the grand-daddy of modern creationists?

13 A. He is. In fact, there is a line in this essay in
14 which Dr. Dembski credits with Henry Morris with his,
15 Dr. Dembski's, becoming a design theorist.

16 Q. Matt, could you go to the next passage?

17 A. Quote, Dismantling materialism is a good thing.
18 Not only does intelligent design rid us of this ideology
19 which suffocates the human spirit, but in my personal
20 experience, I found that it opens the path for people to
21 come to Christ. Indeed, once materialism is no longer
22 an option, Christianity again becomes an option. True,
23 there are then also other options, but Christianity is
24 more than able to hold its own once it is seen as a live
25 option.

1 The problem with materialism is that it rules out
2 Christianity so completely that it is not even a live
3 option. Thus, in its relation to Christianity,
4 intelligent design should be viewed as a ground clearing
5 operation that gets rid of the intellectual rubbish that
6 for generations has kept Christianity from receiving
7 serious consideration.

8 Q. Is this representative of Dr. Dembski's views on
9 the purpose for intelligent design?

10 A. Very much so. In fact, he stated in other
11 places, most notably in remarks he made to a meeting of
12 the national religious broadcasters, that the chief
13 obstacle for people to come to Christ was Darwinian
14 naturalism.

15 Q. Matt, could you pull up Exhibit 359? Do you
16 recognize this document?

17 A. Yes, this is an essay written by Dr. Dembski
18 entitled What Every Theologian Should Know About
19 Creation, Evolution, and Design. I believe this was
20 written in about 1995 or 1996.

21 Q. Matt, can you go to the first highlighted
22 passage?

23 A. Are you ready for me to read this?

24 Q. Sure, go ahead.

25 A. The title is What Every Theologian Should Know

1 About Creation, Evolution, and Design. Quote, From its
2 inception, Darwinism posed a challenge to Christian
3 theology. Darwinism threatened to under the church's
4 understanding of creation and therewith the
5 understanding of the origin of human life, end quote.

6 Q. Matt, could you go to the next passage, please?

7 A. Quote, First off, design is not young-earth
8 creationism. This is not to say that there are no
9 young-earth creationists who are also design theorists.
10 Paul Nelson and Siegfried Scherer come to mind. For the
11 sake of argument, design theorists are willing tacitly
12 to accept the standard scientific dates for the origin
13 of the earth and the origin of the universe; that is,
14 i.e., 4 to 5 billion years for the earth, 10 to 20
15 billion years for the universe, and reason from there.
16 The point is that, design theory does not stand or fall
17 with what age one assigns to the universe, end quote.

18 Q. Tacit acceptance. Is that the way most of the
19 scientific community treats the age of the earth?

20 A. No, the scientific community doesn't hesitate to
21 acknowledge the age of the earth as several billion
22 years old.

23 Q. Is this an example of the big tent proposition?

24 A. Yes, this is an example of the big tent strategy
25 in which the desire is not to alienate young-earth

1 creationists. They simply don't want to discuss the
2 issue of the age of the earth. They want to defer that
3 until intelligent design reaches the goals that they
4 have set out.

5 Q. Matt, could you go to Exhibit 390, please? Do
6 you recognize this document?

7 A. Yes, this is Dr. Dembski's book. I believe it's
8 1998. The title is Intelligent Design, The Bridge
9 Between Science and Theology.

10 Q. Matt, could you go to the highlighted passage in
11 that document?

12 A. Actually, I think this book is 1999. Quote, The
13 point to understand here is that Christ is never an
14 addendum to a scientific theory, but always a
15 completion.

16 Q. Matt, could you go to Exhibit 394? Do you
17 recognize this cover page here?

18 A. Yes, that's one of Dr. Dembski's recent books
19 entitled The Design Revolution, Answering the Toughest
20 Questions About Intelligent Design.

21 Q. Could you highlight, go to the highlighted
22 passage? This is on page 22 of the book. Could you
23 highlight that?

24 A. Quote, Theism, whether Christian, Jewish, or
25 Muslim, holds that God by wisdom created the world. The

1 origin of the world and its subsequent ordering thus
2 result from the designing activity of an intelligent
3 agent, God.

4 Naturalism, on the other hand, allows no place
5 for intelligent agency, except at the end of a blind,
6 purposeless, material process, end quote.

7 Q. The tough question is, who is the intelligent
8 designer? Do we know what Dr. Dembski's answer is?

9 A. This is a book about intelligent design, and he
10 has specifically named the intelligent designer as God.

11 Q. And finally, could you go to Exhibit P-357? Do
12 you recognize this cover page here?

13 A. Yes, this is the cover page to the July/August
14 1999 issue of Touchstone, a journal of mere
15 Christianity. This was a special issue devoted
16 exclusively to intelligent design. This issue was later
17 published as a book called Signs of Intelligence. And
18 this is the issue five years ago of the anniversary
19 issue, July/August, 2004.

20 Q. Matt, could you go to the cover page of the
21 article by Dr. Dembski and highlight the title? Could
22 you read that?

23 A. The title of Dr. Dembski's article is Signs of
24 Intelligence, A Primer on the Discernment of Intelligent
25 Design.

1 Q. Matt, could you highlight the last paragraph of
2 the article? Could you read that into the record?

3 A. This is the last paragraph. Quote, The world is
4 a mirror representing the divine life. The mechanical
5 philosophy was ever blind to this fact. Intelligent
6 design, on the other hand, readily embraces the
7 sacramental nature of physical reality.

8 Indeed, intelligent design is just the Logos
9 theology of John's Gospel restated in the idiom of
10 information theory, end quote.

11 Q. So like Mr. Johnson, William Dembski locates
12 intelligent design in the Bible in the Book of John?

13 A. He specifically locates it. He defines it as
14 beginning with the Book of John.

15 Q. And can you tell us how the Book of John begins?

16 A. In the beginning was the word. And the word was
17 with God. And the word was God.

18 MR. ROTHSCHILD: I have no further
19 questions, Your Honor.

20 THE COURT: All right. This would probably
21 be an appropriate time for us to take our afternoon
22 break, so why don't we do that. And we'll reassemble at
23 3:00 to commence cross examination of this witness.
24 We'll be in recess for 20 minutes.

25 (Whereupon, a recess was taken at 2:40 p.m.)

1 and proceedings reconvened at 3:07 p.m.)

2 THE COURT: All right. Mr. Thompson, you
3 may proceed with cross examination.

4 MR. THOMPSON: Thank you, Your Honor.

5 **CROSS EXAMINATION**

6 BY MR. THOMPSON:

7 Q. Professor Forrest, we've met before, is that
8 right?

9 A. Yes.

10 Q. I took your deposition back in June of this year.
11 Do you remember that?

12 A. Yes.

13 Q. Okay. I don't know exactly how long it was, but
14 you spent a considerable amount of time today testifying
15 about the Wedge document, have you not?

16 A. Yes.

17 Q. Okay. Are you -- do you know that each of the
18 current Dover Area School Board members who voted for
19 the curriculum change, which is a subject matter of this
20 lawsuit, placed before this Court a declaration, an
21 affidavit that they had neither seen nor heard of the
22 Wedge document before the lawsuit was filed?

23 A. Yes, I know about that.

24 Q. Okay. And do you have one shred of evidence that
25 any member of the Dover School Board had seen or heard

1 of the Wedge document before this lawsuit was filed?

2 A. No.

3 Q. Okay. And you will agree, therefore, that there
4 is no evidence that you are aware of that any member of
5 the school board saw the Wedge document or read anything
6 about the so-called Wedge Strategy?

7 A. I have no evidence of that.

8 Q. Now I want to go back into your relationship with
9 some of the parties in this lawsuit. As you are aware,
10 the American Civil Liberties Union is involved in
11 proceeding with this lawsuit, are you aware of that?

12 MR. ROTHSCHILD: Objection, Your Honor. The
13 ACLU is not a party to this lawsuit, they are counsel in
14 this lawsuit.

15 MR. THOMPSON: I'll rephrase my question,
16 Your Honor, if I may.

17 THE COURT: You should rephrase.

18 BY MR. THOMPSON:

19 Q. You're aware the ACLU, the American Civil
20 Liberties Union, is counsel to the Plaintiffs, or at
21 least some of the Plaintiffs in this lawsuit, are you
22 aware of that?

