Greetings from the Chair

It is indeed an honor to assume the Chair of the Division of Geology & Society from Dick, who has graciously consented to remain as Newsletter Editor. It’s been heartening to watch the Division flesh out its mission in the few years since the Division started. A wonderful association of willing colleagues has grown up together: John Kiefer and Tom Evans, Dick Berg, and now we welcome not only Marilyn Suiter, as First Vice-Chair, but also Karen McCurdy who has plunged into the Management Team by running our first Best Student Paper Award at the Philadelphia meeting.

We continue to reiterate that we think every member of GSA should be a member of the G&S Division, not for empire-building, but the necessity of heightening our knowledge of the issues and improving the communication skills of the entire geologic community so that we may properly communicate geologic information to the outside world. Our motto, “Geology Working for Society”, requires articulate practitioners. Thus, we welcome you as a reader. If you are not a member of the Division, please join us as a member, and if a member, participate and communicate with us as we learn together.

As part of our Mission and the restructuring underway in our parent Geology & Public Policy Committee (GPPC), the Division has been asked to nominate a person to represent us on the GPPC. It should not be a member of the Management Board, so on page 3 of this Newsletter, Dick has included an
official Geology & Society Division solicitation seeking a new G&S member to serve on the Committee. Duties and responsibilities of GPPC members in general and those specific to this new member position are included. If you are interested in serving in such a capacity, please email me (SDHalsey@aol.com or DrDuneNJ@aol.com), and I will bring it to the attention of the G&S Management Board.

It certainly was a rush to be part of the throng at our Distinguished Lecture at the Philadelphia meeting to hear Judge Jones articulately give the background on his decision in Kitzmiller v. Dover. I cannot recall the geological community ever giving any speaker a standing ovation as they did for the Judge! The Management Board had asked for the auditorium for this event, and in hindsight we could have used the extra room, but hopefully those who were late arriving could squeeze in the door! Kudos to Tom Evans, who contacted the Judge with the help of his son-in-law’s legal information. A summary of the event can be found in this Newsletter on page 8. Meanwhile, we would like to receive your comments on the Judge’s talk. If we receive enough, we will publish them in the G&S Newsletter. Please send these comments directly to Dick Berg at berg@isgs.uuiuc.edu. After two successful Distinguished Lectures, the Management Board’s collective wheels are turning to come up with our next speaker…such pressure! Any ideas from you would be much appreciated.

And speaking of ideas, we are very open to your suggestions for projects for the Division. If you’d like to become more involved, even if it is to staff the booth at our regional meetings, please do not be shy—the cornerstone of this Division is involvement! Let’s make it a good year!

By

Sue Halsey, 2006-7 Chair, GSA Geology & Society Division

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2006 GSA Geology and Society Division Annual Business Meeting: Notes

Chair Dick Berg convened the GSA Geology and Society Division's annual meeting at 5:45 pm with the presentation by Judge John E. Jones III of the U.S. District Court, Middle District of Pennsylvania, the Division's 2006 Distinguished Lecture. Judge Jones spoke on "Judicial Independence: A Trial Judge's Reflections After Kitzmiller v. Dover." Approximately 300 persons attended the Lecture and the reception immediately following.

After photographs, presentations, and refreshments, Chair Berg convened the annual business meeting of the GSA Geology and Society Division at 7:45 pm. The business of the Division was transacted as follows:

1. **Treasurer's Report.** Tom Evans, Secretary-Treasurer of the Division, reported that the unrestricted net assets of the Division at the end of September 2006 were $3,431.96. Evans noted that the Division has 401 members as of this date and that the membership and available assets are approximately the same as at this time last year. The nearly level membership and assets reflect a concern of the Management Board of the Division for the need to "grow the Division" to support future program opportunities, such as the Best Student Paper Award initiated with the 2006 Annual Meeting. Attendees were encouraged to talk to colleagues about joining the Division. It was noted that GSA now has 17 Divisions but with a membership of >20,000, only 40% of GSA’s membership has joined any Division. Our new Division is about in the middle for membership numbers: #9.

2. **Bylaw Changes.** Berg reported that recent changes in GSA Bylaws promulgated by GSA Council required that divisions adopt their own bylaw changes to be in compliance. He noted that the changes are not substantial, but reflect the Council's decision to allow full participation via voting and membership for all GSA members, in particular student members.
By unanimous consent the following changes in the GSA Geology and Society Division Bylaws were adopted:

1. Article II, Section 1: DELETE "...., except GSA Affiliates and Associates, ..."
2. Article II, Section 1: DELETE "GSA Affiliates and Associates may serve on committees as conferees."
3. Article V, Section 6: DELETE entire section.

