

Supplement to Expert Witness Report : *Kitzmiller v. Dover Area School District*

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I have received and reviewed documents submitted by the Foundation for Thought and Ethics (FTE) to attorneys representing the plaintiffs in *Kitzmiller v. Dover Area School District*. I have also read the deposition of Jon A. Buell, FTE founder and president. These materials confirm the statements in my Expert Witness Report (April 1, 2005) that *Of Pandas and People*, to which FTE holds the copyright, is a creationist book. It appears that terminology in *Pandas* was changed to reflect creationism's transition to "intelligent design" in light of *Edwards v. Aguillard* (1987). However, *Pandas'* creationist content has not changed appreciably.

As I pointed out in my Expert Witness Report, an inspection of *Pandas* alone (1993) reveals its creationist content, as in, for example, Kenyon and Davis's invocation of a "master intellect" (58, 85) and the definition of ID as "abrupt appearance" (99-100). However, the various manuscript drafts that preceded *Pandas* yield even more striking evidence of *Pandas'* identity as a creationist book since the terms "creation" and "creationist" are used liberally in these earlier drafts. When inspected in chronological order, the drafts provided to the plaintiffs' attorneys show (1) that the 1983 *Creation Biology Textbook Supplement* (FTE006517-6742), is the foundational draft of *Pandas*, and (2) that succeeding drafts—*Biology and Creation* (1986) (FTE002957-3166), *Biology and Origins* (1987) (FTE003167-3422), and *Of Pandas and People* (1987) (FTE004919-5206)—are revisions of the 1983 manuscript that culminated in the 1993 edition of *Pandas*.¹

Although Mr. Buell stated in his deposition that "creation" was just a "placeholder" in the first version of *Biology and Origins* (55:11-12), various forms of that term (creation, creator, creationist) are pervasive throughout all the early drafts and even in the 1987 draft of *Pandas*. Not only are "creation" and its cognates used pervasively, but they are used in the same documents where the term "intelligent design" is also used, indicating that "creation" was used

¹ The date of the 1983 manuscript is shown in the header beginning with ch. 6, as well as in scratched-out text in the margin of p. 1 of ch. 2. This is apparently the copy Percival Davis was working on since "Davis" also appears in the header in ch. 6. Note: The 1989 edition of *Pandas* is not considered here since it is not the edition relevant to the Dover case. However, the points I make in this supplement would also apply to the 1989 version.

not as a placeholder for “intelligent design” (the term of choice in the published *Pandas*), but as a synonym for it, as, for example, in the “Introduction to Summary Chapter” (Chapter One, p. 11, Exhibit 8, Buell Dep.). Indeed, in this document, “creation” is defined in terms of intelligent design: “Creation is the theory that certain phenomena must be explained by intelligent causes” (3). Selected quotes from each of the other drafts show that they are creationist texts and that the creationist terminology, reflecting the authors’ known creationist views, was deliberately chosen.

- *Creation Biology Textbook Supplement* (1983): “In fact water is unique among substances in most of its physical properties and at the same time it is the best solvent for supporting the living state. **Creationists** regard this substance as a major example of **intelligent design** in nature.” (3, 35-36)

A reviewer’s notation on p. 1, ch. 4 of this draft (FTE006646) confirms the deliberate use of “creationist.” The chapter begins by rejecting common ancestry as the explanation of the fact that all living things share the same twenty amino acids. The preferred alternative explanation is that since some “poisonous animals use nonstandard amino acids as their poisons,” if there were any variation in the amino acids, known food chains and therefore present ecological systems could not exist. The implication is that these amino acids were selected by a designer to facilitate the development of food chains by making most living things safely edible. The beginning of the next paragraph states, “Despite this perfectly reasonable alternative explanation, evolutionary thinking takes these twenty amino acids as being homologous . . .” In the margin, the reviewer directs the following comment with an arrow toward that paragraph: “**I think it would help to weave into this first paragraph the term ‘creationist’ so there is no question about which is the ‘perfectly reasonable alternative.’**” [emphasis added] Accordingly, there is no question that “creation” is not a mere placeholder.