23 A. Yes, sir.

24 Q. And you have been a member of the ACLU for many,
25 many years, is that correct?

1 A. That's correct.

2 Q. When did you become a card carrying member of the
3 ACLU?

4 A. When?

5 Q. Yes.

6 A. 1979, I believe.

7 Q. Okay. And you've been a dues paying member since
8 that?

9 A. I have.

10 Q. Okay. And why did you join the ACLU?

11 A. I joined the ACLU because I think it does very
12 valuable work, and I support the cause of civil
13 liberties.

14 Q. And in any particular area?

15 A. Especially as it concerns education and the
16 separation of church and state.

17 Q. Do you support the mission of the ACLU in areas
18 other than separation of church and state and civil
19 liberties?

20 A. Generally speaking. Insofar as they defend the
21 constitution, yes, I support that.

22 Q. Are you aware that they hold, the ACLU holds that
23 all legal prohibitions on the distribution of obscene
24 material, including child pornography, are
25 unconstitutional?

1 MR. ROTHSCHILD: Objection, Your Honor.
2 This has absolutely no relevance to Dr. Forrest's
3 testimony. This is not the issue in this case.

4 MR. THOMPSON: It's as much as relevant as a
5 lot of stuff that you put on in this case that had no
6 connection at all with my clients.

7 THE COURT: First of all, Mr. Thompson, if
8 you're going to argue the objection, you argue it to me,
9 not Mr. Rothschild.

10 MR. THOMPSON: I'm sorry, Your Honor.

11 THE COURT: He not making a ruling. Second
12 of all, I don't think it's relevant, and I'm going to
13 sustain the objection. A cognizable reason for the
14 question is not a tit for a tat. It's whether or not
15 it's admissible. It's not on the grounds of relevancy.
16 Now we're going to get a feel.

17 The Court is familiar with the ACLU. She's
18 testified that she's a member of the ACLU for a period
19 of time. I think questions that relate to her bias or
20 motivation on the First Amendment issue, of which you
21 asked her, I think, are fair game, and you can elaborate
22 on that, but we're not going to go into -- we could be
23 here for days if we get into other activities of the
24 ACLU and whether she's familiar or not as to bias. So
25 I'm going to sustain the objection.

1 BY MR. THOMPSON:

2 Q. You've also been a member of the board of
3 directors of the Louisiana ACLU, have you not?

4 A. Yes.

5 Q. And for what years?

6 A. I believe it was 1995 to 1997. It was a two-year
7 term.

8 Q. And what were your responsibilities as a member
9 of the board of directors?

10 A. To attend the board meetings and to help with
11 fund raising.

12 Q. And what did you do as a member of the board?

13 A. We considered cases that were referred to us by
14 the legal committee and decided on whether to pursue
15 those cases or not.

16 Q. And what kind of cases were they?

17 A. When I was on the Board, it seems like they were
18 mostly cases involving the rights of prisoners. There
19 was one, I remember, it was a free speech rights of a
20 gentleman on a radio station or something like that.

21 Q. Did you ever, during your involvement as a member
22 of the ACLU, ask for help?

23 A. I'm sorry. While I was on the Board?

24 Q. As a member?

25 A. As a member of the ACLU?

1 Q. Yes.

2 A. Yes, I did.

3 Q. And what were the circumstances for your request
4 for assistance from the ACLU?

5 A. I notified the ACLU of an occasion when, in about
6 1994, in the parish, Livingston Parish, where I reside,
7 where my children were in school, a group of
8 creationists attempted to have a creationist curriculum
9 guide adopted in my children's school system to be used
10 in the science classes.

11 Q. And what year was that again?

12 A. I believe that was 1994.

13 Q. And what kind of assistance did you request?

14 A. I just alerted them to this. I called them and
15 indicated that this was happening. And at the time I
16 didn't -- I don't think I requested anything specific.
17 I just wanted them to know about this in case I did need
18 help.

19 Q. Did you oppose the creation insertion into the
20 curriculum at that time?

21 A. I did.

22 Q. So you've been involved in issues relating to
23 creationism since at least 1994, is that correct?

24 A. Yes.

25 Q. Before then at all?

1 A. Only one time. I made a brief presentation in
2 1981 at my university on a panel discussion. That was
3 the year the Louisiana Balance Treatment Act was passed.

4 Q. Okay. Are you familiar with the history of the
5 ACLU and the so-called Scopes trial?

6 A. Yes, I'm familiar with that, that the ACLU was
7 involved, yes.

8 Q. Have you read any reports on that at all?

9 A. ACLU reports?

10 Q. No, any reports on the ACLU involved in the
11 Scopes trial regardless of whether the ACLU --

12 A. Oh, there's been a good deal published about
13 that. I've seen references to that quite frequently.

14 Q. Have you read any books on it?

15 A. Nothing on the Scopes trial per se, not
16 specifically on that.

17 Q. Now since I took your deposition back in June
18 2005, is there anything else you've done in preparation
19 for your testimony today?

20 A. Since my deposition?

21 Q. Yes.

22 A. I wrote the supplementary report.

23 Q. Anything else?

24 A. Studied a good deal.

25 Q. Studied what?

1 A. The materials that I would have to use or I might
2 have to refer to.

3 Q. Okay. Did you read any trial transcripts of the
4 case as it's been going on?

5 A. I haven't read the transcripts of the trial since
6 it started, no.

7 Q. Okay.

8 A. Last week, no.

9 Q. You're also a member of the Americans United for
10 Separation of Church and State, are you not?

11 A. I am.

12 Q. You're also aware that that organization is
13 representing one or more Plaintiffs in this case?

14 A. I am.

15 Q. How long have you been a member of the Americans
16 United for Separation of Church and State?

17 A. That, I can't tell you, sir. I don't remember
18 the year I joined that. It been a number of years, but
19 I don't know the year I joined that.

20 Q. More than 10?

21 A. Probably, probably.

22 Q. More than 15?

23 A. I doubt more than 15.

24 Q. Okay. So between 10 and 15 years?

25 A. That's probably about right. I can't give you a

1 specific number of years on that.

2 Q. And are you also a dues paying member of the
3 Americans United for Separation of Church and State?

4 A. I am.

5 Q. And how long have you been a dues paying member?

6 A. I'm sorry. When you asked me the question
7 previously, I thought you meant a dues paying member.
8 That's what I can't remember. I've been on the National
9 Advisory Council for several years, although, maybe
10 since 2001.

11 Q. You've been on the National Advisory Council
12 since 2001?

13 A. That's about right.

14 Q. What does the National Advisory Council do?

15 A. As far as I've been on it, we haven't done
16 anything.

17 Q. Good.

18 A. It's been inactive since -- there are meetings,
19 but they're all at times when I cannot go. The only
20 thing that I've actually done as a member of the
21 National Advisory Council is, a couple of times, the
22 ACLU wrote letters to state officials in Louisiana and I
23 would cosign the letters. Other than that, it's
24 actually their board that does all the work.

25 Q. Okay. And what is the responsibility of an

1 advisory council member?

2 A. Actually to support the organization's task of
3 protecting the constitutional separation of church and
4 state. And one of the ways we are nominated for
5 positions on the advisory council is when we have helped
6 to promote the constitutional separation of church and
7 states.

8 Q. Are you also a member of People for the American
9 Way?

10 A. Yes.

11 Q. And what is that organization?

12 A. That is another civil liberties organization.

13 Q. And what is their mission?

14 A. It's about the same as the ACLU's mission, to
15 protect the constitutional civil liberties.

16 Q. Are they, what I'd call, a public interest law
17 firm or are they a political action organization?

18 A. They do have a legal section. They do a good
19 deal of research on issues. And they also, of course,
20 are advocates for their positions.

21 Q. Have you been involved in any capacity with that
22 organization such as a board of directors member?

23 A. No, I'm just a dues paying member.

24 Q. Have you been involved in any kind of activity on
25 behalf of that organization?

1 A. No.

2 Q. Are there any other organizations that you belong
3 to?

4 A. Yes, I belong to the New Orleans Secular Humanist
5 Association.

6 Q. Would you tell us what that organization's
7 mission is?

8 A. That is a very small organization which exists to
9 provide opportunities for people who have the humanist
10 point of view to gather together to meet together. They
11 have meetings.

12 Q. They do have some principles that members abide
13 by, is that correct?

14 A. Yes, there is a statement of principles, yes.

15 Q. Would you tell us what those principles are?

16 A. I don't have them memorized, sir. In fact, I'm
17 not even sure how NOSHA has worded theirs. Generally,
18 it's in line with the statement of principles by the
19 Council for Secular Humanism with which they are
20 affiliated.