[The intended effect of these changes is to remove distinctions among GSA members. Our Divisional voting rights will now go to all GSA members who choose to affiliate with the Division -- student or professional. The change eliminates the distinction between affiliate and associate members.]

3. Accomplishments in the last 12 months. Berg reviewed a number of accomplishments for the Division over the past 12 months, as follows:

a. GSA Today. Dick recognized the effort to bring policy-oriented articles into the peer-review literature by having this popular publication, available to all members of GSA, dedicate space to these types of articles in the future. The first such article, based on Dr. Henry Pollack's 2005 Distinguished Lecture on the challenge geoscientists face in communicating with decision-makers and members of the public about scientific uncertainty is the first such article and it will be published in early 2007. Judge Jones' remarks this year as part of the 2006 Distinguished Lecture are hoped to be the next article along these lines to be published in 2007.

b. USGS Science Impact Program. Two special articles highlighting this new USGS initiative were included in two issues of the G&S Newsletter.

c. Best Student Paper Award. The Division has initiated a Best Student Paper Award worth $300 to the student making the winning presentation highlighting how the geosciences are relevant to a particular societal issue. For this first year of awards, only oral presentations were considered. In the future, poster presentations may be included in the judging. Karen McCurdy of Georgia Southern University spearheaded this inaugural competition. Thanks to Karen and the many individuals who helped with judging were expressed by Dick.

d. Distinguished Lecture Series. Dick thanked Tom for his work in setting up this year's distinguished lecture by Judge Jones. He encouraged members present to consider future speaker possibilities.

e. The Critical Issues Caucus has now formally joined with the G&S Division.

4. Other Issues for Discussion.

a. Web site manager for the division? Dick noted that many divisions have managers who maintain web sites for various divisions separate from the GSA web managing system. He asked if any individual present would be interested in assuming this responsibility for the Geology and Society Division, and if so, to please contact him.

b. Distinguished Service Award? Dick said the Management Board for the Division has been discussing an award, probably given on an occasional basis, for an individual providing noteworthy service to the Division. The idea is still being considered, but no decision has been made at this time.

c. Thanks to outgoing officers. Dick thanked this year's Management Board group and, in particular, thanked John Kiefer, outgoing Past Chair, for his contributions to the division as one of the charter members of the Division and one of its creators. Dick noted that two officer positions would be open this coming year: 2nd vice-chair (open annually) and secretary-treasurer (open every other year). He encouraged members to consider running for office in the Division and noted that elections would be held earlier this coming year – in the Spring by March 31st – as compared to the late summer elections as has been done previously.

5. Report from GSA Council. Jon Price is the G&S liaison on GSA Council, as well as a member of the Division. He provided an extensive update on Council activity for the Division's consideration and discussion. Several items were discussed:
a. The large number of sessions sponsored and co-sponsored by the Division for the Philadelphia meeting is impressive. Jon stated that it is very important to be involved and active on the JTPC for these annual meetings.

b. Council encourages Division participation at the sectional meetings, as well.

c. The G&S Division will have a specified position on the Council-appointed GSA Geology and Public Policy Committee.

d. The process for adoption of position statements is being modified to include participation by a representative of divisions. The G&S Division will likely be directly affected by this as many of the position statements have a societal focus.

e. COPUS, a new yet not clearly defined public outreach activity of GSA, will likely be an important outlet for divisional interests.

f. Divisions are being newly considered by Council (via an ad hoc committee) in terms of their membership, activity, and function.

g. Council is beginning a process for considering issues related to allowing two abstracts for presentations at annual meetings, providing one is for a poster session.

h. Council is considering re-structuring annual meetings to allow for “clustering” of topical areas for talks, poster sessions, Pardees, and so forth.

i. Finally, Jon reminded all present that the deadline for workshops, technical sessions, etc. for the Denver meeting is fast approaching. General conversation about the early workshop deadline and implications for planning for divisional sponsorship is underway.