- *Biology and Creation* (1986): “The terms common ancestry and common design are typically used to present the opposing views of evolution and **creation**, respectively.” (Introduction, FTE002961) [underlining in original]

Dean Kenyon, co-author of *Biology and Creation*, wrote a letter to Mr. Buell, dated February 19, 1986 (FTE000487), updating Buell on his work on the manuscript for that book. This letter’s date is significant because Kenyon submitted his affidavit in *Aguillard v. Edwards* the same year, defending “creation science” as the only alternative to evolutionary theory.³

³ See my Expert Witness Report at note 52 and accompanying text. The signature on this letter is redacted, but I take the letter to be from Kenyon since it is written on San Francisco State University letterhead, and he was teaching there at the time.

- *Biology and Origins* (1987): “With respect to the existence of a single unified theory of **creation**, **creationists** point out that while many details need to be worked out, all **crea[t]ionists** adhere to the same fundamental aspects of **creationist theory**.” (6-2)
- *Pandas* (1987): “**Creationists** hypothesize that an **intelligent creator designed** an efficient system of life based on the use of common building blocks.” (3-41)

The earlier drafts provided by FTE provide ample evidence in both style and content that the 1993 *Pandas* is also a creationist book, as shown below.

Stylistic Similarities

The first indication that the 1993 *Pandas* and the earlier drafts provided by FTE are phases of the foundational 1983 *Creation Biology Textbook Supplement* is that the tables of contents remain much the same from 1983 to 1993; all drafts have six chapters, and an introduction was added beginning with the 1986 draft. The 1983 and the 1993 TOCs are shown below with the similarities in bold print (the TOCs in the intermediate drafts also have these similarities):

<i>Creation Biology Textbook Supplement</i> (1983)	<i>Of Pandas and People</i> (1993)
1. The Origin of Life	1. The Origin of Life
2. Fossil Record	2. Genetics and Macroevolution
3. Similarities of Organisms	3. The Origin of Species
4. The Trouble with Homology	4. The Fossil Record
5. Genetics and Evolution	5. Homology
6. The Origin of Species	6. Biochemical Similarities

In addition, a computer match of the 1993 *Pandas* text to the text of each of the earlier drafts—*Creation Biology Textbook Supplement* (1983), *Biology and Creation* (1986), *Biology and Origins* (1987), and *Of Pandas and People* (1987)—reveals striking similarities in both wording and sentence structure between *Pandas* and these drafts. Precisely the same sentence structure and word order are preserved in numerous instances throughout the texts. For example, the 1993 *Pandas* Excursion Chapter 5, “Homology,” contains these words: “**But if one classifies organisms on the basis of assumed evolutionary relationships, how can that classification be used as evidence that evolutionary relationships are real? The reasoning is**

circular, the confidence misplaced” (127). The 1983 *Creation Biology Textbook Supplement* Chapter 4, “The Trouble with Homology,” says the same thing: “**But if one classifies organisms on the basis of assumed evolutionary relationships, how can that classification be used as evidence that evolutionary relationships are real? The reasoning is circular!**” (12). This is just one of many such similarities throughout all the drafts.² The preservation of such a substantial amount of terminology and syntax establishes that the 1983 manuscript is the foundation of all the later drafts, culminating in the 1993 *Pandas*.

Content Similarities

Given the 1993 *Pandas*’ integral textual relationship to the earlier drafts, the creationist content of these drafts further confirms that *Pandas*, like the earlier drafts, is a creationist book. The stylistic similarities obviously reflect similarities in content, and visual examination of these texts, which reveals significant additional content similarities, establishes that creationist content is found throughout all of them.⁴ Establishing the textual and conceptual continuity between the early drafts and the 1993 *Pandas* highlights the importance of the creationist content of these early drafts: this continuity shows that FTE’s intent, from the drafting of the *Creation Biology Textbook Supplement* to the publication of *Pandas*, was to publish a creationist book. “Creation” and its cognates are used throughout these drafts, including the 1987 draft of *Pandas* itself. They are also used in Exhibit 8 of Mr. Buell’s deposition, “Introduction to Summary Chapter,” which appears to be an early, chapter-by-chapter summary of the book’s content, perhaps a proposal submitted to a prospective publisher. (Based on Mr. Buell’s statements in his deposition (58:16-17) and the summary’s citation of a 1982 book (p. 14, ch. 3&4), I estimate that Ex. 8 was written

