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GOD OR GORILLA

A Darwin descendant at the Dover monkey trial

By Matthew Chapman

In the case of *Kitzmiller v. Dover Area School District*, eleven parents sued to remove intelligent design from the curriculum. The defendants brought in some of the leading lights in the intelligent design movement to defend it as science and elucidate the gaps in evolution. The plaintiffs brought in experts on evolution to explain it and refute intelligent design.

That's the basic story, but if you think you know everything there is to know about this, you are wrong. Only I know the truth.

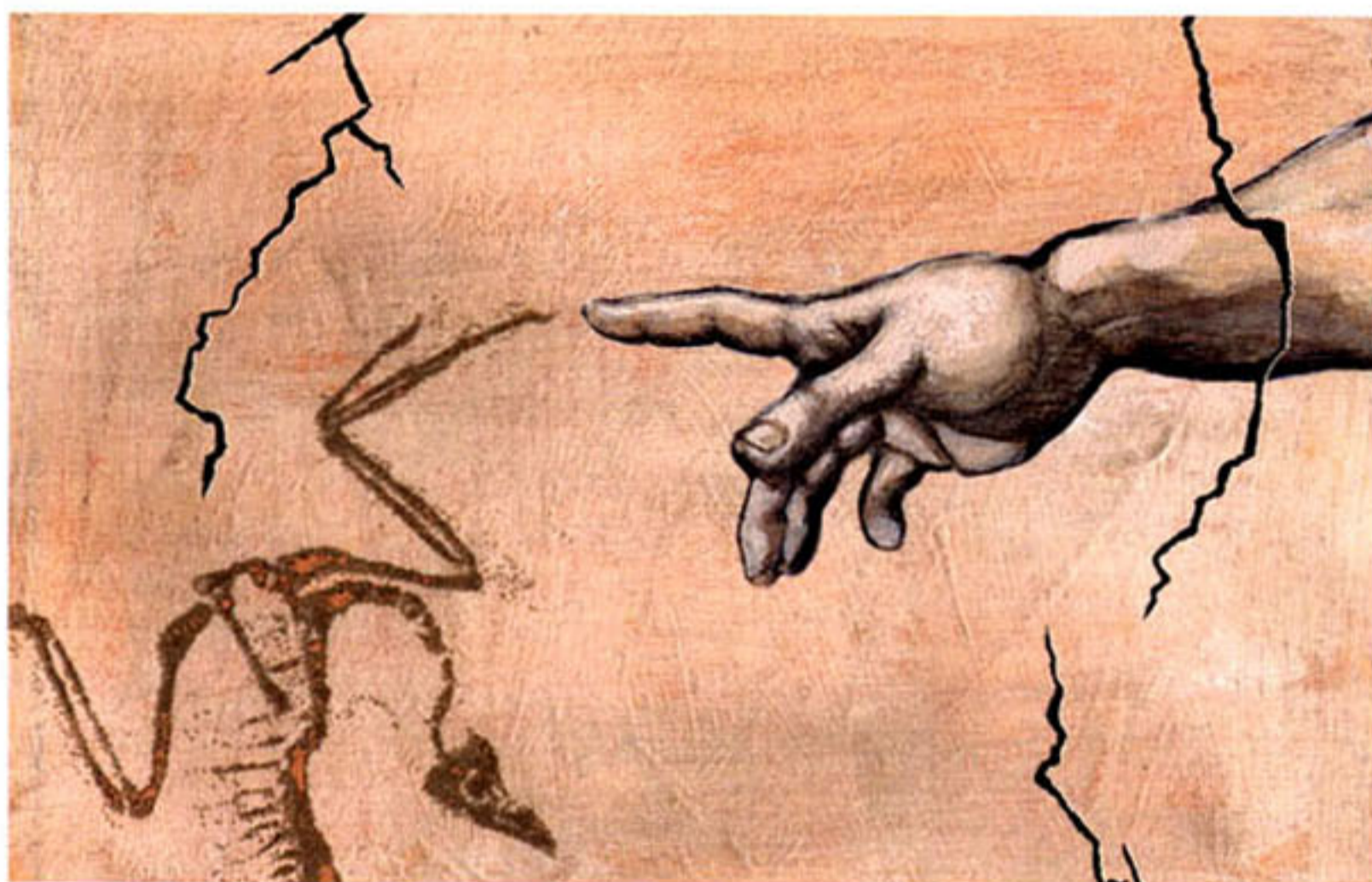
Dover lies a mere thirty miles from the Three Mile Island nuclear plant, and the meltdown of its core and subsequent leak in the Seventies is responsible for the weird behavior now seen in the locals.

I have no evidence for this belief, and my lack of evidence is a matter of pride.

Having said that, I suppose I should declare my bias at the start. My great-great-grandfather was Charles Darwin.

Matthew Chapman is the great-great-grandson of Charles Darwin. He is a screenwriter, director, and author of Trials of the Monkey: An Accidental Memoir.

This was not something I thought much about growing up in England. Evolution was fully accepted. Darwin was a historical figure. If I did think



about my connection to him, it was only negatively. The pressure to succeed academically and the unlikelihood of doing so in comparison to my ancestor was such that I decided to turn my back on academia and pursue a course of willful ignorance. When I finally moved to Hollywood in the early Eighties, I had gone about as far as I could in that direction.

I then discovered that many Americans not only rejected the theory of evolution; they reviled it. I had come here in part because I never felt comfortable in England. I hated the snob-

bery and thought of America as being less weighed down by its past, more advanced. Sir Francis Drake might have been the first man to sail around the

world, but it was an American who first set foot on the moon. Now here I was in the New World faced with a willful ignorance that went far beyond anything I had ever attempted.

True, I did not know much about evolution, but a quick study of the subject showed that 99 percent of scientists believed in it. Why would one doubt them? Did the pedestrian question the theory of gravity? Did the

farmer who went to the doctor question his diagnosis? Why in this one area of science did nonexperts feel compelled to disagree with those who clearly knew better?

Dover's population, with an influx of people who commute to nearby towns, is approaching 2,000. The Dover Area School District, however, covers a largely rural population of about 24,000, and Dover Senior High School has about 1,000 students.

