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November 16, 2004

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The Honorable Clarence Cooper
U. S. District Court - Northern Georgia
75 Spring Street, SW - US Courthouse #1721
Atlanta, Georgia 30303-3309

Re: Cobb County Georgia Science Text Book Disclaimer Case

Dear Judge Cooper:

Please accept this as an amicus curiae brief. Because of the considerations I listed in the motion to be allowed to file this brief, I can think of no way to present it other than in letter form.

About one year ago, I came into possession of a fascinating book entitled "Icons of Evolution, Science or Myth." There is no religion in this book. It is written to appraise the evidence for the claim that evolution is a fact by examining the ten most given arguments in biology text books used in high schools and at the freshman level of college. The author is Jonathan Wells, who has a Ph.D. from the University of California - Berkeley in molecular biology. He is a scientist and basically takes his position based upon statements made by evolutionists who are leaders in the field of biology.

Dr. Wells has another doctorate from Yale in religious studies. However, I know that you know that the reputation of the Divinity School at Yale is anything other than that of a fundamentalist institution. Dr. Wells is not a fundamentalist and neither am I.

I am enclosing a copy of the Table of Contents of this book. There is also a quotation as a frontispiece from Stephen Jay Gould, from his book "Wonderful Life," published in 1989. Until his recent death, he was considered the leading evolutionist in this country. In "Wonderful Life", he said that the Tree of Life proposed by Darwin must be turned upside down. Darwin proposed that life started in a small number of forms and branched out into a large number, in the form of a tree, with a narrow trunk and wide-spreading branches. Dr. Gould stated that an examination of the fossil record proves that this illustration must be abandoned and a new Tree of Life in reverse form accepted in its place. In the last 15 years, this has become a well known proposed change among leaders in the field of evolution, and Dr. Wells quotes several of them. He does not quote

Dr. Gould, but Dr. Gould said that in *Wonderful Life*. He said that the fossil record shows that life appears in abundant forms quickly, almost as an explosion, and then 94% of the life forms revealed by the fossils disappear because of extinction. Therefore, what actually happens is that the number of life forms decreases, rather than increasing, as proposed by Darwin's "Tree of Life." This is fully discussed in Chapter Three of Dr. Wells' book.

Dr. Wells also discussed the Miller-Urey experiment, which must be abandoned because later research determines that they had the wrong assumption about the composition of the early atmosphere. They used an electrical spark to create amino acids in what they thought was the early atmosphere of the earth. It is not proof of anything. They were wrong about their assumption of the early atmosphere. That is in Chapter Two.

He discusses Homology In Vertebrate Limbs in Chapter Four. He attacks the usual reasoning on this subject by showing that the reasoning is in fact circular. In debating, we call it begging the question, that is, assuming the truth of that which is to be proved. His argument is most convincing.

In Chapter Five, he discusses Haeckel's Embryos. It seems that Haeckel drawings have been found to be nothing like the way embryos actually look. He apparently just guessed at their appearance. The use of these drawings in texts today is essentially a fraud.

In Chapter Six, he discusses Archaeopteryx - The Missing Link. This fossil is apparently the earliest known undisputed bird. It is offered by evolutionists as a missing link. Dr. Wells shows that there are too many structural differences between archaeopteryx and modern birds for the latter to be descended from of the former. He quotes the University of Canada Paleontologist, Larry Martin, as saying, "Archaeopteryx is not ancestral for any group of modern birds." He declared it to be an extinct bird. In 1996, Paleontologist Mark Nirell of the American Museum of Natural History in New York, called this fossil "A Very Important Fossil" but added that most paleontologists now believe that it is not a direct ancestor of modern birds. The texts in use today, at least most of them, still teach the missing link assumption as the truth.

Dr. Wells also discusses the "just so stories" that evolutionists tell about the origin of flight. They are also guilty of telling "just so stories" about the evolution of the first eye, which they simply cannot explain. Neither can they explain why the human brain has ten times the capacity anyone ever uses. Darwinian theory points to the evolution of a brain sufficient for survival, not ten times that capacity.

Nor do evolutionists explain why the human body has four parathyroid glands. One is enough, if the other three are lost. In one year's time, the gland which is left produces as much hormone as the four originally did. The only reason for there being four that has been proposed that makes

any sense is that the intelligent designer knew that someday the subtotal thyroid operation would be performed, which in fact began to happen in the Nineteenth Century. The Parathyroids sit right behind the thyroid. If a subtotal thyroidectomy is done, this would necessarily take three parathyroids with it. The two generally accepted methods of surgery both try to ensure that one parathyroid will be left, because in one year's time, it will produce the same amount of hormones as the four originally did. This cannot be explained by an evolutionary principle of any kind. It is one of the fingerprints the intelligent designer left on the human body from his design of it. It is not an accident.