² See Appendices A, B, C, and D. Wesley Elsberry, Information Project Director at the National Center for Science Education, constructed a computer algorithm that matched the text in the various drafts. The appendices show the computer’s detection of similarities between manuscripts of the 1993 *Pandas* and the earlier drafts provided by FTE. Matches are listed when the matching text is at least ten words in length and at least six of those words occur in both texts. Words may match approximately, either by matching a longer word to a shorter form, or by matching at least 75% of the characters common to two words. The content of matches is easy to see in this form. The longer and the more numerous the matching sequences, the more certain one can be that a later work is derived from an earlier work.

⁴ Visual examination reveals additional similarities because the computer algorithm explained in note 2 is designed to detect word strings of at least ten words, matching longer pieces of text. Visual examination therefore (continued...)

in either 1983 or 1984, especially since Mr. Buell expressed certainty that it was written prior to the National Academy of Science’s definition of creationism, and this was published in 1984.⁵⁾

One of the most striking similarities in content linking the summary and the early drafts to *Pandas* is the definition of both creation, in the summary and the drafts, and intelligent design, in *Pandas*, as the abrupt appearance of fully formed animals. In Ex. 8, creation is defined as follows (with the base text in bold): “Creation is the **theory that various forms of life began abruptly, with their distinctive features already intact: fish with fins and scales, birds with feathers and wings**, mammals with fur and mammary glands.”⁶ This definition is preserved in each manuscript beginning with the 1986 *Biology and Creation*; it is almost identical to the definition of intelligent design in the 1993 *Pandas*,⁷ as the table below shows (note the use of the term “intelligent Creator” in the 1987 *Pandas*):

(continued...)

reveals the preservation of significant creationist terminology, such as “master intellect,” which is shorter than ten words. See my examples of the use of “master intellect” later in this supplement.

⁵ Mr. Buell mistakenly cited the date of the NAS definition as 1985 in his deposition (19:18-19). He is referring to *Science and Creationism: A View from the National Academy of Sciences*, 1984.

⁶ A striking feature of Ex. 8 is its citation of a 1982 young-earth creationist book, *What Is Creation Science?*, by Henry Morris and Gary Parker, as an authoritative source: “As creationist Gary Parker puts it, similarities like the hemoglobin molecule appear here and there in the mural of living things like a blue-colored tile in an artist’s mosaic” (p. 14, ch. 3&4). *Pandas* co-author Dean Kenyon wrote the foreword to this book (see my Expert Witness Report, note 52).

⁷ Later in this supplement, I show how Ex. 8 also shares content not only with the 1993 *Pandas* but also with a young-earth creationist newsletter edited by Nancy Pearcey. See note 9.

<p style="text-align: center;"><i>Biology and Creation</i> (1986)</p> <p>“Creation means that the various forms of life began abruptly through the agency of an <u>intelligent creator</u> with their distinctive features already intact—fish with fins and scales, birds with feathers, beaks, and wings, etc.” (2-10)</p>	<p style="text-align: center;"><i>Biology and Origins</i> (1987)</p> <p>“Creation means that various forms of life began abruptly through the agency of an <u>intelligent Creator</u> with their distinctive features already intact—fish with fins and scales, birds with feathers, beaks, and wings, etc.” (2-13)</p>
<p style="text-align: center;"><i>Of Pandas and People</i> (1987)</p> <p>“Creation means that various forms of life began abruptly through the agency of an <u>intelligent Creator</u> with their distinctive features already intact—fish with fins and scales, birds with feathers, beaks, and wings, etc.” (2, 14-15)</p>	<p style="text-align: center;"><i>Of Pandas and People</i> (1993)</p> <p>“Intelligent design means that various forms of life began abruptly through an <u>intelligent agency</u>, with their distinctive features already intact—fish with fins and scales, birds with feathers, beaks, and wings, etc.” (99-100)</p>

A few additional examples illustrate the creationist content of these texts. As I pointed out above, “creation” and its cognates are sometimes used in tandem with the term “intelligent design(er).”