In June of 2004, reporters Joe Maldonado and Heidi Bernhard-Bubb,

working respectively for the *York Daily Record* and the *York Dispatch*, covered a school board meeting in Dover. Under consideration was a new edition of *Biology: The Living Science*, by Kenneth Miller and Joseph Levine. The chair of the curriculum committee was Bill Buckingham, an ex-cop and corrections officer and self-confessed Oxy-Contin addict. According to Joe and Heidi, he told the meeting that he was disinclined to purchase the book because it was “laced with Darwinism.” He went on to say, again according to the reporters, that “it’s inexcusable to teach from a book that says man descended from apes and monkeys.” The separation of church and state, he continued, was “mythical,” and he wanted a book that included views of creationism as well as evolution. When asked after the meeting what consideration he intended to give to other religions, he said, “This country wasn’t founded on Muslim beliefs or evolution. This country was founded on Christianity, and our students should be taught as such.”

The following Monday, at another meeting, Buckingham apologized for his comments but went on to grumble that “liberals in black robes” were taking away the rights of Christians. Bill, who, from the record, seemed to be alternately menacing and self-pitiingly apologetic, finally cried out, “Two thousand years ago someone died on a cross! Can’t someone take a stand for him?” Fellow creationist and school board president Alan Bonsell, owner of a nearby radiator and auto-repair shop, supported Buckingham’s ideas in a more reasonable tone, and conflict ensued. There were accusations of atheism and un-Americanism, and many tears were shed.

But Buckingham and Bonsell were undeterred and soon fixed on the intelligent design screed *Of Pandas and People* as the book they wanted the ninth-grade students to have in order to get some “balance” in their science education. There were votes and more votes (and more tears), and finally *Pandas* was voted out. But someone still wanted the book to be available to the students, and an anonymous donation of sixty books was made to the Dover High library.

It was eventually agreed that a state-

ment would be read to the ninth-grade science students before they began studying evolution that read in part:

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

Intelligent Design is an explanation of the origin of life that differs from Darwin’s view. The reference book, *Of Pandas and People*, is available for students who might be interested in gaining an understanding of what Intelligent Design actually involves.

The science teachers refused to read this, so Superintendent Richard Nilsen and Assistant Superintendent Mike Baksa went from classroom to classroom and made sure every ninth grader got to hear it.

On December 14, 2004, eleven Dover parents, represented by the Pennsylvania ACLU, Americans United for Separation of Church and State, and the powerful Philadelphia law firm Pepper Hamilton, filed suit in Federal District Court in Harrisburg.

The Comfort Inn, where I stayed during the six weeks of the trial, is in downtown Harrisburg. It overlooks the Susquehanna River and a series of beautiful bridges that cross it. A cooling breeze blows off the river but never enters the hotel. The windows are sealed shut. Your climatic choices are limited to Off, Fan, Low Heat, High Heat, Low Cool, and High Cool. This became, to my mind, a perfect metaphor for the debate.

The case was a civil suit without a jury, so members of the press were given the jury box to sit in. Placed on one side of the modern courtroom, these were the best seats in the house, comfortable leather chairs affording great views of a screen upon which exhibits would be displayed. To our left was the witness box, and beyond it, the bench occupied by Judge John E. Jones III, a good-looking man of fifty. In front of him sat the clerk of the court and the stenographer. Right in front of us was the lectern from which the lawyers asked their questions. To our right were the spectators in the

back of the court on two rows of uncomfortable wooden pews.

The plaintiffs made their case first. Seeking to keep the judge—a Bush appointee—engaged, both sides cut back and forth between the loftier theses and the human beings who drove them.

During the first two days of the trial, for example, Ken Miller, a professor of biology at Brown University, co-author of the biology textbook now used at Dover High, and an expert on “the coupling factor on the thylakoid membrane,” was followed by office manager Tammy Kitzmiller, a pretty, divorced mother of two, whose name was attached to the suit because one of her daughters was actually in the ninth grade.

I eventually got to meet Tammy and her teenage daughters. The daughters had numerous piercings in their ears. Tammy had a belly ring. I did not interview Ken Miller, but I suspect he does not have any piercings; however, if you read his testimony (available on the National Center for Science Education website), you’ll get a pretty good overview of the nature and function of science. Like many of the plaintiffs’ witnesses, Miller, a practicing Catholic, had no trouble believing in both evolution and God.

On the third day of testimony, Robert Pennock took the stand and was questioned by Eric Rothschild, the lead attorney for the plaintiffs. Rothschild is a man in his late thirties with a balding head shaved close. He has a deceptively cherubic face; but it’s a dark face too, with the air of someone keeping a secret. One might imagine that as a geeky child he had encountered some bullying and was not about to let it continue into adulthood.

Pennock, an enthusiastic man with a beard, is a professor at Michigan State University. He has a B.A. in biology and philosophy and a Ph.D. in the history and philosophy of science. His primary appointment is in the College of Natural Sciences, but he’s also in the Department of Philosophy, the College of Engineering, the Computer Science and Engineering Department, and the Graduate Program in Ecology, Evolutionary Biology, and Behavior.

He spoke of how evolution is “a great exemplar of the scientific method. It’s a well-confirmed inter-

linked series of hypotheses,” and is useful not just in and of itself but as a way of learning how to think. “One needs to know it with regard to medicine, and even with regard to engineering applications. . . . So there’s practical applications to evolution right now. You can get a job at Google if you know something about evolution.”

We next received a lesson on the history of methodological naturalism, going back as far as Hippocrates, who refused to see epilepsy, then known as “the sacred disease,” as divine possession but instead looked for natural causes.

This was followed by a critique of intelligent design with particular attention to William Dembski, a big cog in the movement. Pennock read from an article of Dembski’s entitled “What Every Theologian Should Know About Creation, Evolution, and Design”:

The view that science must be restricted solely to purposeless naturalistic material processes also has a name. It’s called methodological naturalism. So long as methodological naturalism sets the ground rules for how the game of science is played, IDT has no chance.

And later:

In the words of Vladimir Lenin, “What is to be done?” Design theorists aren’t at all bashful about answering this question. The ground rules of science have to be changed.