21 MR. THOMPSON: Your Honor, may I approach
22 the witness? I want to give her a copy.

23 THE COURT: You may.

24 MR. THOMPSON: Let me give you my copy here.

25 MR. ROTHSCHILD: Your Honor, I just need to

1 know what the exhibit number is so I can follow along.

2 THE COURT: Okay. Well, is he getting it?

3 MR. ROTHSCHILD: I'm not sure. Give us a
4 moment, Your Honor. I think we can find it.

5 THE COURT: All right. Take your time.

6 MR. THOMPSON: I apologize for the delay,
7 Your Honor.

8 THE COURT: That's all right.

9 BY MR. THOMPSON:

10 Q. Dr. Forrest, I've handed you some documents.
11 First one is entitled Forrest Deposition No. 3. It's
12 the New Orleans Secular Humanist Association. Do you
13 have that in front of you?

14 A. Yes.

15 Q. You may refresh your memory about the statements
16 of principle, and I will just ask you just some of the
17 principles that are located on that document?

18 A. Sure.

19 Q. First, under the first paragraph under, about us?

20 A. Uh-huh.

21 Q. Would you read that paragraph, please?

22 A. Quote, The New Orleans Secular Humanist
23 Association is dedicated to raising the awareness of
24 people of the Gulf Coast region to the ideals and values
25 of secular humanism. We are an affiliate of the Council

1 for Secular Humanism, a member of the Alliance of
2 Secular Humanist Societies, Associate of the American
3 Humanist Association, an affiliate of American Atheists,
4 and member of the Atheist Alliance International.

5 Q. Thank you. And that under statement of
6 principles, please read the first sentence?

7 A. Quote, We reject efforts to denigrate human
8 intelligence, to seek to explain the world in
9 supernatural terms, and to look outside nature for
10 salvation, end quote.

11 Q. Do you subscribe to that principle that you just
12 read?

13 A. Yes.

14 Q. The document after that, what is that document?

15 A. Exhibit No. 4, Council for Secular Humanism?

16 Q. Yes.

17 A. I have it.

18 Q. Okay. And would you read what's in that
19 document, starting from the top line?

20 A. Starting from the top. Read all of it?

21 Q. Yes.

22 A. This is the mission statement of the Council for
23 Secular Humanism. And it begins this way. Quote, The
24 Council for Secular Humanism cultivates rational
25 inquiry, ethical values, and human development through

1 the advancement of secular humanism.

2 To carry out its mission, the Council for Secular
3 Humanism sponsors publications, programs, and organizes
4 meetings and other group activities. The council's
5 specific objectives are to promote secular humanist
6 principles to the public, media, and policy makers; to
7 provide secular humanist activities and communities to
8 serve the needs of non-religious people and to foster
9 human enrichment; to demonstrate the viability of the
10 secular humanism eupraxophy as an alternative
11 naturalistic life-stance; to engage in research relating
12 to the critical examination of religious and
13 supernatural claims and the humanist outlook; to conduct
14 educational programs for all age levels, end quote.

15 Q. Now what is your definition of movement as you
16 have used it when you talked about the intelligent
17 design movement?

18 A. It's an organized program that carries out the
19 goal of the program. That's the way I understand it
20 here.

21 Q. Now would you agree that the material that you
22 just read would qualify the Council for Secular Humanism
23 as a movement?

24 A. There is such a thing as the humanist movement,
25 yes. I've seen reference to that, sure.

1 Q. And based upon what you read, they are doing some
2 of the same things as you claim the intelligent design
3 movement is doing but for their own ideological goals,
4 is that right?

5 A. No, sir, I don't think they're doing the same
6 thing here. They are not promoting a religious view as
7 science. They're not doing that.

8 Q. They are promoting common objectives?

9 A. They exist to offer an alternative to people who
10 are like-minded and they promote that alternative.

11 Q. And they are educating the public?

12 A. They have publications which the public are free
13 to read, yes.

14 Q. Yes. There is also a document that is entitled,
15 What is Secular Humanism? Do you have that in front of
16 you?

17 A. Is it a separate exhibit?

18 Q. It's Forrest Exhibit No. 5.

19 MR. THOMPSON: May I approach the witness,
20 Your Honor?

21 THE COURT: You may.

22 THE WITNESS: No, I don't have 5. Thank
23 you.

24 BY MR. THOMPSON:

25 Q. I just handed you a document that is entitled,

1 What is Secular Humanism?

2 A. Yes.

3 Q. Would you read that document, please?

4 A. All of it?

5 Q. Let's start the first page?

6 A. Okay. It's entitled, What is Secular Humanism?

7 Quote, Secular humanism is a term which has come into
8 use in the last 30 years to describe a world view with
9 the following elements and principles:

10 The first one is a conviction that dogmas,
11 ideologies and traditions, whether religious, political
12 or social, must be weighed and tested by each individual
13 and not simply accepted on faith.

14 Commitment to the use of critical reason, factual
15 evidence, and scientific methods of inquiry rather than
16 faith and mysticism, in seeking solutions to human
17 problems and answers to important human questions.

18 A primary concern with fulfillment, growth, and
19 creativity for both the individual and humankind in
20 general.

21 The constant search for objective truth with the
22 understanding that new knowledge and experience
23 constantly alter our imperfect perception of it.

24 A concern for this life and a commitment to
25 making it meaningful through better understanding of

1 ourselves, our history, our intellectual and artistic
2 achievements, and the outlooks of those who differ from
3 us.

4 A search for viable individual social, and
5 political principles of ethical conduct, judging them on
6 their ability to enhance human well-being and individual
7 responsibility. Shall I continue to the second page?

8 Q. The second page, please?

9 A. A conviction that with reason, an open
10 marketplace of ideas, good will, and tolerance, progress
11 can be made in building a better world for ourselves and
12 our children.

13 Q. Thank you. You have described yourself as a
14 secular humanist?

15 A. My thinking is in line with secular humanism. I
16 typically don't label myself really as much of anything,
17 but my thinking is in line with this, yes, sir.

18 Q. And you don't believe in the supernatural, do
19 you?

20 A. I do not.

21 Q. Okay. And you don't believe in the immortality
22 of the soul?

23 THE COURT: Hang on. Wendy, are you all
24 right?

25 MR. ROTHSCHILD: Objection.

1 THE COURT: Are you objecting to the
2 question or the beep?

3 MR. ROTHSCHILD: I would never take on a
4 court reporter.

5 THE COURT: In the case of the latter,
6 there's nothing I can do.

7 MR. ROTHSCHILD: I think we have to be
8 really careful with where we're going with this because
9 I think we're reaching the point where Mr. Thompson is
10 trying to impeach Dr. Forrest and her credibility based
11 on religious views, and that is specifically proscribed
12 by Rule 610 of the Federal Rules of Evidence.

13 I think that's where we're -- you know, I
14 understand Mr. Thompson has a point to make equating Dr.
15 Forrest's views which what she's testified about
16 intelligent design, but as we're talking -- the kind of
17 questions he just asked are going beyond that, and I
18 think simply asking her religious belief in order to
19 address her credibility. I can't see what else they go
20 to.

21 THE COURT: Mr. Thompson.

22 MR. THOMPSON: They do go to the fact that
23 this is a religious doctrine that she is espousing and
24 why she is testifying today.

25 THE COURT: Well, I'll note that Rule 610

1 does say, Rule 610 does not -- or the commentary, I
2 should say, to Rule 610 says that it does not preclude
3 the admission of evidence of religious beliefs when the
4 evident is relevant in a manner other than to show that
5 the witness's trustworthiness is enhanced or diminished
6 by virtue of the belief.

7 And the rule does not prevent evidence
8 tending to demonstrate bias or interest in the part of
9 the witness. So we've got an expert witness, and
10 colorably it goes to bias. I'm not sure if it's a
11 blanket prohibition in the case of this witness that you
12 read it to be.

13 MR. ROTHSCHILD: And, Your Honor, I just
14 want to be careful here because I do understand that
15 this is a case about religion and it may be relevant in
16 some areas, including to this exert. But I think the
17 questions that Mr. Thompson just asked, does she believe
18 in the immortality of the soul, I can't imagine how that
19 connects to any issue relating to her testimony.