- *Biology and Creation* (1986): “How do **creationist biologists** interpret the same anatomical data? They agree that homologous structures seem to be consistent with the idea of common ancestry, but point out that such structures by themselves do not prove the truth of this idea. Instead they propose a valid alternative explanation: that homologies are the result of an **intelligent, economy-minded designer . . .**” (3-5)
- *Biology and Origins* (1987): “The **creation hypothesis** is in agreement with the face value interpretation [of the fossil record], and accepts the gaps as a true reflection of biology and natural history.” (2-12)
- *Of Pandas and People* (1987): “With respect to the existence of a single unified theory of **creation, creationists** point out that while many details need to be worked out, all **crea[t]ionists** adhere to the same fundamental aspects of **creationist theory**. These include high information content and independent origins for major groups of living things. In fact, there may be more diversity among evolutionists with respect to evolutionary theory than among **creationists.**” (6-2)

Another significant example of the creationist content of the texts, beginning with the 1986 *Biology and Creation* and including the 1993 *Pandas*, is the reference to a “master intellect,” as follows:

- *Biology and Creation* (1986): “Some **master intellect** is the **creator of life.**” (Introduction, 11)
- *Biology and Origins* (1987): “Some **master intellect** is the **architect of life.**” (Introduction to Teachers, 8)
- *Of Pandas and People* (1987): “The case for **creative design by a master intellect** presented here and throughout the text has genuine explanatory value in science, and is a viable scientific perspective on the question of origins.” (Introduction to Teachers, 13)
- *Of Pandas and People* (1993): “This strong analogy [between the structure of informational molecules (DNA, protein) and our universal experience that such sequences are the result of intelligent causes] leads to the conclusion that life itself owes its origin to a **master intellect.**” (85)

A notable feature of these references to a master intellect is their similarity to a reference in a YEC book, Richard Bliss’s 1988 *Origins: Creation or Evolution*, to a “Master Designer”: “Actually, scientists have never seen evolution produce a new kind of organism through random processes and creationists have never seen the **Master Designer** at work putting the organisms together” (ch. 4, p. 31).⁸

A final example confirming the 1993 *Pandas*’ creationist content is the biblical allusion used not only in most of the earlier drafts but also in the first creationist text published by FTE, Charles Thaxton’s *The Mystery of Life’s Origin* (1984), co-authored with Walter L. Bradley and Roger L. Olsen. In the Epilogue, arguing for “Special Creation by a Creator Beyond the Cosmos” and acknowledging that “Creation involves the supernatural” (201), Dr. Thaxton uses clay as a metaphor for the basic substance of life in referring to historical accounts of the existence of life:

Throughout history, many writers have attempted to describe the work of the Creator. What they all seem to hold in common is the idea that **an intelligent Creator informed inert matter by shaping it as a potter fashions clay.** Some representations are quite anthropomorphic, others less so. But there is considerable agreement that somehow an active intellect produced life. (200)

Pandas and its earlier drafts all contain a direct reference to clay as the formative substance of life in these historical explanations:

⁸ See my Expert Witness Report at note 87 and accompanying text.

Biology and Creation (1986): “**Creationists** point to the role of an **intelligent creator in shaping clay into living form**. Evolutionists . . . point to the clay itself as the stuff of which life is made by nature . . .” (ch. 6, FTE003143)

Biology and Origins (1987): “**Creationists** point to the role of an **intelligent creator in shaping clay into living form**. Evolutionists . . . point to the clay itself as the stuff of which life is made by nature . . .” (ch. 6, FTE003400)

Pandas (1987): “**Creationists** point to the role of an **intelligent creator in shaping clay into living form**. Evolutionists . . . point to the clay itself as the stuff of which life is made by nature . . .” (ch. 6, FTE005180)

Pandas (1993): “**Design proponents** point to **the role of intelligence in shaping clay into living form**. Evolutionists . . . point to the clay itself as the stuff of which life is spontaneously generated by nature . . . (77)

This appears to be a thinly veiled reference to the creation account in Genesis.