Rothschild paused a moment and then said, “And I have to admit I didn’t know until I read that that Vladimir Lenin was part of the intelligent design movement, but putting that aside . . .”

Soon after this, he received an Internet proposal of marriage.

Pennock’s cross-examination was by a man named Patrick Gillen, of the Thomas More Law Center, which had offered its services pro bono for the defense. This seemed like a logical inconsistency from the start. Run by Richard Thompson, a Catholic and former Michigan prosecuting attorney who made a name for himself by trying to put Jack Kevorkian in prison, its stated mission is “Defending the Religious Freedom of Christians,” “Restoring Time-honored Family Values,” and

“Protecting the Sanctity of Life,” which, as a biblical literalist myself, I take to mean defending such freedoms as the biblically mandated right to capture women in battle, shave their heads, lock them up for a month, rape them into matrimony (Deuteronomy 21:10), and then deny them the right to an abortion afterward.

All well and good, but if the defense thesis was that intelligent design was merely another scientific theory, what were these Catholic activists doing in court?

One of my chief defects is an inability to hate people I violently disagree with once I get to know them. In Gillen’s case, my sympathy was ignited by the contrasts in his face. A tallish man in his mid-thirties, with a long head topped with thinning hair, he had excellent teeth, revealed frequently in a blazing grin; but from the middle of his nose up, he wore an expression of extreme anxiety, his brows furrowed, his eyes filled with concern.

Before getting into Gillen’s cross of Pennock, I should paint a brief portrait of the two legal teams.

On the plaintiffs’ side, apart from Rothschild, a lawyer who up until now had spent most of his life in the corporate environment of reinsurance law, was another lawyer from Pepper Hamilton, Stephen Harvey. The third lawyer, Witold “Vic” Walczak, was from the ACLU. Now and then another lawyer from Pepper Hamilton, Thomas Schmidt, was used to cross-examine defense witnesses who were so clearly feeble-minded or old that the sharp-elbowed style of the other three might actually render them unconscious.

Lending intellectual heft to this legal phalanx were Katskee and Matzke. Richard Katskee, a lawyer from Americans United for Separation of Church and State, was an expert in constitutional law. Nick Matzke, from the National Center for Science Education, provided the science.

But the team did not end here. There were two legal assistants and the unsung hero of the plaintiffs’ case, Matthew McElvenny, Technology Specialist, the faultless Wizard of Oz whose computer held all the necessary exhibits—drawings of bacteria, ex-

cerpts from books and articles, depositions, even news video—and projected them up on the screen.

As anyone will tell you who has covered a trial, sleep is the slyest and most persistent enemy, but when the Wizard of Oz was on, highlighting and scrolling without a single mistake, one inevitably perked up.

Here then was a team of highly skilled professionals operating in an atmosphere of frictionless amiability. Here was a collegiate machine.

On the defense side, one was reminded more of a dysfunctional family with a frequently absent father.

Richard Thompson, who, in profile at least, bore an uncanny resemblance to William Jennings Bryan, was the star, and it was hard to imagine that any case in the history of his Thomas More Law Center had ever been as important as this one. For the first few days, he attended court dutifully, once or twice cross-examining a witness in an odd combative style, often turning toward the jury box (filled with an unsympathetic jury of reporters), then turning back to point his finger at a witness to ask a question whose substance seemed to bear no relationship to the tone in which it was asked. Then he would sit down and rock back and forth in his chair, staring up at the ceiling as if contemplating weightier matters—and then he’d disappear for a week.

Next among the defendants’ lawyers—though some say first among them—was Robert Muise. He is a tall, sturdy man, quietly resolute, with a faint Boston accent. Always willing to talk, as unfailingly polite as Gillen and Thompson, he seemed to be a tough guy underneath but worn down, becoming a victim. Perhaps this had nothing to do with politics and religion: he and Gillen, though both only in their late thirties or early forties, had seventeen kids between them, one nine, the other eight. Thompson, perhaps too busy pursuing Doctor Death, had produced a scant three.

For a while there was a legal assistant, but she went the way of Thompson. Sometimes it was nine against one, Gillen alone, smiling dutifully, fumbling for his own documents. By prior arrangement or out of simple human (humanistic?) decency, the plaintiffs’

machinery was put at his disposal so that he could display his documents on screen.

Gillen began by asking Pennock questions designed to show that just because a theory (such as the Big Bang) confirms some people in their religious beliefs, it is not necessarily unscientific. Pennock quickly sliced this up into its constituent parts and disposed of it. People could believe what they wanted; that was neither his business nor particularly interesting: all that counted was the evidence.

Gillen now moved in on the Ancestor, a computer program that Pennock and three colleagues had designed to demonstrate natural selection. Self-replicating computer organisms are dropped into an artificial digital "life system." The "viruses," if you like, are then seen to mutate and develop, those that adapt best surviving, those that don't dying.

"They evolve things," said Pennock, waving his hands around, "where the programmer would think, 'Why, I would never have even thought to do it that way!'"

Gillen began to ask another question, but Pennock, leaning even farther forward in his chair, now bouncing with enthusiasm, was too full of gusto to be stopped. "And the other thing about it is—sorry, I get excited about this . . . we can keep track of the full evolutionary history! So we have a *complete fossil record*, if you will!" He beamed at the courtroom, which responded with supportive laughter.

Gillen collected himself and pushed on, trying to extract the obvious: all this might be true, but if anyone looked at one of the resulting "organisms," he would actually be correct if he inferred that there was an intelligent designer behind it—four of them, in fact. Pennock would have none of it. Neither he nor Darwin was interested in who created the original organism (this, of course, was a tough concept for Gillen, who clearly had a pretty good idea who He was and had to bite his tongue not to mention Him by name), only in the *mechanism* of its *development*.

When court finished for the day, I asked Pennock if I could come and

see these organisms, hoping that there would be some Pac-Man-like creatures to view, but was disappointed to be told that they do not exist in visible form.

I had only one problem with Pennock—and in fact with all the scientists who spoke: their use of unnecessarily obscure words. As if the science wasn't hard enough to follow, Pennock would use a word like "qua" instead of "as" or "by virtue of being." For example, he said, "Sometimes people will speak qua scientist, and sometimes they will speak about something from their own personal views." I found myself wondering if he talked to his wife like that: "Listen, honey, this place is a mess, and I'm not just saying that qua husband."