6. Adjournment. The meeting was adjourned at 8:10 pm

Report filed by Sue Halsey

Geology & Society Division Best Student Paper Award – D.S. Vinson

This is the inaugural year of the Geology & Society Division Best Student Presentation Award. The twenty-four oral presentations that were made by students at sessions that were sponsored or co-sponsored by the G&S Division were judged according to criteria that included review of the abstract and the presentation. Those presentations that contained sound science and included a clear statement of the relevance of the research to society garnered the highest scores by the judges.

With pleasure we announce that D.S. Vinson of the Division of Earth & Ocean Sciences at Duke University, Nicholas School of the Environment & Earth Sciences, is the winner of the 2006 award for his presentation: “Transfer of radon from groundwater into homes and the contribution of showering to indoor radon: Policy implications for unregulated private well owners at the intersection of geology and health in the North Carolina Blue Ridge.” The research was done in collaboration with T.R. Campbell of the Division of Water Quality, North Carolina Department of Environment and Natural Resources, R.W. Field of the Department of Occupational and Environmental Health/Department of Epidemiology, University of Iowa, College of Public Health, and A. Vengosh, also of Duke University.

The award comes with a cash prize of $300.00 which will be sent to Mr. Vinson this month. In addition, a plaque will be awarded to him at GSA’s 2007 Annual Meeting in Denver during the business meeting of the Geology & Society Division. Congratulations!
Geoscientists and Public School Students Pursue Science and Discovery in Philadelphia

By Marilyn Suiter

The GSA Committee on Minorities and Women in the Geosciences (in partnership with the GSA Geology & Society Division) developed two Geoscience Days for the 2006 GSA Annual Meeting in Philadelphia, Pennsylvania in October (www.geosociety.org). The meeting theme - The Pursuit of Science: Building on a Foundation of Discovery - was central to the events planned. Geoscientists attending the meeting were paired with local Philadelphia public high-school students and teachers to share geoscience education, career materials, and experiences.

The first event, GIS Geoscience Day, was held on Tuesday, October 24. A group of students and their teacher from Carver High School for Engineering and Science traveled with geoscientists to the Cartographic Modeling Lab (CML) campus of the University of Pennsylvania; Marlen Kokaz is the CML director. There were workstations with ArcGIS installed in the lab for the students to use. After a brief presentation on the University of Pennsylvania application process by Sara Walsh of the Admissions Office, the students were introduced to the CML spatial analysis system, as well as the interactive

![Marlen Kokaz instructing high school students at workstations in the Cartographic Modeling Lab at the University of Pennsylvania.](image)

applications of the Philadelphia Neighborhood Information System (NIS), both visually and at their workstations. Scott Dane of Pennsylvania Spatial Data Access (PASDA) – a public access geospatial information clearinghouse - provided a mini-tutorial on GIS data that was very helpful. Ann Johnson of ESRI presented an activity on earthquake data that very much engaged the students in exploring and using the Geographic Information Systems (GIS) technology. Students also had access to GIS data from the City of Philadelphia and the Pennsylvania Geological Survey, which also provided a variety of items including maps and Pennsylvania Rock Kits for the teachers. The students enjoyed catered box lunches in the CML board room, where Dana Tomlin, of the University of Pennsylvania, and other trip leaders, talked with the students about the college application process.

The second event was Environmental Geoscience Day, held on Wednesday, October 25. Students and teachers from two Philadelphia high-schools - Sayre High School in West Philadelphia and Rhodes High School in North Philadelphia - attended environmental geoscience field trips and explored urban geohydrology.

One group of students visited the Belmont Water Treatment plant, which is a Philadelphia municipal water facility, and had an excellent guided tour by Karen Young of the Philadelphia Water Department. The other group began their trip at the Fairmount Water Works.

![Karen Young of the Philadelphia Water Department with students standing downslope of the retaining wall at the Belmont Reservoir.](image)
Interpretive Center (FWWIC), where they learned about Philadelphia water systems, both historically and at a city-wide scale. After enjoying catered box lunches at the FWWIC, both groups proceeded to West Philadelphia for a presentation and activities at two sites at Mill Creek, a Philadelphia Water Department/Pennsylvania Department of Environmental Protection neighborhood reclamation project. The area has experienced periodic flooding and damaging stream excavation historically and recently. The Mill Creek project has instituted successful recovery through use of high-tech surfacing materials that are used at a new recreation area, and they established an urban farm, A Little Taste of Everything (ALTOE). ALTOE, a not-for-profit organization, operates a mobile food market to provide nutritious, affordable foods and nutritional education materials to low-income populations throughout Philadelphia.