20 I think it just is questioning her about her
21 religious beliefs, and I think we need to be careful
22 that we're not violating this rule here.

23 MR. THOMPSON: Your Honor, I understand that
24 is sensitive. I only have a few more questions in this
25 area. And it goes really to the idea that she has

1 attacked the Defendants' position based upon the fact
2 they're Christians.

3 THE COURT: Well, it goes to bias is what
4 you're saying.

5 MR. THOMPSON: Yes.

6 THE COURT: Was there a question on the
7 floor that you objected to?

8 MR. ROTHSCHILD: I object to that
9 characterization because that's not the nature of her
10 testimony at all.

11 THE COURT: I understand that. And you can
12 argue that. That's something that I'll have to decide.
13 But was there -- you'll have to tell me, was there a
14 question on the floor? Were you objecting to the line
15 of questions?

16 MR. ROTHSCHILD: There was a question, and I
17 won't repeat it exactly, and maybe it should be read
18 back, but it asked her whether she believes in the
19 immortality of the soul. And I --

20 THE COURT: Let's go back, Wendy, and look
21 at the question that was on the floor and take the
22 objection as specific to that question.

23 (Whereupon, the court reporter read back a
24 question.)

25 THE COURT: That's the question now. Do you

1 have an objection?

2 MR. ROTHSCHILD: I don't have an objection
3 to that. I think it was the next question. Maybe I cut
4 it off so it wasn't transcribed.

5 THE COURT: All right. Let's get a question
6 on the floor then.

7 BY MR. THOMPSON:

8 Q. You -- do you believe that nature is all there
9 is?

10 A. That is my own personal understanding of the
11 cosmos, yes, sir. I cannot prove that that's all there
12 is, but that is my considered view.

13 Q. And, therefore, any definition of what science is
14 that excludes the supernatural is consistent with your
15 view that nature is all there is, is that correct?

16 A. You're referring to the methodology of science?

17 Q. Yes.

18 A. The methodology of science is consistent with a
19 great many views, not only with my view.

20 Q. So your answer is, yes?

21 A. It is consistent with my view as well as many
22 others.

23 Q. Now I want to go to your book, Creationism's
24 Trojan Horse. Do you have a copy of that?

25 A. I do. I have a copy here.

1 Q. Now how would you describe this book in general
2 terms?

3 A. This book documents the manner in which the
4 Center for Science and Culture is executing the Wedge
5 Strategy. It looks at how the phases of that strategy
6 are being executed, the activities that are part of that
7 execution.

8 My co-author has analyzed the purportedly
9 scientific claims made by intelligent design proponents.
10 We have also documented the fact that they are a
11 religious movement, but that they are creationists. And
12 we explain the significance of this information to the
13 readers.

14 Q. You started the book with some comments that, to
15 me anyway, reflect your attitude about the creationist
16 movement. And I want to read from page 8. You can
17 follow me.

18 A. I'm sorry. Eight?

19 Q. Eight.

20 A. Um-hum.

21 Q. Subtitled The Wedge's Hammers?

22 A. Um-hum.

23 Q. And you have, Under cover of advanced degrees,
24 including a few in science obtained in some of the major
25 universities, the Wedge's workers have been carving out

1 a -- out a habitable and expanding niche within higher
2 education, cultivating cells of followers. Is that a
3 political statement?

4 A. No, that's a descriptive statement. Cells
5 meaning small groups.

6 Q. Is that what you meant to convey, that this is
7 just small groups?

8 A. Yes, they are cultivating followers on university
9 campuses. They are certainly not a large majority.
10 They are small groups. Keep in mind, I have a
11 co-author, and sometimes these are his words as well.

12 Q. They're pretty -- you would agree that that is
13 pretty polemic, isn't it?

14 A. Depending on how you read it. It's not intended
15 to be inflammatory. It's intended to be descriptive.

16 Q. Well, later on in the same paragraph, you have,
17 armed with a potentially huge base of popular support
18 that includes most of the religious right, wielding a
19 new legal strategy with which it hopes to win in the
20 litigation certain to follow, insertion of ID into
21 public schools science anywhere, and lawyers ready to go
22 to work when it does. The wedge of ID creationism is
23 indeed intelligently designed.

24 Is that sentence there to alert people to the
25 dangers of intelligent design?

1 A. Yes, it is there to alert people to what we think
2 they are doing.

3 Q. Before you even started this book, you already
4 had come to the conclusion that intelligent design was a
5 danger, had you not?

6 A. I believe that intelligent design is harmful to
7 the process of educating children, and I believe that
8 it's harmful to the separation of church and state if it
9 is inserted into a public school as science.

10 Q. And it was, in your view, a dangerous thing?

11 A. To the constitution and to the education of
12 children.

13 Q. And you started with that idea before you did
14 your research for the book?

15 A. I had some understanding of what the Center for
16 the Renewal of Science and Culture was about, and at
17 that point when the -- the understanding I had at the
18 time, yes, it was not something I agreed with.

19 Q. And then on page 11 of that book, down about
20 two-thirds of the way, you state, quote, We also believe
21 that its ultimate goal --

22 A. I'm sorry. I have to find that.

23 Q. Okay. I'm sorry. It's page 11?

24 A. I'm on 11.

25 Q. Okay, down about two-thirds of the way.

1 A. In the middle paragraph?

2 Q. In the middle paragraph.

3 A. Okay. Oh, it's not the beginning of the
4 sentence, I'm sorry. I've got it.

5 Q. Okay. We also believe that its ultimate goal is
6 to create a theocratic state. Do you believe that?

7 A. Yes, I do. I think the Wedge document indicates
8 that that is the goal. It's stated in the Wedge
9 Strategy.

10 Q. And so your belief is that this Wedge strategy,
11 which you have outlined in detail during your direct
12 examination, is there to create a theocratic state?

13 A. I think if the goals of the Wedge Strategy were
14 fulfilled, that is what we would have. The Wedge
15 Strategy makes very strong statements that what they
16 hope to do is to overturn the culture that has been
17 degraded by scientific materialism and moral relativism.
18 They hope to reestablish it or renew it on a foundation
19 based on their own religious beliefs.

20 Q. Well, in your deposition, you also indicated that
21 you felt that that statement meant they were taking over
22 all three branches of government?

23 A. No, I did not say they were taking over all three
24 branches of government. I indicated that one
25 understanding of theocracy is when people in government

1 are put into positions of political authority, and those
2 positions are determined or their position there is
3 determined by their religious beliefs.

4 Q. That becomes a theocratic state?

5 A. If the government is controlled by people who are
6 in position in order to act on their own religious
7 beliefs, yes, that would be a theocratic state, to
8 fashion policies around those religious preferences.

9 Q. And, as you know, there are three branches of
10 government, correct?

11 A. There are.

12 Q. And one individual or one branch of government
13 does not have absolute power as to what's going to
14 happen in this country, isn't that correct?

15 A. It's not supposed to.

16 Q. Well, you have the legislative branch of
17 government that may make a law, which the judicial
18 branch of government says is unconstitutional, is that
19 correct?

20 A. Under the constitution, we have a system of
21 checks and balances. The constitution sets that up.

22 Q. And before a theocratic state could be
23 implemented, it would mean that all three branches of
24 government would have to cooperate with the Wedge
25 Strategy, is that correct?

1 A. In its totality, yes. There are areas, of
2 course, on a smaller scale in which people in positions
3 of authority could be acting on their own political
4 preferences. So I would say that you would have degrees
5 of that. It's not a matter of all or nothing.

6 Q. But the reason you wrote this book was your
7 concern for the implementation of a theocratic state by
8 the Wedge Strategy?

9 A. I'm concerned about the statement by the Wedge
10 Strategy, the people who are promoting it, that what
11 they hope to do is completely overturn what they
12 consider a materialistic culture. Those are their
13 statements.

14 Q. That could be political action, could it not?

15 A. I think they have in mind political action, among
16 other things. That's what the statement says. It uses
17 the word political.

18 Q. That could be education, correct?

19 A. Education insofar as it is an area of public
20 policy.

21 Q. That could be attempts to persuade a majority of
22 the people that their view on morality is the
23 appropriate view, correct?

24 A. Not just an attempt to persuade. It depends on
25 how they would go about implementing that.

1 Q. What do you mean by that?

2 A. Insofar as they might attempt to have a
3 particular view implemented as public policy, I think
4 there might be some particular problem, if you're
5 talking about an about a religious view. Simple
6 attempts to persuade are not a problem.