One night during the trial, a local preacher named Reverend Groves put on a show at the Dover firehouse that consisted of him showing a DVD entitled "More Reasons Evolution Is Stupid." The producer and star of the DVD is a man named Kent Hovind, an ex-science teacher, a.k.a. Doctor Dino, who owns a creationist theme park down in Pensacola, Florida. Hovind would throw up an aspect of evolution (that apes and man share a common ancestor, say), with the addition of enough complex-sounding science to make himself seem well-informed, and then dismiss it with the line "That's stupid!" or "I'm sorry, boys and girls, but that's not common sense, that's just stupid!"

When this endless clay-pigeon shoot was done, and the DVD turned off, a man named Burt Humburg, a medical resident at Penn State, calmly raised up a table-top document stand and started to defend evolution. Within moments, a woman, suffering from dental defects that would do an Appalachian proud, was standing in the middle of the hall shouting, "You've been brainwashed in college!" There were grunts and murmurs of agreement, and Burt, although he struggled on manfully for a while, was silenced. I would catch up with him later and find, increasing my admiration, that he was raised in some charismatic division of the church where they spoke in tongues

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by Vas Gardiakos

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but had been washed clean by the H₂O of science and born again in reason.

A few days later I interviewed Reverend Groves for a documentary film I was shooting. A wiry little homophater in his late fifties, dressed in tightish pants and cowboy boots, he had an insinuating manner that belied his courage. Every Halloween he joins the parade in York, putting on one of those gruesome anti-abortion shows so beloved of the breed, smashing blood-filled dolls and displaying graphic photographs of aborted fetuses and so scaring the children that in 2002 he was actually arrested by the local police. He sued, however, on the basis of free speech, won, and is now a parade fixture, albeit at the rear.

By this time, it was public knowledge that I was an offspring of Darwin, and in the course of the interview it became apparent to me, really for the first time, how hated the poor old codger is. People such as Groves believe that Darwin marks a point in history from which materialism sprang, bringing with it Hitler, Stalin, Pol Pot, pot, sex, prostitution, abortion, homosexuality, and everything else nasty in the world.

"The moral condition of America," said Groves, "is a result of taking steps away from the Bible and away from God over the past fifty to one hundred years, since evolution was introduced . . . you cast yourself on the sea of nothingness as far as the moral code goes. And every man does that which is right in his own eyes, as the Bible said. And when you do that, you—it's like a moral free-for-all. And that's what's happened in America. We no longer have religious freedom in America, we have a religious free-for-all in America. America was not that way, was not that immoral when it stayed to its Christian roots originally. . . . And now we're in the purge, with the ACLU, with legal organizations such as that, to purge our whole society from anything Christian."

It occurred to me how lucky we are that Darwin lived such a dull monogamous life. Had he been an adulterer, his theory would be dead and buried. Or maybe not. Joseph

Smith, a contemporary of Darwin's and the polygamous founder of the Mormons, simply stated that his "truth" was handed to him on a set of golden plates that then mysteriously disappeared. Perhaps if Darwin had done the same he'd have avoided all this controversy.

According to a recent U.S. poll, 54 percent of American adults now dispute that man developed from earlier species, which is a 10 percent increase since the last poll, in 1994. Scientists must bear some responsibility for this: they just don't seem able to provide entertainment the way the other side can. When did you last hear a scientist come up with anything as fun or contentious as man of God Pat Robertson calling for the assassination of Hugo Chavez? Why haven't we seen a man of science on TV asking Bush to explain why God, being such a great pal, gave him such lousy intelligence on the WMDs, or demanding an explanation for all the gaps and contradictions in the biblical record?

As Groves had shown no restraint in taking a whack at my ancestor, I felt no compunction in whacking back and asked him some of the questions Darrow asked Bryan at the end of the Scopes trial. Was Jonah really swallowed by a whale? Yes. How did Joshua "command the sun to stand still" when we know that the earth goes around the sun and that stopping it would be disastrous? That's what a miracle is. Were the six days of creation literal days, and how old is the earth? Bryan, when pushed, conceded that perhaps the six days could have been symbolic, and on the subject of the age of the earth pleaded a pathetic ignorance. "I have been so well satisfied with the Christian religion," Bryan said, "that I have spent no time trying to find argument against it." But Groves was made of sterner stuff. He was unashamed of a literal reading of Genesis and an earth that was only 6,000 to 10,000 years old. Carbon dating was nonsense. And that was that.

When I visited Groves in his cinder-block church, he had set up his own video camera to film me filming him. He told me it was just to keep a record of the event, and I did not object. At the end of my interview, he

asked me if I was an atheist, and I replied that, no, I was an agnostic, believing that faith even in nothing was too much faith. I finished by observing how odd it was that a country as riddled with Christian faith as America has so little regard for its poor, sick, and imprisoned.

Two days later, two reporters told me they had visited the church in search of local color and found me booming from a TV on the altar, declaring my agnosticism to many gasps of horror. Apparently, the consensus was that I'd end up in hell, probably to find Great-Great-Grandpa sitting at the Devil's side.

When I upbraided Groves about this—he had not told me I was to be used in this way—he shrugged off my objections and told me it had been "educational." He and his flock concluded that I had a different understanding of Christianity. Coming from Europe, mine was "more socialistic," while his was more concerned with "individual salvation."

The first defense witness, Michael Behe (father of nine), looks like the archetypal professor, bearded, vague, tweed-jacketed. Author of *Darwin's Black Box*, he is a biochemist and professor of biology at Lehigh University in Bethlehem, Pennsylvania. Bethlehem, it turns out, is the birthplace of the expression "irreducible complexity." Bethlehem!

Behe's shtick, if I may so characterize it, is largely to do with the irreducible complexity of the bacterial flagellum. It is slightly more than this, but if you can understand the flagellum argument, you can understand it all.