A good book just published by Quality Paperback Book Club is "The Architecture and Design of Man and Woman, The marvel of the human body, revealed." The author is Alexander Tsiaras, text written by Barry Werth. I suppose that means the first named person took the pictures since the text was written by Mr. Werth. The pictures are magnificent. They show in a vivid way the extreme complexity of the human body. I just received this book and have not read it. It came today. However, without reading it, having scanned some of the pictures, I am sure it would shed great light on the extreme complexity of the human body and would explain why so many of my MD friends insist that the human body is a design and not the product of an accident or a series of accidents.

The Peppered Moths are another icon of evolution. I refer you to Chapter Seven of Dr. Wells' book, which reveals that those moths were nailed to trees for the pictures to be taken. The whole experiment was a fraud. This icon should be removed from the texts, but it has not been removed, at least from most. At best, the peppered moth only would show microevolution even if the experiment had been done honestly.

Darwin's Finches, another icon, illustrate the difference between microevolution and macroevolution. Evolutionists generally argue from microevolution and try to prove their case that macroevolution exists. I know no educated or intelligent person who understands the difference between the two who denies that microevolution, that is small changes within a particular kind of animal, does take place. Wolves become dogs. Dogs become both large and small but there are genetic reasons that they can be no smaller than a certain size and no larger than a certain size, and they do not turn into anything but dogs. Likewise, the Darwin finches. Depending on the food supply, the shape of the finches' beaks changes, so as to cause the survival of the ones with the best shaped beaks to live on the present food supply, whatever it is. The species alternate between six and fifteen and back again There is as much devolution as there is evolution. Consequently, the finches are not even evidence for microevolution, except you might say microevolution takes place for a time, and then turns into devolution, and then it reverses again, back and forth, just like the stock market. That is in Chapter Eight.

Chapter Nine takes up the four-winged fruit flies, another icon. These are called icons by Dr. Wells because they are put in all the texts the high school students and freshmen college students see, as if they were absolutely true and therefore prove that evolution is a fact. The two extra wings that the fruit flies can be bred to have, are useless. They do appear, but they do practically nothing. Furthermore, in two or three generations they disappear again, so this can hardly be called evidence for a permanent change of an evolutionary nature. If it is evidence of any kind of evolution, it would be microevolution, because the creatures remain fruit flies at all times.

Chapter Ten discusses Fossil Horses and Directed Evolution. The chapter also discusses whether there can be a significant number of beneficial DNA mutations. The same chapter also discusses the evolutionary argument that things that appear to have been designed are not really designed, but only appear so. This chapter is too complex to summarize in a short paragraph. However, Dr. Wells considers his discussion of this material to have taken it out of the class of an icon. It may be more debatable than some of the other things already mentioned, but I would refer you to the book if you can find a copy. If you cannot find a copy and you want to read it, I will lend you my copy.

In Chapter Eleven, he discusses "From Ape to Human: The Ultimate Icon". Again, the chapter is not readily summarized in a couple of sentences. There are certainly great differences between apes and human beings. The brains are quite different. There is no speech mechanism in any ape which allows that animal articulate speech. Man has the kind of brain which has three billion cells and four trillion (not a misprint) electrical connections. I have been a radio amateur for 54 years. I especially appreciate the extreme difficulty, nay impossibility, of man creating anything as small as a brain with four trillion electrical connections. I absolutely deny the possibility that those electrical connections took place accidentally or by random mutations. The odds against it are not even odds. There are no odds. Intelligent design is the only sensible explanation.

The same things can be said for the human genome. The Associated Press reported that if the human genome were printed out on letter size paper, the stack of paper would be higher than The Washington Monument! That is a lot of information to get into the cells of the human body, but most of the cells in our body have access to just that much information in our DNA. Three billion bits of information is quite a lot to have happened by accident, especially when there is "apparent design". The rational mind would say there is design, not just the appearance of it. Mutation is not a rational explanation either. This many electrical connections and the presence of so much information in the human genome can be explained only by intelligent design.

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His Twelfth Chapter, Science or Myth". Again, that chapter is worth reading and is hard to summarize in a couple of sentences.

In Appendix I, he evaluates ten recent biology textbooks. In Appendix II, he suggests warning labels for biology textbooks.