Preserving the “Big Tent” of Intelligent Design Creationism

The intelligent design movement has repeatedly emphasized the importance of its “big tent” strategy for promoting ID (see my Expert Witness Report at note 60 and accompanying text). Under this strategy, the need for political support from YECs prohibits the outright rejection of the young-earth view, even though most ID proponents are old-earth creationists. Not only does the 1993 *Pandas* acknowledge young-earth creationism, but it includes YEC as a variation of intelligent design: “An additional issue concerns the matter of the earth’s age. *While design proponents are in agreement on these significant observations about the fossil record, they are divided on the issue of the earth’s age. Some take the view that the earth’s history can be compressed into a framework of thousand of years, while others adhere to the standard old earth chronology*” (92) (emphasis added). In fact, a commonality of all the drafts, beginning with the 1983 *Creation Biology Textbook Supplement* and including the “Summary Chapter,” is the respectful treatment given to young-earth creationism.

All drafts submitted by FTE include young-earth creationism as one of several creationist views. The 1983 *Creation Biology Textbook Supplement*, calling YEC “simultaneous creation,” presents it as one of two alternative views, the other being “progressive creation,” which accepts Earth’s age as billions of years (ch. 2, 44-45). Recognizing “more than one approach to creation,” the “Summary Chapter” (Ex. 8) recognizes three “major alternative interpretations” of

the fossil record: “Old-Earth Creation,” “Young-Earth Creation,” and “Agnostic Creation,” i.e., “scientists who deny that there is any real order in the fossil record” (22-24). In the 1986 *Biology and Creation*, Kenyon and Davis also acknowledge alternative creationist views, favoring “progressive creation” and treating YEC somewhat more critically: “This idea is controversial, and has been strongly resisted by evolutionists as well as many old earth creationists” (2-41). Acknowledging problems with YEC’s attribution of the order of the fossil record to “some great cataclysm (such as a flood),” they admit that creationists must face “squarely” the problems with this view (2, 41-43). Yet they consider these problems addressable through “research and further study,” attributing them to the small number of scientists working on them and to the lack of “large research grants” for their work (2-43). The 1987 *Biology and Origins* says the same thing (2, 35-37), as does the 1987 *Pandas* (2, 39-41).⁹

Strategic Changes in the Drafts: What They Mean

The continuity in both style and content of the early drafts and the 1993 *Pandas* make the differences between *Pandas* and these drafts, especially between the 1987 and 1993 drafts of *Pandas*, highly significant. Just as the similarities in style and content pointed out above reveal the continuity in the development of *Pandas* from the 1983 *Creation Biology Textbook Supplement*, so the later versions of the drafts reveal the strategic shift in terminology that intelligent design creationists had to make in the wake of the *Edwards* ruling. Although even the 1993 *Pandas* contains indisputable creationist content, the shift from the predominant use of “creation” and its cognates to “intelligent design” is clearly evident both in the text matches and

⁹ Nancy Pearcey, who wrote the Overview Chapter of *Pandas* (iii), is a YEC and a long-time fellow of the Center for Science and Culture (see my Expert Witness Report at notes 46 and 86 and accompanying text). She also served for a number of years as a contributing editor for the *Bible-Science Newsletter*, which was “Dedicated to: Special Creation, Literal (natural) Bible Interpretation, Divine Design and Purpose in Nature, A Young Earth, [and] A Universal Noachian Flood” (Vol. 27, May 1989). In the May 1989 issue, she published an article entitled “Of Fins and Fingers: Patterns in Living Things.” Large sections are almost identical to content in *Pandas* except for a few word changes and sentence revisions, such as in a section on homology entitled “Mary Had a Little Ovis Aries” (6). The *Pandas* Overview Chapter has a section with this title and almost identical wording (27). In addition, the same section title and virtually the same wording are found in Ex. 8, “Introduction Summary Chapter” (p. 3, ch. 3 & 4). There are other substantial commonalities linking these three texts. The significant point concerning Pearcey’s newsletter article is that she is using these sections of text (without citation) to support young-earth creationism. Her notes include citations to Wayne Frair and Percival Davis’s 1983 *A Case for Creation* and Henry Morris and Gary Parker’s 1982 *What Is Creation Science?* (See note 6.) Her article is followed by a “Bible Studies” lesson (referring (continued...))

in the drafts themselves upon visual examination. It is all the more striking because “creation” and its cognates are used so liberally in the 1987 draft of *Pandas*, as exemplified here: “What scientific evidence exists in support of a **creation** view? First of all, the experimental tests of the Oparin hypothesis produced results which actually support the **creation** view!” (1-29) The substitution of the term “intelligent design” in the 1993 *Pandas* is obvious, as exemplified here: “What experimental evidence exists in support of the view of **intelligent design**? First of all, the experimental tests of the Oparin hypothesis produced results which more reasonably support the **intelligent design** view” (56).¹⁰ These changes in the 1987 draft reflect the change in course FTE made in the wake of the *Edwards* ruling that same year.