Although the concept of irreducible complexity is sold as "brand new," it is in fact more "like new." It began with religious philosopher William Paley's 1802 argument about someone finding a watch and inferring that there had to be a watchmaker. The argument now also includes reaching the same conclusion while looking at Mount Rushmore or seeing "John Loves Mary" written in the sand.

The bacterial flagellum is, however, an amazing thing. Without a diagram, it's more or less impossible to describe. Behe had one, at which he pointed

with a laser pointer. In fact, he pointed at everything with a laser pointer. Even when there was only text on the screen, often stuff he had written himself, a red dot danced distractingly across the words. Here he is describing the flagellum:

The bacterial flagellum is quite literally an outboard motor that bacteria use to swim. . . . This part here, which is labeled the filament, is actually the propeller of the bacterial flagellum. The motor is actually a rotary motor. . . . It spins the propeller, which pushes against the liquid in which the bacterium finds itself and, therefore, pushes the bacterium forward through the liquid.

The propeller is attached to something called the drive shaft by another part which is called the hook region which acts as a universal joint. . . . The drive shaft is attached to the motor itself which uses a flow of acid from the outside of the cell to the inside of the cell to power the turning of the motor, much like, say, water flowing over a dam can turn a turbine. . . . It's really much more complex than this. But I think this illustration gets across the point of the purposeful arrangement of parts. Most people who see this and have the function explained to them quickly realize that these parts are ordered for a purpose and, therefore, bespeak design.

I often encountered Behe outside the courtroom. He was a likable man, and when he found out I was a Darwin descendant he was delighted, stating later in a newspaper article that I was a friendly fellow and my presence in the courtroom was a comfort to him. But I could not get past two thoughts. If an intelligent designer had made the bacterial flagellum, it was logical to assume he had made everything else, and if he had, wasn't this by definition God? One day, I was having this debate with him when another man weighed in, suggesting that since complex machines like the space shuttle are designed by a team, wasn't it probable that the flagellum was also made by a team?

Behe smiled tolerantly and shrugged: he himself believed in a single designer, that was his personal opinion; we could believe what we wanted.

My second thought was that if you looked back at the history of science, you could point to any number of things that, given our knowledge at the time, seemed possible only

through the intervention of God but that later turned out to have natural explanations even Behe accepted. I missed the point, he told me—and told Rothschild later during cross: the bacterial flagellum is not only complex, it is *irreducibly* complex. In other words, if you removed one element of it, none of the others had function, and so the whole could not have developed by natural selection but must have been abruptly created with all its parts in place. In this context, the mousetrap was often cited.

On the stand, Behe sat forward in his chair, earnest and concentrated. Only once did I see him lose his composure. This was when Rothschild revealed that Behe's own department at Lehigh had issued a statement saying it fully supported evolutionary theory and that

The sole dissenter from this position, Professor Michael Behe, is a well-known proponent of intelligent design. While we respect Professor Behe's right to express his views, they are his alone and are in no way endorsed by the department. It is our collective position that intelligent design has no basis in science, has not been tested experimentally, and should not be regarded as scientific.

Behe put his hands behind his head and leaned back in his chair, smiling defiantly. He looked like a naughty child who had told his mother he'd seen a ghost and wouldn't budge from the story no matter what. I couldn't help wondering what Behe would be without intelligent design. The scientific community may despise him, but he is beloved on the other side. He gets invited to talk all over the country, and he has sold a lot of books.

O utsiders such as myself were in a froth of anticipation for the testimony of the pugnacious, OxyContin-addicted crusader Bill Buckingham.

By this time many of the plaintiffs had taken the stand and confirmed press reports of Buckingham's outlandish statements. They had been a diverse group, funny, angry, simple, complicated, intelligent, rich, poor, some eloquent on the Constitution, all but a few of them believers, but

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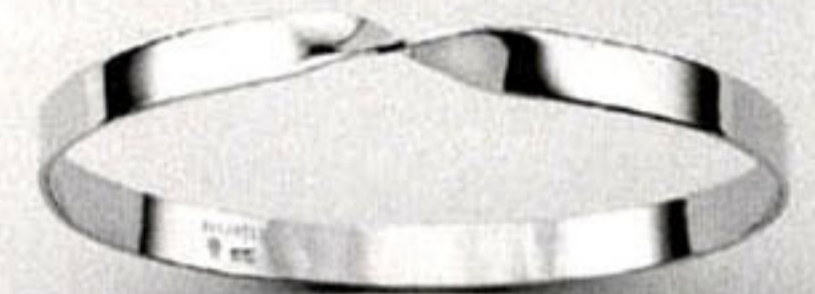
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all having a clear respect for learning and fairness. A picture had slowly come into focus of an arrogant, brutish fundamentalist who would hold to his beliefs no matter what the consequences.

But when he arrived, walking with a cane, he seemed old, tired, and subdued. If, as Samuel Johnson said, "Patriotism is the last refuge of a scoundrel," Buckingham was upping the ante with his lapel pin, an American flag wrapped around a cross. He had been through two stints of rehab to kick his addiction, and one wondered if another drug had been prescribed to keep him from making outrageous statements in court.

Knowing that Stephen Harvey was about to question him, one almost felt pity. Harvey, a prematurely gray-haired man in possession of the best suits at the trial—and a Republican, it would turn out—was a man whose considerable personal charm and boyish smile disappeared entirely during cross-examination and was replaced by a cold intensity that was almost frightening to behold.

Buckingham, a 1973 graduate of the Penn State Police Academy, had attended the FBI criminal-investigation school. Before he retired, he was a supervisor at York County Prison.

He testified in a low, mildly surly voice, a whine of self-pity always present underneath. He was unashamedly ignorant and utterly devoid of curiosity. He believed, he stated, in a literal reading of the Book of Genesis. He knew almost nothing about evolution except that "it's happenstance, it just happened," and soon revealed an equal ignorance of intelligent design. "I just know that it's another scientific theory that we thought would be good to have presented to the students."

Worse even than his ignorance were his lies. The most important part of his testimony, and the source of one of the most dramatic moments in court, was his contention that neither he nor board president Alan Bonsell had ever used the word "creationism" in the afore-reported school board meetings. They had been fixed on the scientific theory of intelligent design from the start. Their intent had never been religious. The reporters had lied.