There was very generous support for these events from a number of sources. There was a generous monetary donation made by McGraw-Hill, which partially underwrote the cost of the students’ transportation and lunches. Expertise and materials were provided by the (1) Pennsylvania Geological Survey, (2) the City of Philadelphia, through its Director of GIS, and the Philadelphia Water Department’s Education staff, (3) the Pennsylvania Department of Environmental Protection, (4) the University of Pennsylvania Cartographic Modeling Lab and its Admissions Office staff, and (5) ESRI. Special thanks to the School District of Philadelphia and to Ms. M. Sabriya Dempsey, SDP Lead Academic Coach who was the local coordinator for this activity. Members of the GSA Committee on Minority and Women and other GSA members helped to staff the trips, providing geoscience expertise and career guidance for the students, and the GSA G&S Division, who provided the event coordination for GSA, with the able assistance of Cassandra Runyon, the Chair of the Committee for Minorities and Women, and GSA’s Director of Strategic Initiatives, Deborah Nelson. Most significantly, Donna Russell and the GSA Foundation provided the key resources, in substance and in motivation, for these events.

Geoscience Day planning for the 2007 GSA Annual Meeting in Denver is already underway. For information, please contact Cassandra Runyon, Chair of the GSA Committee on Minority and Women at runyonc@cofc.edu or Deborah Nelson, at dnelson@geosociety.org

Solicitation - G&S Division
Seeking Member Willing to Serve on GSA’s Geology & Public Policy Committee

GSA Council has approved the expansion of the Geology and Public Policy Committee (GPPC) of GSA to include a permanent representative of the Geology & Society Division. Based on this decision, the G&S Division is actively soliciting its members for interest in the position. Depending on interest, the Division may conduct an election after January 1, 2007.

The role of the GPPC is to develop, disseminate, and promote geological information such that this information is used to formulate, discuss, and impact the decision-making process regarding public policy issues. It uses the process of education to translate knowledge of the earth sciences into forms most useful for public discussion and decision making. Currently the GPPC is composed of 17 members – 5 elected at-large, 6 elected from each of GSA’s Sections, 2 Congressional Science Fellows, 3 members representing the American Geophysical Union, Association of American State Geologists, and American Geological Institute respectively, and 1 GSA Council Liaison.

Membership on this important GSA Committee cannot be taken lightly. Its responsibilities and tasks lie at the core of the importance of geological information for serving a prominent role in societal decision-making. Therefore, the role of GPPC members reflects the Committee’s mission. Members must:

- Commit to active engagement in the Committee.
- Agree to a time commitment beyond attendance at two meetings
a year and being on an occasional conference call.

- Review agenda and briefing materials prior to meetings/calls, and actively participate in discussions.
- Provide a timely response to all GPPC emails seeking input, comment, and opinion.
- Volunteer for at least one extra assignment each year/commit to fulfilling obligations in a timely fashion.
- Bring relevant issues and ideas to the attention of the GPPC, such as:
  - subjects for Position Statements and White Papers
  - subjects for public policy-related sessions at the Annual and Section meetings
  - opportunities for collaboration between the GPPC and other GSA committees or divisions
  - ways to encourage and monitor use of GPPC work product
  - ways to communicate GPPC issues and activities to GSA members and solicit input
  - ways to enhance GSA’s position/recognition in the public policy dialog
  - ways to encourage engagement in the public policy dialog by GSA members

For the new GSA Geology & Society Division GPPC member, all of the responsibilities above apply as well as:

- Commit to an active program of communication with Division officers and members by bringing G&S Division issues and perspectives to the GPPC, and vice versa.
- Draw on the G&S management’s public policy specialties for advice and consultation for a variety of public policy issues.
- Keep close track of G&S Division member’s specialty areas because many would be likely candidates to author position statements and white papers.
- Author highlights, from time to time, of GPPC activities in the G&S Newsletter.
- Encourage G&S members to openly participate in the public policy arena.
- Promote within the G&S Division the organization of public-policy related sessions at the Annual meeting and work with GPPC Section Representatives with organizing these sessions at Section meetings.
- Submit a brief written report on GPPC-relevant issues and activities within the G&S Division for inclusion with the briefing materials distributed before each GPPC meeting, and he/she will provide an oral report on relevant Division issues and activities at each GPPC meeting.