In order to get *Pandas* accepted in public school science classes after *Edwards*, “creationism” and its cognates had to be removed. Vestiges of the earlier terminology remain in the 1993 version: the introduction cites a poll in which “one fifth [of Ohio teachers] were already presenting the idea of **creation** in their science classes” (ix). And in Excursion Chapter 4 of the 1989 version, “The Fossil Record,” there is an endorsement of botanist E. J. H. Corner’s appeal to “special creation” as an explanation of the fossil record of plants (107) that has been expunged from the 1993 version. Nonetheless, the creationist content of the latter is as obvious as before to anyone who understands the ID creationist idiom. In the 1993 *Pandas*, the most blatant terminology had to go, and the most egregious scientific transgression, i.e., the prominent inclusion of young-earth creationism, was replaced with a brief (but recognizable) absorption of YECs into the category of “design proponents” (92). The end result is- the version of *Pandas* on the shelves of Dover High School library.

Of Pandas and People: The Fulfillment of FTE’s Religious and Moral Mission

In an immediate sense, *Pandas* is part of the intelligent design creationist movement’s attempt to get ID into public science classrooms. FTE and the Center for Science and Culture

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readers to Genesis for an answer to the question of whether the Bible’s specially created “kinds” is a more scientific way of classifying living things than “species.” The newsletter is attached as Appendix E.

¹⁰ See pp. 44-45, “Strategic use of terminology,” in my Expert Witness Report for my comments on the ID movement’s tactic of altering their terminology. See also Exhibits 14 and 15 of Mr. Buell’s deposition for another example of such terminology changes (Buell Deposition, 82-84).

have been inseparable partners in this effort. But for both the FTE and the CSC, *Pandas* is part of an attempt to fulfill what both FTE and the CSC see as a religious and moral mission to renew American culture. In this sense, it is part of the Wedge Strategy, and it is the nearest end of the creationist continuum that extends backwards more than forty years to the creation science movement.

In his 1963 book, *The Twilight of Evolution* (Baker Book House), Henry Morris blamed evolution for the ills of the modern world: “Evolution is at the foundation of communism, fascism, Freudianism, social darwinism, behaviorism, Kinseyism, materialism, atheism, and in the religious world, modernism and neo-orthodoxy” (24).¹¹ Twenty years later, Jon Buell and Charles Thaxton, partners in the *Pandas* project that was already well under way, recited a similar litany of evolution-induced ills in “Why All the Fuss About Evolution And Creation?,” published in FTE’s 1983 *Rationale* newsletter (vol. 1, no. 1):

The teaching of moral relativism in our public schools obviously upsets many Christian parents. Its fruits are all too evident: these days, any lifestyle is considered legitimate, but moral absolutes are not.

Many of the same Christian parents, however, are not concerned about the teaching of evolution in public schools. Falling SAT scores and increasing drug abuse, violence, abortion and homosexual activity among teens are the concerns of these parents. “Why all the fuss about creation being taught in public schools, anyway?” they ask. As we shall show, there is a line of reasoning which usually lies hidden when either the subject of origins or morality is discussed, but which actually ties the two concerns together. Once this reasoning is understood, it becomes evident that not only does the exclusive teaching of evolution encourage our children’s rejection of Judeo-Christian morality, but it also prepares young minds for the reception of religious views which these same parents would find unacceptable.

To understand how this can happen, we must recognize that there are two basic views of the world and man: theism and naturalism. . . .

. . . Naturalism excludes an absolute Creator and asserts that life somehow emerged out of matter and energy by itself and evolved into its present forms. . . .

. . . [W]ith naturalism’s rejection of an absolute Creator goes the traditional source of moral absolutes. . . .