"Now," Harvey countered, "it's your testimony that at neither meeting no one on the board ever mentioned creationism, isn't that right?" "That's true." "You're very clear on that point, correct?" "Absolutely, because it's just something we didn't do."

Harvey asked him if he'd mind looking at exhibit P-145. The Wizard of Oz tapped a few buttons and there was Buckingham being interviewed by a local TV news reporter outside a school board meeting at which the current biology book had just been discussed.

"The book that was presented to me," Buckingham said on the video, "was laced with Darwinism from beginning to end. It's okay to teach Darwin, but you have to balance it with something else, such as creationism."

Buckingham looked both irritated and put-upon, and claimed that "when I was walking from my car to the building, here's this lady and here's a cameraman, and I had on my mind all the newspaper articles saying we were talking about creationism, and I had it in my mind to make sure, make double sure, nobody talks about creationism, we're talking intelligent design. I had it on my mind, I was like a deer in the headlights of a car, and I misspoke. Pure and simple, I made a human mistake."¹

During this testimony, if you looked to the back of the court you could see Bonsell, president of the school board, grinning as Buckingham screwed things up. It hardly seemed to matter to him. Their case could not be damaged.

The two local reporters, Heidi Bernhard-Bubb and Joe Maldonado, were called to testify to the truthfulness

¹ Neither Buckingham nor his lawyers could be reached for comment. Later in the trial, the plaintiff's attorneys were able to shed light on what he was trying to hide: namely, that a conscious decision had been made to replace any mention of "creationism" with the phrase "intelligent design." Whether this was Buckingham's idea or Bonsell's—or in fact was suggested by, say, the Thomas More Law Center or The Discovery Institute, a creation-science "think tank"—is anyone's guess. Buckingham did admit on the stand, though, that he had received legal advice from both organizations at or around the time of the board meetings.

of their articles. A new lawyer for the defense, Edward White III, came forward to cross-examine them.

White is famous for defending anti-abortion activists who listed doctors' personal information, in the form of "wanted" posters, on an Internet site called the "Nuremberg Files." Three doctors listed on the site were killed in the Nineties, and at one time, I am told, there were "X"s over their faces. The site is now shut down, but if you search the web for Christians of this persuasion you can still find sites listing the names of the three murdered doctors.

White's face was not one within which I could find anything to like. In repose, his head was tilted back in petulant defiance. A superior sneer worked his mouth, and his eyes were arrogant and cold. But he was rarely in repose. Every few minutes, his hand would reach up to scratch his nose, then readjust his watch, his glasses, the knot of his tie; now a jacket-shrug, a chin-scratch, a neck-scratch, then back to the glasses, the tie, and this cycle would repeat two or three times before he settled. This was not a man at ease in his own skin.

When he cross-examined Bernhard-Bubb, White questioned the accuracy of her note-taking and suggested that since meetings sometimes lasted three hours, she might have missed things while going to the bathroom. He suggested as well that she had reason to distort her articles in order to please her editors.

Maldonado received even harsher treatment. A handsome man in his thirties, half Hispanic, tough looking, hair shaved close to his head, a fashionable goatee on his chin, Maldonado was polite in an almost military fashion—"Yes, sir," and "That is correct"—and indeed it was soon revealed that he had served in the Air Force for almost seven years. Like Bernhard-Bubb, he was only a part-time writer for the *York Daily Record*. The rest of the time he was the owner-operator of a sandwich shop.

White went through a brief version of his previously described preening ritual, then turned his contemptuous eye on the witness. "Your primary occupation is running the sandwich shop?" Maldonado replied

that it was a toss-up between the sandwich shop and his writing. "You don't have any formal training though, correct?" "No, sir." "And freelancing, I know you love to write, but it's also a way to supplement your income, correct?" "That is correct." "And depending on where the article appears in the paper determines the amount of money you're paid per article, right?" "Yes." "So a front-page story gets you about \$65?" "\$67.50." "And then if it runs on a cover of one of the sections, the local sections, it's about \$60?" "\$62.50." "And then just your average story is around \$50, right?" "Somewhere in that ballpark, yes." "And it is the editors who decide where in the newspaper your stories will run, correct?"

It was apparent where he was going with this line of questioning—namely, that the York paper was biased against intelligent design, and therefore it was to Maldonado's economic advantage to lie in order to get his stories onto the front page. Objections were raised and sustained, and the line of questioning died.

There was something so moving to me in this exchange—the idea of a man running a sandwich shop and working a double shift as a reporter to "supplement" his income with \$50 articles for the local paper—that I decided the very next day to pay him a visit.

PBJJ's, Maldonado's sandwich shop, is in the old Central Market in York, one of those cavernous spaces given over to stands selling crafts and bric-a-brac. Joe is rightfully famous for his "Mojo Chicken" sandwich. Hanging above the counter are two American flags. With him that day was the younger of his two sons, fourteen-year-old Jaryid. His older son, Alex, is at Penn State studying meteorology, and there was a jar on the counter for his college fund. Next to this was a book of poems Maldonado had written.

Jaryid had had open-heart surgery when he was seven months old, which caused some developmental delays. A couple of years ago, Maldonado and his wife, Julie, although appreciative of the teacher's efforts, could see he was suffering in regular school. "It was so

much for him, it was just overwhelming to go from one subject to the other, and I never got the sense that he was mastering one lesson before he'd move on to the next one." So they took him out. By "supplementing his income" with the sandwich shop in the mornings and reporting in the evenings, Joe is free to devote every afternoon to educating his son.

Not only had Maldonado—the liberal reporter—been in the military ("I'm proud to say I served my country"); he had also spent his first year of higher education at Jerry Falwell's Liberty University.

As a Christian, he had been forced to think a lot about the issues raised by the trial. He told me that his faith was so deeply embedded in him, it was very hard to lose God from the equation. To him, the more significant question was whether intelligent design was "ready-for-prime-time science." He spoke eloquently on the subject and referred to the fact that Darwin had spent over two decades collecting evidence before he presented his theory.