7 Q. Are you familiar with the Santorum Amendment?

8 A. I am.

9 Q. And what does that amendment state?

10 A. That is a two-paragraph statement that was
11 written by Phillip Johnson. It was inserted by Senator
12 Rick Santorum into the No Child Left Behind Act the day
13 before the Senate voted on it. It was eventually
14 removed and placed into the legislative history of the
15 bill after some very slight rewording.

16 Q. And it was contained in the final conference
17 report?

18 A. It's in the joint explanatory statement of the
19 committee of conference, which accompanies the
20 conference report?

21 Q. And just paraphrase what the Santorum Amendment
22 is?

23 A. The Santorum Amendment, in paraphrase, says that,
24 generally students should be taught the difference
25 between the testable ideas of science and philosophical

1 or religious ideas that are presented in the name of
2 science, and that whenever controversial subjects such
3 as evolution are taught, children should be instructed
4 as to why those issues are controversial. It
5 specifically mentions biological evolution.

6 Q. Doesn't it basically say that, whenever
7 biological evolution is taught, students should be made
8 aware of the controversy?

9 A. That students should be made aware of why that is
10 a controversial issue.

11 Q. Is there a difference between what you and I just
12 said?

13 A. It depends on how you're using the controversy.
14 If you're talking about, if they should be made aware of
15 a controversy within science about the status of
16 evolution, that would not be correct. So depends on how
17 you intend controversy to be understood. Maybe you need
18 to explain it to me.

19 Q. Well, I'm just trying to find out what Senator
20 Santorum meant by this.

21 MR. ROTHSCHILD: Objection, Your Honor.

22 THE COURT: Well, that's not a question. So
23 there's nothing to object to. That's a statement by Mr.
24 Thompson. So let's have a question.

25 BY MR. THOMPSON:

1 Q. You, in fact, in your book, stated that Senator
2 Santorum's Amendment was the first step in establishing
3 a theocracy, did you not?

4 A. I don't believe I said it was the first step in
5 establishing a theocracy.

6 Q. What did you say?

7 A. Would you like to point to something I said?
8 Could you show me in the book, please?

9 Q. I can. You don't remember making any statement
10 about --

11 A. Could you please just show me what I said?

12 Q. Would you turn to page -- we'll start with page
13 240, entitled, subtitled The Santorum Amendment?

14 A. 240?

15 Q. Um-hum.

16 A. Um-hum.

17 Q. And I'll have you read a few sentences in that
18 section, starting with the first sentence under there.
19 Under the subtitle The Santorum Amendment?

20 A. Yes. Quote, The May 2000 briefing was clearly
21 the beginning of the Wedge's plan to influence science
22 and science education policy at the national level. The
23 events of June 2001 confirmed this assessment. On June
24 13th, 2001, Pennsylvania Senator Rick Santorum
25 introduced Amendment No. 7992S1, The Better Education

1 for Students and Teachers Act, along with its House
2 companion, HR1, The No Child Left Behind Act of 2001.

3 This piece of legislation was a major revision of
4 the elementary and secondary education act overhauling
5 federal education programs. Santorum added his
6 amendment to the bill only one day before the Senate was
7 to hold a final vote after six weeks of debate.

8 Recognized on the floor at the U.S. Senate by
9 Senator Edward Kennedy, Santorum rose to explain his
10 amendment. Quote, I rise to talk about my amendment,
11 which is a sense of the Senate that deals with the
12 subject of intellectual freedom with respect to the
13 teaching of science in the classroom in primary and
14 secondary education.

15 It is the sense of the Senate that does not try
16 to dictate curriculum to anybody. Quite the contrary.
17 It says, there should be freedom to discuss and air good
18 scientific debate within the classroom. In fact,
19 students will do better and will learn more if there is
20 this intellectual freedom to discuss.

21 It is simply two sentences. Frankly, two rather
22 innocuous sentences that, hopefully, this Senate will
23 embrace. This is a quote of the sentences. Quote, It
24 is the sense of the Senate that, one, good science
25 education should prepare students to distinguish the

1 data or testable theories of science from philosophical
2 or religious claims that are made in the name of
3 science; and, two, where biological evolution is taught,
4 the curriculum should help students to understand why
5 this subject generates so much continuing controversy,
6 and should prepare the students to be informed
7 participants in public discussions regarding the
8 subject. Shall I continue?

9 Q. That's fine. You objected to the Santorum
10 Amendment, did you not?

11 A. Yes, I did.

12 Q. And you, in fact, wrote a letter to members of
13 the House of Representatives and to the Senate opposing
14 the Santorum Amendment?

15 A. Yes.

16 Q. Okay. In what capacity did you write that
17 letter?

18 A. At the time, I was the head of a small group
19 called Citizens for the Advancement of Science
20 Education. I believe that's when I wrote the letter.

21 Q. And who started that organization?

22 A. It was a group of people, including myself, that
23 were, that had met in Kansas, people from around the
24 country, to discuss the issue of the problem of
25 intelligent design in science education.

1 Q. And what was the gist of your letter, if you
2 recall?

3 A. Do you have a copy?

4 Q. I do have a copy.

5 A. Because it's been several years since I wrote it.

6 Q. I thought I did. I'll have to find it. I'll
7 withdraw that question for the time being. Now your
8 objections to the biology curriculum change, I believe,
9 is that it infiltrates religion into the science
10 classroom?

11 A. I'm sorry. Are you referring to a change
12 generally or in this specific biology curriculum?

13 Q. The biology curriculum of the Dover Area School
14 Board that included the one-minute statement?

15 A. And you're asking if I object to --

16 Q. Because it injected religion into the classroom?

17 A. Insofar as it presents intelligent design as an
18 alternative theory, it is presenting a religious belief
19 as an alternative scientific theory. That is my
20 objection.

21 Q. And if it were shown to you that intelligent
22 design does not require a supernatural creator, would
23 you change your mind?

24 A. Intelligent design, as it is espoused by the
25 proponents of intelligent design, the movement, does

1 involve a supernatural creator. Intelligent design, in
2 a non-controversial sense, I'm not sure what you mean.
3 Are you talking about --

4 Q. If a scientist such as Michael Behe testifies
5 that intelligent design does not require a supernatural
6 creator, will you then withdraw your objections to
7 intelligent design being mentioned in that one-minute
8 statement?

9 A. I would want to have some positive sense what he
10 meant by that. I would want to know more than just,
11 does it require a supernatural creator. I would want to
12 know the sense in which he was using it.

13 Q. That's what I want to find out. What is your
14 objections to intelligent design? You are not a
15 scientist. But what are your objections to intelligent
16 design if it does not include the concept of a
17 supernatural creator?

18 A. Intelligent design, as it is understood by the
19 proponents that we are discussing today, does involve a
20 supernatural creator, and that is my objection. And I
21 am objecting to it as they have defined it, as Professor
22 Johnson has defined intelligent design, and as Dr.
23 Dembski has defined intelligent design. And both of
24 those are basically religious. They involve the
25 supernatural.

1 Q. Well, a lot of the evolutionists also have
2 philosophical or religious statements attached to their
3 theory, is that correct?

4 A. Outside the -- their capacity as scientists, of
5 course, they do.

6 Q. And you would object to that as well, would you
7 not?

8 A. I would object to what specifically, sir?

9 Q. If they attach a philosophical or religious
10 component to the theory of evolution?

11 A. It's not within my purview to object to anybody
12 attaching a philosophical view to their understanding of
13 evolution. But I don't believe that your -- I'm not
14 sure, are you referring just to their personal decision
15 to attach a philosophical view to their understanding of
16 evolution? Anyone has the right to do that. I don't
17 object to that.

18 Q. And if intelligent design advocates or theorists
19 happen to attach a religious component or, excuse me, a
20 religious explanation for their theory, would you object
21 to that?

22 A. That isn't what they're doing. They're not
23 attaching a religious component. Intelligent design is,
24 in essence, a religious belief. It is not a scientific
25 belief with a religious component attached to it.

1 Q. Well, that's one of the issues that we are going
2 to have the experts testify to. But you will admit,
3 will you not, that many prominent evolutionists have
4 philosophical claims based on their understanding of the
5 theory of evolution?

6 A. As is their right to do.

7 Q. And so that you have the late Gaylord Simpson who
8 said, man is the result of a purposeless and
9 materialistic process that did not have him in mind. He
10 was not planned. End quote. Are you aware of that
11 claim that he made?