GSA will reimburse the G&S Division Representative on the GPPC for expenses incurred for the Spring committee meeting. However, GSA is grateful if those expenses can be covered via other resources (e.g., employer or a GSA section). The GSA will not reimburse for expenses that occur in relation to a meeting held during the annual meeting, because all GSA members are, hopefully, participating in those meetings as part of their GSA activity as members.

If you are interested in becoming a part of this very important GSA Committee, please contact Sue Halsey, Chair of the G&S Division, at sdhalsey@aol.com.

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**Solicitation - G&S Division Seeking New Officers**

Two new officer positions of the G&S Division will be open this coming year:

- Second Vice-Chair (open annually)
- Secretary-Treasurer (open every other year).

Please consider running for office in the Division. Elections will occur at the end of March, as compared to the late summer as has been done previously. If you are interested in running, please contact Sue Halsey, Chair of the G&S Division at sdhalsey@aol.com.
A Case of Nothing Ventured, Nothing Gained…. Reflections on Judge John E. Jones’ 2006 G&S Division Distinguished Lecture

Right after the G&S officers heard that a federal judge, John E. Jones III, had ruled against the Pennsylvania school board in the Intelligent Design case, we mused during one of our Management Board teleconferences whether or not judges ever speak about their rulings in a public forum. What a wonderful prospect he would be for our Distinguished Lecture series at GSA, since we had just come out of an informative Salt Lake City meeting where the symposia and sessions on ID (Intelligent Design) had been very well attended. However, as none could recall ever hearing about a judge coming forward, most of us were highly skeptical about the possibility. However, when we questioned how we would even contact a judge, Tom Evans, our Secretary/Treasurer offered to talk to his son-in-law who is a lawyer. I offered that there are usually “big books” that have addresses of judges in them, and other lawyers probably have access to this information.

Lo, and behold, the next time we talked together…didn’t Tom have an address, and coached with the proper protocol from his son-in-law, we encouraged him to write on our behalf, and at least broach the subject. It was a case of “nothing ventured, nothing gained.” By that time, we had read Judge Jones’ comprehensive 139-page ruling in Kitzmiller v. Dover, and not only were we impressed with the scope of it, we also detected someone more than a little well-versed in geologic principles. It just so happens we learned that back in the mists of time at Dickinson College, Judge Jones took Geology 101 with Dr. Noel Potter, now Professor Emeritus!

We then learned that Judge Jones would indeed come to Philadelphia to speak to us, and he was also speaking to other groups: the National Executive Committee of the Anti-Defamation League and commencement at Dickinson College to name only two. He was speaking in public because he was troubled: troubled by the reaction he received from the political activists who claimed he had betrayed those who appointed him; that he “owed his position as a federal judge entirely to the evangelical Christians who pulled the lever for George W. Bush” and that he “stuck the knife in those who brought him to the dance” by ruling against ID in the case.

It was easy to see why the evangelicals were expecting one for the “home team,” because it wasn’t that Judge Jones was a political neophyte. Indeed, before being appointed to the bench, he was an active Republican. He had been involved in politics for decades, even serving in the administration of Republican Governor Tom Ridge, a good friend. The now judge was even touted as a potential candidate for governor himself back in those days. After his ruling, he was being excoriated as an “activist judge,” or “the Bush-appointed Republican Judge,” an appellation he thought had become his new name.

But as he explained to the standing-room-only audience in Room 105-AB of the Pennsylvania Convention Center after a long day of talks, many people, including more than a few folks in this room, needed a refresher course in their high school civics lessons about the American judicial system—how it works, and doesn’t work. The judge emphasized that the role of an independent judiciary and the Rule of Law, which is so fundamental and so embedded in our system of justice, “is not a conservative
or a liberal value. Rather it is an American value, and we must have confidence that the Rule of Law rests entirely at any given point in time on the character and integrity of the individual American judge and on that judge’s absolute commitment to fairness and impartiality.”

Hesitant at first to speak before a scientific group, he quipped, “Remember, I am a federal judge who although has a good, broad-based liberal arts education from Dickinson, took geology almost 35 years ago!” But we wanted to know how he came to his decision, what went into it, how he managed it—the background of it all. After all, it was a comprehensive, expansive opinion, 139 pages of reasoned thinking packing a one-two wallop 1) ID should not be taught in Pennsylvania schools, and 2) ID is unscientific (and another name for creationism).