Before I left the shop, I bought a copy of Maldonado's book, which he inscribed, "And the Lord said, 'Let there be . . .' Where's the science in that? Joe." Later that night, I opened it with some trepidation and discovered that Joe wrote beautiful poems full of yearning and eroticism and a keen sense of sin. It occurred to me that perhaps Ed White had somehow got hold of a copy, and that when he said, "I know you love to write," he was toying with the idea of reading a few poems in court.

I also went to visit Bernhard-Bubb. She lives in the upper apartment of a nice house in York. She has two children, Ulysses and Bronwyn, both below school age. Here the liberal reporter was found to be a practicing Mormon. While studying at Brigham Young, however, she had been in a band, which she described as being a little like Franz Ferdinand. When her son, in order to impress the guest, started to say "Fuckie, fuckie, fuckie, fuckie," she remained unruffled. She was intelligent, funny, likable, and disagreed with her church on such issues as gay marriage.

Things are not what they seem. Or perhaps, more accurately, only on the

outer edge do you find the authentic clichés, and when you find them, if you are me, those that you hate often turn out to be more poignant than repellent.

Heather Geesey, a school board member who supported Bonsell and Buckingham, fell squarely into the repellent category, however, without mitigation. I found her the most terrifying of all the witnesses. A woman who seemed to think—against all evidence—that everything she did or said was astonishingly cute and funny, she clearly relished being on the same team as "President Alan," as she referred to Bonsell, and grinned relentlessly throughout.

Cross-examining her was ACLU lawyer Vic Walczak. Vic had the weary but pugnacious demeanor of a man who had devoted his life, for little pay, to defending the Constitution but knew that the only questions he would ever be asked related to the ACLU's defense of NAMBLA (the North American Man Boy Love Association) and the Ku Klux Klan.

He asked Geesey if she supported the teaching of intelligent design. "Yes." "Because it gave a balanced view of evolution?" "Yes." "It presented an alternative theory?" "Yes." "And the policy talks about gaps and problems with evolution?" "Yes." "Yes. You don't know what those gaps and problems refer to, do you?" "No." "But it's good to teach about those gaps and problems?" "That's our mission statement, yes." "But you have no idea what they are?" "It's not my job, no." "Is it fair to say that you didn't know much about intelligent design in October of 2004?" "Yes." "And you didn't know much about the book *Of Pandas and People* either, did you?" "Correct." "So you had never participated in any discussions of the book?" "No." "And you made no effort independently to find out about the book?" "No." . . . "And no one ever explained to you what intelligent design was about." "No." This went on for quite a while, Geesey grinning throughout as if her ignorance was just the cutest thing, until finally, still smiling happily, she stated that she had relied on the curriculum committee—Bill Buckingham and Alan Bonsell—to make the decision. "And do you know

whether Mr. Buckingham has a background in science?" "No, I do not." "Do you know that in fact he doesn't have a background in science?" "I don't know. He's law enforcement, so I would assume he had to take something along the way."

So this was the genesis of the whole thing: an auto repairman appointed an OxyContin-addicted biblical literalist without a shred of knowledge to decide which books the kids should learn from, and a woman who had no curiosity about anything, even her own most deeply held beliefs, seconded the whole idea.

And unless one doubted two seemingly decent professional reporters and a host of other witnesses, she would happily lie.

Judge Jones had practiced law for several years before being picked by then Governor Tom Ridge to chair the state liquor-control board. He had thus far been fair and amiable and funny. One day an objection was raised as to the admissibility of a question put to a witness. A long debate followed with lawyers on both sides giving it their all. When Jones finally ruled the question legitimate, and it was asked again, the witness said, "I don't know." "After all that!" said Jones.

On another occasion when a witness was criticizing the press by saying he didn't pay much attention to people who bought "ink by the bucket," Jones caught my eye and raised his eyebrows.

Soon after this, I visited him in chambers, and he proved to be everything he appeared in court—civilized, thoughtful, and funny. He read extensively. He was more than polite, he was courteous, a gentleman, a man who seemed to treat everyone around him with equal respect. When I complimented him on his humor, he smiled briefly and expressed the hope that it helped relax tension, though he tried never to be cruel. As a lawyer he had experienced cruelty from the bench and was determined never to abuse his power in that way.

He never did while I was there, though Geesey seemed to test the limits of his patience. In her deposition, she had said that she could not remember when the words "intelligent design" had first been used at school

board meetings. On the stand she was very clear that it was in June. Perhaps sensing trouble, Gillen asked her if there was anything that had come up since her deposition that allowed her to "date with somewhat more precision" when she first heard the term "intelligent design" being used. Geesey explained that what jogged her memory were two letters written to local newspapers, one of which was authored by her.

As she was about to leave the witness stand, Jones stopped her, saying he was confused. "So am I," responded Geesey in typical perky fashion. "Well," said Jones, "it's more important that I'm not confused than you're not confused." He pointed out that neither letter mentioned intelligent design. Eventually, Walczak was able to establish that she'd been shown her letter at her deposition and in fact had been questioned about it rigorously.

When contacted later about whether she had perjured herself on the stand, Geesey insisted that she had told the truth, calling the lawyers' attempts to discredit her "a big old lie."

Alan Bonsell took the stand a short while later. He is a good-looking, gum-chewing man somewhere in his late thirties or early forties. With the relaxed, entitled, slightly contemptuous manner of a politician or an athlete, he had, throughout the trial, which he visited most often in the afternoons, lounged on the uncomfortable pews, arms stretched out behind him, head back, the grin in place, the mouth chewing. He reminded me of George Bush, in that he exuded a confidence unwarranted by the facts. He had a degree in business management from York College, and I often wondered, and never concluded, whether he was a worse ideologue than Buckingham (because smarter) or just a man of similar personal faith trying to reach a managerial compromise between his friend's more extreme views and those of the rest of the board.

He had a habit of repeating the questions asked of him with added emphasis and a slight upward lilt on the last word or two. "Did I ever think about it? I think about a lot of things."

He admitted that his own personal views about the universe were based on the first two chapters of Genesis but said that at no time had he tried to get creationism into the science class. He believed evolution should be taught, but "when they don't include, you know, problems with it or gaps in a theory, I mean, and you teach it, it almost sounds like they're teaching it as fact."