12 A. Yes, I've read his book.

13 Q. Did you agree with the claim?

14 A. Evolution, as a natural process, is not something
15 that you can interpret as having a particular purpose or
16 goal. That idea simply is not a scientific one. Now
17 you might incorporate the idea of evolution into a
18 larger philosophical understanding. And it is my
19 estimation that that's what Gaylord Simpson was doing.

20 Q. Well, you quote, you have a section in your book
21 on the first -- let me start. Do you know who Steven
22 Wineberg is?

23 A. Yes.

24 Q. Who is he?

25 A. He's a Nobel Prize winning scientist.

1 Q. And as I recall, you had a quote from him in your
2 book, is that correct?

3 A. Yes. It's on page 3.

4 Q. Okay. And so what was the reason for putting
5 that quote in your book?

6 A. My co-author chose that.

7 Q. Okay. Now are you aware of this comment by
8 Professor Wineberg? Quote, I personally feel that the
9 teaching of modern science is corrosive of religious
10 belief, and I'm all for that. One of the things that,
11 in fact, has driven me in my life is the feeling that
12 this is one of the great social functions of science--to
13 free people from superstition, end quote. Are you aware
14 of that statement that Professor Wineberg --

15 A. Yes, I'm aware of that.

16 Q. Do you agree with Dr. Wineberg's claim?

17 A. Not necessarily.

18 Q. Do you disagree with his claim?

19 A. If he is saying that -- I'm sorry. If you're
20 asking -- are you asking me if I were aware of it? Yes.
21 If you want to know whether I agree or disagree with it,
22 I would ask you to please read it to me again.

23 Q. Sure. Quote, I personally feel that the teaching
24 of modern science is corrosive of religious belief, and
25 I'm all for that. One of the things that, in fact, has

1 driven me in my life is the feeling that this is one of
2 the great social functions of science--to free people
3 from superstition, end quote.

4 A. No, I don't share that belief.

5 Q. Now would you have taken away his status as a
6 Nobel laureate because he got involved with religious
7 and philosophical comments about -- regarding science?

8 A. No.

9 Q. Okay. I know you're aware of Eugenia Scott.

10 A. I'm on her board of directors. I forgot to
11 mention that organization, by the way. I'm on the board
12 of directors for the National Center for Science
13 Education.

14 Q. And Ms. Scott is noted as a notable scientist of
15 the Manifesto 3, do you know that?

16 A. No. I didn't know that.

17 Q. The manifesto makes broad philosophical claims
18 such as, humans are the result of unguided evolutionary
19 change, and that humanists recognize nature as
20 self-existing. Do you agree with those claims?

21 A. I do.

22 Q. Are they scientific claims?

23 A. No, that's a philosophical statement. It goes
24 beyond what science can establish.

25 Q. Okay. And basically, she is in charge, head of

1 the National Center for Science Education, is that
2 correct?

3 A. She's the director.

4 Q. But she is making philosophical and, I believe,
5 religious claims in the area of science, would you agree
6 with that?

7 A. She signed that statement as a personal act on
8 her part. That is not what she does as the director of
9 the National Center for Science Education. She does not
10 promote her personal preferences as head of that
11 organization. She promotes the principles of good
12 science education.

13 Q. But she is a very outspoken person with regard to
14 teaching of Darwinism, is she not?

15 A. She's a very forceful defender of teaching
16 science as it should be taught.

17 Q. And she does everything she can as the director
18 to prevent intelligent design from being included in the
19 science education?

20 A. She does.

21 Q. Based on the comments that Eugenia Scott has made
22 and Dr. Wineberg, would you conclude that evolution is
23 not a scientific theory?

24 A. Based on what specific comments, sir?

25 Q. The comments that I just read?

1 A. The comments that --

2 Q. By Steven Wineberg, the first comment I read?

3 A. Those are Steven Wineberg's comments not Eugenia
4 Scott's.

5 Q. No, I said, and Eugenia Scott's comments. Do you
6 believe that Darwinism should not be a part of the
7 educational curriculum?

8 MR. ROTHSCHILD: Objection. I'm not sure
9 there are any Eugenia Scott comments that have been
10 presented to the witness.

11 MR. THOMPSON: Quote, humans are the result
12 of unguided evolutionary change and that, quote,
13 humanists recognize nature as self-existing, end quote.

14 THE COURT: You withdraw the objection?

15 MR. ROTHSCHILD: I don't think those are
16 comments Eugenia Scott made.

17 MR. THOMPSON: Well, I just put quotes
18 around the phrases.

19 MR. ROTHSCHILD: I'm not sure that changes
20 that they're not things -- she didn't make comments to
21 that effect. I mean, I think the issue, just for
22 clarity, is that those are words from, I think, the
23 humans manifesto, which apparently she had signed onto.
24 The witness doesn't even know that is so.

25 THE COURT: So you're saying they're

1 mischaracterized as direct quotes?

2 MR. ROTHSCHILD: It's very unclear. I think
3 the witness was confused about what comments are being
4 referred to, and I'm not --

5 MR. THOMPSON: I understand. I think I
6 understand.

7 THE COURT: Well, here's what I perceive,
8 and that is that, the objection likely caused the
9 question to be issued in two parts. So why don't you
10 restate the question?

11 MR. THOMPSON: Thank you, Your Honor.

12 THE COURT: That will be clear to the
13 witness, I'm sure.

14 BY MR. THOMPSON:

15 Q. I earlier read to you the comments by Nobel
16 laureate Steven Wineberg. Do you remember that?

17 A. Yes.

18 Q. Based on the comments that he made regarding the
19 philosophical and quasi-religious, I guess, nature of
20 evolution and modern science, do you believe that that
21 would exclude Darwinism as a scientific theory?

22 MR. ROTHSCHILD: I'm just going to object to
23 the characterization, Your Honor.

24 THE COURT: All right. Overruled. You can
25 answer the question.

1 THE WITNESS: If I understand you correctly,
2 you are linking the comments that he made with the
3 status of Darwinism as an evolutionary theory.

4 BY MR. THOMPSON:

5 Q. Correct.

6 A. I don't think the comments that he made, his
7 personal statements about science have that much to do
8 with the status of evolutionary theory. And, I'm sorry,
9 I don't see the connection that you're trying to make.

10 Q. Okay. I think you answered my question. And
11 then regarding Eugenia Scott, you know she's the
12 director of the National Center for Science Education,
13 and she is a notable signer of the humanist Manifesto 3.
14 To accurately characterize that, the humanist manifesto
15 makes proceed philosophical statements such as, quote,
16 Humans are the result of unguided evolutionary change.
17 And then further again, the manifesto --

18 A. Um-hum.

19 Q. -- claims that humanists recognize nature as
20 self-existing, end quote. Do you agree with the claims
21 that the humanist manifesto makes?

22 A. I understand those claims, and I generally agree
23 with them.

24 Q. Okay. And Eugenia Scott is an outspoken advocate
25 of teaching Darwin's theory?

1 A. She is an outspoken advocate of teaching
2 evolutionary theory in public science class, yes.

3 Q. Based upon the methodology you used in excluding
4 statements -- excuse me. Withdraw that. Based upon the
5 methodology you use to conclude that statements made by
6 Dembski or Steven Myers or Jonathan Wells should exclude
7 intelligent design from public education, why would that
8 same methodology not be used to exclude Darwinism from
9 public education?

10 A. If you will permit me, sir, let me please make a
11 distinction in what I think these people are doing. And
12 I don't think you're representing Eugenia Scott's
13 position accurately. Eugenia Scott's signed the
14 humanist manifesto as a personal act on her part. She
15 is quite cognizant, and she has expressed this many
16 times, of the difference between what she can assert as
17 a scientist and what she can assert as a citizen with
18 philosophical preferences.

19 She has many times expressed that distinction.
20 She is quite aware of it. In fact, she does not use her
21 position as director of the National Center for Science
22 Education to promote her particular personal viewpoints.
23 She is adamantly against doing that.

24 In fact, she was the most important person in
25 persuading the National Association of Biology Teachers

1 to take language of that sort out of their statement.
2 She is quite aware that there are many personal
3 viewpoints people can take, and she has stated many
4 times that one must recognize a distinction between what
5 one can say as a scientist and what one says as a
6 private citizen expressing a philosophical preference.