So he took us through his saga, recalling with some amusement that he heard about this case being filed in his jurisdiction on the way to work in the morning on talk radio, and his ears pricked up because he wondered who would be assigned to this case, and then admitted that although he thought of himself as pretty well read and generally worldly wise, at that moment, he had no earthly idea what intelligent design was! Minutes later as he checked his computer for judicial assignments, he saw the case, and it had next to it: JJ. It was his, and he thought, I better learn what intelligent design is now! And he sure did…but admitted he had no idea whatsoever what he was in for, or how much media attention this case would draw, not only in this country, but also throughout the world.

Pre-trial proceedings with the parties for settlement purposes went nowhere, and then he knew the sides were intransigent, and ready for a fight. Even though the ID mavens weren’t particularly happy about this case being their flagship case…it had been enjoined now, and they were obligated to give it their all. It was September of 2005.

The first day of the trial, as he came up to the courthouse he was amazed to see hoards of TV satellite trucks with piles of spaghetti wire and correspondent set-ups parked on the street and grass surrounding the building. Judges go into their courtrooms the back way, shielded from the frenzy in the corridors and stairways, and he relayed that he was quite dismayed when he entered the courtroom (“All rise…”) and climbed the dais: There sat representatives of the national media outlets like Jake Tapper of ABC News and the other networks’ equivalents, sketch artists in the front row poised over their pads, other media folk filling the jury box and an absolutely packed courtroom. Oh, he said in his head, it’s going to be a wild ride. But thankfully, things settled down quickly to the familiar rhythms of trying the case.

One of the first things was to hear from a number of experts in the fields of biology, paleontology, and science in general, all needing to be properly vetted, and then numerous lay witnesses also testified. All this information was to give him background to make his decision. Then he gave us a quick sprint through the legal issues, and framed the dispute:

1. This was an Establishment Clause challenge, the parents said there was a clear religious purpose to the Board’s policy. It was his duty to find the facts, look at the history and policy itself, and determine whether or not it violated two important long-standing tests: the Lemon and Endorsement tests. These tests direct us in the determination of whether an act by a government entity, (this being the Dover Area School Board), violates the Establishment clause. Judges are constrained by their responsibility to interpret precedents that constitute the settled law of the United States. And of course he found that the Board’s policy did violate these tests: 1) there was evidence of clear religious intentions going back two years; 2) singular lack of understanding as to what ID was; and 3) copies of the textbook, “Of Pandas and People” had been donated to the library after collections were sought for this purpose in a local church.

However, the Judge thought the seminal finding of the case was the question, “Is ID science?” Of course he found that it was not,
and he mentioned that he was not compelled to reach that area, but he did, even though both parties asked him to do so in their submissions, and it was argued in the courtroom. But he did it because it was absolutely essential to the question of whether the Board’s actions constituted an unlawful endorsement of religion. If he had found ID to be plausibly good science, then there would be no problem introducing it into a 9th grade biology curriculum. But at the end of the day, he found that ID could not uncouple itself from its creationist, and thus religious, antecedents. Of course this caused a howl of criticism of his opinion: How is a federal trial judge equipped to decide what is science? Why should he do that? And how dare he do that! But he added quickly, that federal trial judges do this each day in court, using Daubert v. Merrell Dow, the watershed case from the Supreme Court which allows judges to be “gatekeepers” on these issues using the tests contained therein.

Thus, he applied Daubert to decide that ID was not science: finding that ID was not testable, in that it relied on the existence of a “supernatural being.” There was a dearth of research on it, and to the extent that any existed, it was not particularly credible. Acknowledging that not all scientific propositions are testable, he continued: He also found that ID was not accepted scientific theory as its proponents had failed to publish in peer-reviewed scientific journals. Nothing, he added, could be found in scientific and medical electronic databases that supported a biological or indeed any, scientific concept of ID. Interestingly, this was actually confirmed by the leading ID witness at trial, Dr. Michael Behe.