¹¹ Cited in Eugenie C. Scott, “Antievolution and Creationism in the United States,” *Annu. Rev. Anthropol.* 1997. 26:263-89. Accessed on July 28, 2005, at www.ncseweb.org/resources/articles/4550_antievolutionism_and_creationi_2_13_2001.asp.

That’s why Christians—in fact all theists—must insist that whenever origins are discussed, public schools allow the teaching of the evidence for creation alongside instruction in the naturalistic concept of evolution¹²

This 1983 newsletter reflects FTE’s mission that Mr. Buell described in Exhibit 4, “What Is the Foundation for Thought and Ethics,” in which he stated, “The Foundation for Thought and Ethics has been established to introduce Biblical perspective into the mainstream of America’s humanistic society, confronting the secular thought of modern man with the truth of God’s Word.” He acknowledged writing this “possibly in ’81 or maybe even in ‘80” in his deposition (34:19-20).

Although Mr. Buell says that the description in Exhibit 4 does not “represent what we chose to do” (35), his description of FTE’s goals more than a decade later are perfectly in line with his statements in Ex. 4. In a February 13, 1995, letter (Exhibit 7), announcing to the recipient FTE’s success in getting *Pandas* into “thousands of public school classrooms,” he reaffirmed—as he and Dr. Thaxton had in 1983—that “Our commitment is to see the monopoly of naturalistic curriculum in the schools broken.” The letter continues, “Presently school curriculum reflects a deep hostility to traditional Christian views and values.” In his deposition, Mr. Buell confirmed that biology curriculum “is a major area of—of offense” in this regard. (Buell Dep., 50:10-12). Mr. Buell goes on to explain in the 1995 letter that these curriculum issues are

not merely a war over ideas, but over young people, and how their lives will be shaped. The current deplorable condition of our schools results in large part from denying the dignity of man created in God’s image. Even Junior High students recognize that, if there is no Creator, as textbooks teach, then there is no Lawgiver to Whom they must answer, and therefore no need of a moral lifestyle, much less a respected for the life of their fellowman. The message of the Foundation is that this is simply unacceptable.

FTE’s religious and cultural agenda for the publication and promotion of *Pandas*¹³ is the same as that articulated previously by acknowledged creationist Henry Morris and subsequently

¹² See Mr. Buell’s answer in his deposition (109-110) to Mr. Wilcox’s question about Exhibits 7 and 22. I comment about Ex. 7 below.

¹³ FTE’s Form 990 (Return of Organization Exempt From Income Tax) for 2003 (Buell Dep., Exh. 5) describes FTE’s primary purpose to be “Promoting & Publishing Textbooks Presenting a Christian Perspective.”

by the intelligent design think tank, the Center for the Renewal of Science and Culture (now the Center for Science and Culture). (See I. A. of my Expert Witness Report). The CSC's tactical document, "The Wedge Strategy," echoes both Henry Morris's 1963 complaints and FTE's 1983 newsletter in its denunciation of modern culture:

The proposition that human beings are created in the image of God is one of the bedrock principles on which Western civilization was built. . . .

Yet a little over a century ago, this cardinal idea came under wholesale attack. . . . Debunking the traditional conceptions of both God and man, thinkers such as Charles Darwin, Karl Marx, and Sigmund Freud portrayed humans not as moral and spiritual beings, but as animals or machines who inhabited a universe ruled by purely impersonal forces and whose behavior and very thoughts were dictated by the unbending forces of biology, chemistry, and environment. . . .

The cultural consequences of this triumph of materialism were devastating. Materialists denied the existence of objective moral standards, claiming that environment dictates our behavior and beliefs. . . .¹⁴

In a fundraising letter (Buell Dep., Exhibit 33) written as recently as 2002, announcing that "the third edition of *Pandas* is now under way," Mr. Buell again bemoaned the ills afflicting the nation's students: "Teen pregnancies, violence, drug use and other problems are so rampant that they are almost mundane." Harking back two decades to his earlier description of FTE, he reaffirmed FTE's religious mission by assuring his potential donor that God "has long term plans for the Foundation for Thought and Ethics" and "is working through FTE."

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¹⁴ Accessed on July 28, 2005, at www.antievolution.org/features/wedge.html.