7 She does not do the same thing that, I believe,
8 Dr. Dembski and his intelligent design associates are
9 doing.

10 Q. I guess then, what methodology do you use to
11 exclude the same kind of consideration from Dr. Dembski
12 and others that you used to exclude Eugenia Scott's
13 philosophical and religious comments?

14 MR. ROTHSCHILD: Objection, Your Honor.

15 THE COURT: No, I'll allow the question.
16 The objection is overruled.

17 THE WITNESS: In Dr. Dembski's case, it is
18 not a matter of his having a scientific viewpoint which
19 can be defended and a philosophical viewpoint attached
20 to that. His viewpoint regarding intelligent design is
21 at its core, in its essence, a religious viewpoint, not
22 a scientific one.

23 What I object to is his presenting that as a
24 scientific theory that should be offered to students in
25 a science class. I don't think there is any analogy at

1 all between what he is doing and what Eugenia Scott
2 does. And part of my job as a philosopher is to make
3 those distinctions clear.

4 BY MR. THOMPSON:

5 Q. Well, I think you've already indicated that you
6 are not a scientist, correct?

7 A. I'm not a scientist, but I am an educated person
8 who understands the way science works. That's not hard
9 to understand.

10 Q. And you are not -- you are not an expert in
11 science to the extent that you can evaluate Michael
12 Behe's concept of irreducible complexity, are you?

13 A. I have never claimed to be a scientific expert
14 evaluating Dr. Behe's statements about irreducible
15 complexity. That is not within my expertise.

16 Q. Okay. And so you continue to say that
17 intelligent design is not science without you personally
18 being able to evaluate the scientific claims of Dr.
19 Michael Behe, is that correct?

20 A. My understanding of intelligent design as science
21 is a position that I can defend without having to
22 address the particular scientific claims. Those have
23 been very well addressed by Professor Miller. What I
24 know about intelligent design is that it is defined by
25 its own leaders in religious terms. And any idea that

1 is defined by its own leaders in religious terms as
2 requiring a supernatural creator is not a scientific
3 idea. That's simply basic elementary science.

4 Q. That's what I'm getting at. You excuse Eugenia
5 Scott and Steve Wineberg when they talked about their
6 scientific theories and religious and philosophical
7 terms, but you will not give the same benefit to those
8 in the intelligent design movement, is that true?

9 MR. ROTHSCHILD: Objection.
10 Mischaracterizes the statements that Mr. Thompson has
11 just been quoting.

12 THE COURT: Well, he has her on cross. And
13 I think it's a fair question on cross. I'll overrule
14 the objection. You may answer.

15 THE WITNESS: Would you repeat it, please,
16 the one that you just asked?

17 (Whereupon, the court reporter read back the
18 question.)

19 THE WITNESS: They're not doing the same
20 thing, sir. Eugenia Scott is not advocating that her
21 personal philosophical preferences be taught to school
22 children in a public school science class as science.
23 She insists that the evolutionary biology that has
24 withstood scientific testing now for 150 years be
25 taught.

1 Dr. Dembski and his associates in the
2 intelligent design movement are asking that their view,
3 which is, at its essence, a religious view, be offered
4 to children as science. So that is not what Eugenia
5 Scott is doing.

6 BY MR. THOMPSON:

7 Q. Well, I don't want to keep on going around as to
8 whether intelligent design is a religious view or a
9 scientific theory. But you will agree, will you not,
10 that any analysis must clearly make distinctions between
11 religious motivations of the ID proponents and the
12 religious implications of intelligent design theory?

13 A. What I am talking about is the essence of
14 intelligent design, and the essence of it is theistic
15 realism as defined by Professor Johnson. Now that
16 stands on its own quite apart from what their motives
17 are. I'm also talking about the definition of
18 intelligent design by Dr. Dembski as the Logos theology
19 of John's Gospel. That stands on its own.

20 Q. Well, didn't the president of Americans United
21 for Separation of Church and State also use the Logos
22 theology by saying, God could have said, evolve?

23 A. You're talking about the director, Barry Lynn?

24 Q. Yes.

25 A. Barry Lynn said this in a jovial way. He was

1 certainly -- he certainly recognizes the difference
2 between science and religion. I know Barry. And he was
3 making a jovial comment.

4 Q. Were you there when he made that statement?

5 A. I was -- I was not present when he made the
6 statement.

7 Q. Do you agree with Dr. Ken Miller's testimony that
8 not everything a scientist says is science?

9 A. Scientists say many, many things. They talk
10 about lots of things in addition to science.

11 Q. And that could also be true of the intelligent
12 design theorists, is that correct?

13 A. I would ask that you give me something specific
14 to evaluate, but I'm sure they talk about lots of
15 different things, too.

16 Q. They may talk about their personal religion,
17 correct?

18 A. Yes, they do quite a bit.

19 Q. Their philosophy of life, correct?

20 A. Yes.

21 Q. And they understand that when they're talking
22 about that, they're not talking about science?

23 MR. ROTHSCHILD: Objection, Your Honor. It
24 calls for speculation.

25 THE COURT: The objection is sustained to

1 that question. She couldn't know that. So it's
2 sustained.

3 BY MR. THOMPSON:

4 Q. Well, you're aware that Dr. Dembski earned a Ph.D
5 in philosophy from the University of Illinois?

6 A. Yes.

7 Q. Are you aware that he has a Master's of Divinity
8 from Princeton Theology Seminary?

9 A. Yes.

10 Q. He's got a Ph.D. in mathematics from the
11 University of Chicago, correct?

12 A. Yes.

13 Q. So at one point, he may be talking about
14 theology, is that correct?

15 A. He could be talking about theology on an
16 occasion, certainly.

17 Q. And at another time, he could be talking about
18 mathematics, correct?

19 A. Sure.

20 Q. He could be expounding on his theory of
21 probabilities and the inference design, correct?

22 A. Sure.

23 Q. And you would not take statements that he made
24 from his theology background and say, because he's made
25 those statements, that that now impunes or destroys

1 everything he is saying from his mathematical
2 background?

3 A. It would depend on what he is specifically
4 saying, sir. He says many things in which he expresses
5 theological views, and those are part of the definition
6 of intelligent design as he has given it. He doesn't
7 seem to make the distinction.

8 Q. Does he always have to make a distinction?

9 A. If he had some real science to present, yes, he
10 should.

11 Q. So when he is talking to the magazine Touchstone,
12 which is a Christian, a religious magazine, he has to
13 say to the reporters, now I'm going to be talking about
14 my religious beliefs?

15 MR. ROTHSCHILD: Objection, Your Honor. I'm
16 not sure what Mr. Thompson is referring to.

17 MR. THOMPSON: Your Honor, there were
18 several exhibits that had Touchstone magazine articles
19 in them, and they were referring to religious
20 statements. And my point is that because Mr. -- Dr.
21 Dembski is a theologian as well as a scientist, he may
22 be talking in religious terms because of the context and
23 the venue of the commentary.

24 MR. ROTHSCHILD: I'm just asking for some
25 clarity. There's articles. There's interviews. At

1 least to the testimony, we focused on articles of Mr.
2 Dembski. I just wanted some clarity on what exactly
3 we're talking about.

4 THE COURT: Well, I think the question went
5 to the various writings of Mr. Dembski that you put up,
6 and I'll -- go ahead.

7 MR. ROTHSCHILD: I mean, he talked about
8 responding to reporters. I just think we need some
9 clarity. I'm not saying he hasn't talked to reporters.
10 But the specific statements by Dr. Dembski that Dr.
11 Forrest discussed were, in fact, articles. I just
12 think, for Dr. Forrest's benefit, there should be some
13 clarity. Are we talking about articles? Are we talking
14 about interviews?

15 MR. THOMPSON: I can clarify it, Your Honor.
16 She's the one that saw the articles and commented on
17 them.

18 THE COURT: Well, do you want to hone your
19 question or can you hone your question to the responses
20 that Mr. Dembski gave to reporters or would it relate to
21 his scholarly writings?

22 MR. THOMPSON: Thank you, Your Honor.

23 THE COURT: I think that's the issue.

24 MR. THOMPSON: I'll hone it to this.

25 BY MR. THOMPSON:

1 Q. You referred to several articles during your
2 direct examination that were written by Professor
3 Dembski in Touchstone magazine, is that correct?