Not willing to stop there, he went further: He examined ID against the backdrop of yet another prong contained in Daubert—the General Acceptance area. This was a straightforward analysis, and perhaps the easiest to apply. In doing so, he found that an overwhelming number of respected scientists, and every scientific association that had spoken to on the matter, had rejected the ID proponent’s challenge to evolution: National Academy of Sciences, AAAS to name a few. He took pains to detail these exhaustively in his opinion. And why did he do such an exhaustive opinion? Because he said that he wanted to make it very clear, without any areas that might appear to have “wiggle room,” that he did NOT want this to come up again in his jurisdiction. Not only due to the time and energy it took, but also because of the enormous cost to the local taxpayers of this, and perhaps other school districts, in Pennsylvania. Stop it cold right here and now….

He concluded by reiterating the need for all of us to understand “civics” and the workings of the judiciary…the meaning of Judicial Independence, noting the role of precedent and the Rule of Law. The criticism from the right wing commentators such as Phyllis Schlafly, Rev. Pat Robertson, Ann Coulter, and Bill O’Reilly (author’s note: O’Reilly claims he is a lawyer) that he wouldn’t win one for the “home team” was particularly worrisome to him, since they glibly overlooked the role of precedent, that is, he had these carefully crafted tests (Lemon and Endorsement) that he HAD to apply. There was no discretion there. He couldn’t make up his own test! Nor could he make up his own facts or gloss over those that were apparent from the trial record. This is what judges are supposed to do everyday, and to be vilified by the press and the punditry for their decisions as “activist” judges is clearly not what they do at all. He also did not appreciate the death threats he and his family got after the decision. The US Marshall Service provided protection for him and his family for a time, and he said, “To have my wife accompanied by a federal Marshall to walk the dog on Christmas Eve, was quite a sad situation.”

So why, he asked, does this continue? Because everyday folks do not understand enough about how judges work. Federal judges are not political, they do not curry favor with any political benefactors, and they call them as they see them. He encouraged us to read up on our system of justice, but to not rely on “soundbite”-driven punditry, so that we do not continue to foment a certain civic stupidity in our students and citizens. Our Constitutional Framers intended and carefully crafted a system of government where the legislative
and executive branches were directly responsive to the people, but the judiciary was not. Rather, the judiciary is responsive to the LAW and the CONSTITUTION, and is designed as a bulwark against implementation of the popular will to the extent that it conflicts with either. Thus, Judge Jones concluded that he did what he believed the Framers, and our Founders intended for federal judges to do in deciding cases of this type, and he was proud of his work. He realizes, of course, that history is written well after the fact, and he hoped that this decision will survive the test of time.

As he concluded and stated that he was happy to take questions, the applause started, and grew to a thunderous roar, and I turned around to see the entire audience coming to their feet to give him a standing ovation as they cheered quite wildly. The hairs on the back of my neck stood straight out…wow, I’m SO glad we ventured out to reach him!! And we presented him with a pen holder mounted on a slab of fossiliferous Lexington Limestone of Middle Ordovician Age, estimated at 475 million years old, that was collected near Clays Ferry on the Kentucky River in Kentucky. We knew that the Judge caught the irony.

By Susan D. Halsey, Chair, Geology & Society Division

Sources: Judge Jones own lecture notes, and decision; own article in The Patriot-News (Harrisburg, PA), March 26, 2006; article: “Geologists applaud an intelligent decision about intelligent design” by Sarah Everts, in Chemical & Engineering News, November 27, 2006; and article by Stephen G. Gey, Professor of Law, Florida State College of Law, Forum, University of Pittsburgh School of Law, December 29, 2005.

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AAAS Symposium Notice - The Science and Ethics of a Culture of Sustainability

At the Annual Meeting of the AAAS in San Francisco on February 19, 2007, from 9:15am-12:15pm, there will be a symposium, originated by the Critical Issues Caucus’ Paul Reitan, Professor Emeritus of the University of Buffalo, along with Professor Mary Evelyn Tucker of Yale University. The title of the symposium is: “The Science and Ethics of a Culture of Sustainability”. All relevant sections of the AAAS are sponsoring the symposium, as well as the National Committee and the Critical Issues Caucus. Speakers will be:

Jane Lubchenco, “The Decade of Choice”
Elliott Norse, “Ethics and Sustainability in the Largest Ecosystem on Earth”
Stephen Schneider, “Is Climate Change More of Ethics than an Economics Challenge?”
Richard Norgaard, “Moving from Unsustainable Prices to Sustainable Values”
Ronald Engel, “Can We Speak Meaningfully About a New Covenant with Nature?”
Mary Evelyn Tucker, “The Emerging Alliance of Religion and Ecology for Sustainability.”