When asked to come up with an example, he said he'd "seen things on different subjects of how bears turn into whales, you know, this was a natural scientific theory, which I just thought was absurd. There's also statistical things that I've read about how the statistical probability of life happening by itself was basically impossible." I couldn't help wondering what the statistical probability was of God's slapping it all together in six days.

One of the mysteries in the case (aside from who created the universe) was who had anonymously donated the sixty copies of *Of Pandas and People* to the school library. At various times, but most importantly in their depositions, both Buckingham and Bonsell claimed they had no idea who this could be. In court, however, Buckingham admitted that he had gone to his church and asked for donations in order to buy them. He had then given the money to Bonsell's father, who had bought the books and given them to the school.

Steve Harvey, who had the plum job of cross-examining Bonsell, now took him back to his deposition. It soon became abundantly clear that Bonsell knew—and had known at his deposition—the exact provenance of the books. He had lied under oath.²

The exact motivation for lying in the first place never became entirely clear to me, but whatever it was, it did not cause the judge to be happy. When Harvey had finished his cross, Judge Jones asked to see Bonsell's deposition, specifically the section about the donation of the books. He

² Bonsell, of course, denied that he had lied about anything. Whether he or Buckingham or Geesey will be charged with perjury remains unknown.

then proceeded to grill Bonsell about the inconsistencies: "The specific question was asked to you, sir: 'You have never spoken to anybody else who was involved with the donation?' And your answer was, 'I don't know the other people.' That didn't say, 'who donated.' That said, 'who was involved with the donation' . . . now, you tell me why you didn't say Mr. Buckingham's name."

Bonsell stumbled, and Judge Jones became increasingly irritated. Why, furthermore, had Bonsell's father been used in the transaction at all? No clear answers were forthcoming. Bonsell was obviously rattled. He had come onto the stand for the early part of his testimony chewing gum. That had gone soon after Harvey started in on him. Gone too was the swagger and the backward tilt of the head. He walked rather humbly back to the pews.

Within an hour or so, both the pose and the gum were back.

Perhaps I'm naive, or perhaps I have forgotten something, but the Christianity I was raised on had a high regard for truth. How then to explain all this lying? Not just the smaller lies—who bought the books? was the word "creationism" used?—but the larger, insistent lies, the distortion of quotes, the denial of evidence.

Might it all indeed come back to Three Mile Island? The fruit of science, after all, is not just knowledge but technology. Is it because our technology has become so dangerous and baffling that knowledge itself must also be feared? Do the ignorant even recognize a distinction between one and the other?

Forsaken in the shadow of those monstrous cooling towers, perhaps Buckingham and Bonsell cannot be blamed for seeking whatever light and dignity is still available to them: belief in a God who loves them individually, God their father. Where we come from is who we are: I will not be mistaken for a Texan; they will not be mistaken for an ape.

One thing I know is that this small crusade in Pennsylvania was not a narrow assault on ninth-grade science education; it was a war on the scientific method and the value of evidence.

What was being said, not just by Buckingham and Bonsell but by the President and countless others, is that when the evidence is overwhelming and you don't like it, ignore it.

What natural selection will ultimately do with all of us remains to be seen, but in the Dover school board election that took place shortly after the trial, it eliminated nearly all those who supported intelligent design. Only Heather Geesey, who was not up for reelection, survived. Bonsell got fewer votes than anyone.

On December 20, 2005, Judge Jones ruled that the defendants' intelligent design policy violated the Establishment Clause of the First Amendment. In a withering 139-page opinion, he found that the goal of the intelligent design movement is religious in nature, that intelligent design is not science and cannot be taught in Dover schools, and that the board's claimed reason for including intelligent design in the curriculum—solely because it was good science—was a "sham." In referring to board members, he used such words as "striking ignorance" and "breathhtaking inanity." Additionally, he wrote that Buckingham and Bonsell "had either testified inconsistently, or lied outright under oath on several occasions," and that "It is ironic that several of these individuals who so staunchly and proudly touted their religious convictions in public, would time and again lie to cover their tracks and disguise the real purpose behind the ID policy." Amen.

When I returned to the Comfort Inn on the last day of the trial, I did not know that I had one more treat in store. Sitting outside the hotel was a man named Scott Mehring.

While covering this story, I was in the habit of asking anyone who looked interesting what they thought of the issues being discussed. Generally speaking, the answers were as limited and predictable as the temperature settings in my hotel room, with by far the largest group opting for the "Off" setting: "Don't know, don't care." But I thought I should ask one last person. Perhaps, finally, I'd find someone who had something new to say on the subject.

Mehring, of Mechanicsburg,

Pennsylvania, is forty-eight years old, the onetime owner of a business that had something to do with performance cars. He wore a tight leather motorcycle jacket with no visible shirt underneath and had a Rod Stewart haircut. He liked to party, he told me, and was ready to go out and party hard, but because he'd lost his license for various reasons he had no car and his cab had not yet arrived. So, sure, he'd be happy to share his views with me. I took out my recorder.

"If you go back to the Big Bang," he said, speaking rapidly, "the elements, I'm not sure exactly what they actually were, but whatever the elements were—the atom, the neutron, the proton neutron, whatever it was that created the Big Bang—*where* did that stuff come from? Spontaneous generation is a dead theory—at one time they thought it was true—left a piece of meat on the ground maggots appeared, they thought the maggots came out of the meat, but actually they just came out to eat the food, so you can't say spontaneous generation created it. . . . Now if you believe in physics, you got the eleventh dimension—it's a new theory, the eleventh dimension—and inside the eleventh dimension they say that there's an infinite number of universes. So my take is that if you die on the earth, we just somehow hop over to the eleventh dimension, and hop from universe to universe to universe forever inside the eleventh dimension. So that means the Bible could be right with everlasting life after we die. *But*, okay, the elements that started the Big Bang, if that was an intelligent designer? Then you've got another complication. If there was, like, one dude somewhere at the very top that created everything? Well, *where did he come from?* Who created him? And who created the God who created God? It gives me goose bumps. It's a loop, like in computer programming—it's an endless loop."

He paused and shook his head. His cab had arrived.

"If you think about this too much," he concluded, "you can go insane." ■