4 A. Yes.

5 Q. And that's a religious publication, is it not?

6 A. It is.

7 Q. You expect that Dr. Dembski would have to say
8 that, I'm now going to be talking about philosophy or
9 religion, when he's published that article in a
10 religious magazine versus, you know, his scientific
11 views?

12 A. First of all, Dr. Dembski is not a scientist. He
13 has no formal credentials in science. You
14 mischaracterized him a minute ago as a scientist, which
15 he is not. When he explains intelligent design in terms
16 -- when he defines it in a religious sense, that
17 indicates to me that he's not speaking scientifically at
18 all.

19 If intelligent design were a scientific theory,
20 he would never have to use religion to explain it. But
21 he does that quite often. In fact, in his book,
22 Intelligent Design, The Bridge Between Science and
23 Theology, he explains intelligent design to the lay
24 audience, to the non-scientific audience. And in that
25 book, that book is pervasive overtly religious and he

1 explains it as an overtly religious idea.

2 Q. Let's correct the characterization of Dr. Dembski
3 as a scientist. You don't believe he's a scientist.
4 He's a mathematician though, isn't he?

5 A. He's not a scientist. He's a mathematician, a
6 philosopher, and a Christian apologist.

7 Q. He wears several hats then?

8 A. He has quite a few degrees.

9 Q. Right. And so he could be discussing intelligent
10 design wearing his theologian's hat, correct?

11 A. Yes.

12 Q. Or he could be discussing intelligent design
13 wearing his mathematician's hat, correct?

14 A. If he's discussing intelligent design wearing his
15 mathematician's, then he's discussing a religious idea
16 wearing his mathematician's hat because intelligent
17 design, as he has defined it, is a religious idea. It's
18 not a mathematical idea. It's not a biological idea.

19 Q. Again, that's a question that we will address as
20 to whether it is science or not. But right now, what
21 I'm trying to discover is the methodology you use for
22 excusing Darwinists who use philosophical terms and make
23 philosophical statements based upon their science and
24 the methodology you use for not excusing intelligent
25 design theorists when they make philosophical statements

1 and religious comments?

2 A. My methodology is to simply make a very careful
3 distinction between people who are not doing the same
4 thing. And that is part of what we call critical
5 analysis, to clarify ideas and to make careful
6 distinctions. That's the methodology I'm using.

7 Q. Is there a formula that we can look at?

8 A. It's part of critical thinking. It's part of
9 recognizing the difference between science and religion.
10 It's part of recognizing the difference between a true
11 statement and a false statement.

12 Q. You mentioned critical thinking. And I believe
13 you say you've taught a course on critical thinking?

14 A. I teach it regularly.

15 Q. Yes. What is a logical fallacy?

16 A. A logical fallacy is a mistake in one's
17 reasoning.

18 Q. And there are several different concepts under
19 logical fallacy, like lists of logical fallacies, is
20 that correct?

21 A. There's scores of logical fallacies.

22 Q. What is a logical fallacy of ad hominem?

23 A. The ad hominem fallacy is when you dismiss a
24 person's argument and instead attack a person's
25 character.

1 Q. What is the logical fallacies of straw man?

2 A. Straw man fallacy is when you intentionally
3 misrepresent or weaken a person's argument in an effort
4 to make it easy to refute.

5 Q. And what is the fallacy of, the genetic fallacy?

6 A. It is a fallacy of dismissing another person's
7 position based on where it came from, the origin of it.

8 Q. So when you attack someone as a creationist or --
9 excuse me, when you say someone is a creationist, it
10 could very well be a straw man's argument, is that
11 correct?

12 A. Not as I'm doing it, no, sir. Only if I
13 misrepresented a person's position. And I'm not
14 attacking, I am describing. I am simply stating the
15 facts of the case.

16 Q. Is Dr. Ken Miller a creationist?

17 A. Dr. Ken Miller is an evolutionary biologist who
18 is also a Catholic.

19 Q. Would you consider him a creationist?

20 A. Not in the sense, no, I would not.

21 Q. Well, Dr. Miller testified in this case that,
22 quote, God is the author of all things seen and unseen,
23 and that would certainly include the laws of physics and
24 chemistry, end quote. Is that a creationist talking?

25 A. In his own personal viewpoints, I understand Dr.

1 Miller to be a theistic evolutionist. And that is a
2 position that intelligent design proponents vehemently
3 object to. They do not recognize it as a valid
4 position.

5 Q. When you say, intelligent design advocates object
6 to it, are you talking about all intelligent design
7 advocates object to that?

8 A. Specifically, Dr. William Dembski has stated
9 that, design theorists are no friends of theistic
10 evolution. And that is a sentiment shared by at least
11 the major figures in the intelligent design movement
12 that are the subjects of my research.

13 Q. Michael Behe, is he one of them?

14 A. Michael Behe, as I understand him, is a
15 creationist.

16 Q. And he would attack Ken Miller's viewpoint that
17 God is the author of all things, seen and unseen?

18 A. I'm not sure what Professor Behe would say about
19 Professor Miller's viewpoints. I'm sorry. I don't have
20 a specific comment by which to judge.

21 Q. Would Darwinists consider Professor Miller a
22 creationist?

23 A. Could you explain to me what you mean by a
24 Darwinist?

25 Q. Those people who advocate the theory of evolution

1 or Darwin's theory of evolution?

2 A. The people who accept the science of evolutionary
3 biology?

4 Q. Yes.

5 A. And you're asking me if those people would
6 consider Ken Miller a creationist?

7 Q. Yes.

8 A. Again, I would have to see a specific comment. I
9 wouldn't want to make a blanket statement.

10 Q. Well, you've --

11 A. Dr. Miller, as I understand him, is not a
12 creationist. He certainly believes in God. He has been
13 very open and up front about that. But his view about
14 the science is that he accepts evolutionary biology, and
15 he finds no inconsistency between his understandings as
16 a scientist and his viewpoints as a Roman Catholic.

17 Q. Well, using your methodology then and accepting
18 what Dr. Miller has said about God, the creator of all
19 things seen and unseen, should you disregard anything
20 that Ken Miller says as unscientific?

21 A. It would depend, sir, on a specific statement. I
22 can't make that assessment based on simply a
23 hypothetical, very general question of the kind that
24 you're giving me.

25 Q. What other information do you need?

1 should let Mr. Rothschild see if you took it out of
2 context whether we let the witness see it or not. So go
3 to the page, Mr. Rothschild, take a look at it, and see
4 if the question was taken out of context.

5 MR. ROTHSCHILD: Do you have a page of the
6 transcript we can look at, Mr. Thompson?

7 MR. THOMPSON: I think it's page 65, I
8 believe it was.

9 MR. ROTHSCHILD: And, Your Honor I
10 apologize. We don't have our transcripts here.

11 MR. THOMPSON: Page 64.

12 THE COURT: Well, look at his.

13 MR. THOMPSON: I just got a question here
14 with the page on it.

15 MR. ROTHSCHILD: Your Honor, this is -- do
16 you have the transcript?

17 MR. THOMPSON: I don't have it here, Your
18 Honor.

19 THE COURT: Let me ask you this. Do you
20 have a lot more for this witness?

21 MR. THOMPSON: Pardon me, Your Honor?

22 THE COURT: Do you have a lot more for this
23 witness?

24 MR. THOMPSON: Yes.

25 THE COURT: That's what I thought. We're

1 probably reaching a point where you could wrap it up for
2 today, if you want to save that, withdraw the question
3 for now, get the transcript, then you can do it. We
4 have a couple minutes now. You can pursue something
5 else. But if it is an appropriate break point --

6 MR. THOMPSON: Your Honor, I think it is a
7 good time to quit.

8 THE COURT: I would point out, you had
9 referred to some documents, and Mr. Muise did as well,
10 during his voir dire questioning, but they were not
11 assigned exhibit numbers. Now I don't know if it's your
12 intention to put them in, but you might want to give
13 some attention to that and think about that after we
14 conclude the witness's testimony tomorrow, and we'll
15 take the exhibits at that time. All right.

16 This is an appropriate time then for us to
17 end the trial day. We will stand in recess, unless
18 counsel, you have anything further for today?

19 MR. ROTHSCHILD: No, Your Honor.

20 THE COURT: We'll stand in recess until 9:00
21 a.m. tomorrow. We'll reconvene at that time.

22 (Whereupon, the proceeding adjourned for the
23 day at 4:30 p.m.)
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I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the within proceedings, and that this copy is a correct transcript of the same.

/s/ Wendy C. Yinger

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