In short, the book of which I speak is on the very same subject matter as the Cobb County lawsuit, and it is written by a well qualified molecular and cell biology PH.D.

The book sells for \$27.95 and I bought it in a Birmingham book store - not a religious book store. The publisher is Regnery Publishing, Inc., An Eagle Publishing Company, Washington, DC. The Copyright was in 2000. I am xeroxing the material on the cover for you.

If you do want to borrow my book, I would like to have it back in thirty days, as I have to write a review of this book sometime in the next two or three months. I think it qualifies as a learned treatise and can be judicially noticed per Rule 803(18). The qualifications of the author are stated on the book cover and they do qualify him to express the opinions he expresses, which are certainly expert opinions.

There are other authors of repute you might want to investigate. Dr. Hugh Ross has a Ph.D. in astronomy and he resigned as a Cal Tech astronomer to become an apologist for the intelligent design side of the argument. He has written several books on intelligent design, using scientific evidence, especially that based upon the Big Bang hypothesis. He has a website entitled Reasons to Believe.org. You will be interested if you visit that website to find that there are 156 astronomical numbers which must be within 1 percent for life to exist on earth. This is strong evidence of special design of the earth which in turn strongly implies special design of life on earth.

I myself own a book by a British astronomer about just six of these numbers (entitled "Six Numbers" and purchased from the Book-of-the Month Club). It has no reference to religion. Both Ross and the British author believe that earth is apparently designed for life as we know it. A few of Dr. Ross's numbers include the size of the sun, its distance from earth, the fact that we have a moon, the size of the moon, its distance from the earth and even the orbit of Neptune.

Ross's thesis is the fact that those 156 numbers have to exist for life on earth to exist is total statistical proof that this is a matter of design. Dr. Phillip Johnson, a retired law professor from Cal-Berkeley and one of the editors of Touchstone Magazine, is the best-known debater on the side of intelligent design. He does not claim to be a biological expert but he does claim to be an expert on evidence. He can be found on the internet as can Touchstone Magazine. Dr. Johnson's

favorite argument is that there are three billion bits of information in the human genome, and 30 thousand to 38 thousand genes in that same genome and that all of this shows the human body could not be an accident or the result of a combination of accidents because this is just too much information to be explained that way.

An issue of U.S. News and World Report within the last two years had articles on both evolution and intelligent design. That issue can probably be located quickly on the internet and it is interesting that one of the proponents of intelligent design teaches at Brown University. The news article mentioned Kenneth Miller of Brown University as being opposed to this disclaimer. I assume that he is not the person mentioned in the U. S. News and World Report but both teach at Brown. The article did name the man.

There is a Ph.D. named Bishop with The University of Alabama, Tuscaloosa, Alabama. He was ordered by the University to quit teaching about the internal evidence of intelligent design within the human body. I ruled he had the right to teach it. There are other teachers, at the University of Alabama, teaching atheism and evolution and I cannot understand why he could not teach the evidence for the other side of the debate in an institution devoted to searching for the truth and teaching students to do so. I got reversed by the Eleventh Circuit in that case (*University of Alabama v. Bishop*). The case actually held that professors in a university do not have the academic freedom to teach both sides of an argument when the university says not to. The 11th Circuit's opinion was strongly criticized by the Law Review of Loyola University at New Orleans and possibly two or three other law reviews. The ACLU and the AAUP did not come rushing to Dr. Bishop's defense as they would have had he been either an atheist, an evolutionist, or both.

I believe that Doctors Ross, Wells, Bishop and Johnson would be delighted to give depositions or appear for trial, if you would consider reopening the record. I offer this because I know you want to be fair. I believed in evolution for half of my life until I carefully studied the evidence like Phillip Johnson. I have recently been studying the human body and it is full of evidence of intelligent design just as Dr. Bishop taught until he was stopped. Incidentally, I know several MD's in Birmingham who accept ID instead of evolution because of the huge amount of evidence of design in the human body. The Wells book is especially valuable for distinguishing microevolution from macroevolution. Microevolution (such as genetic changes in dogs from interbreeding, or small changes in the beaks of Darwin's finches) is not denied by anyone, as far as I know. Darwin's finches evolve and devolve constantly between 6 and 15 species - they remain birds and in fact finches, despite this process of change, which is evidence for devolution as much as it is for evolution. Evolutionists rarely are honest enough to distinguish microevolution from macroevolution (i.e. evolution of all life from one ancient amoeba or man from lower animals).

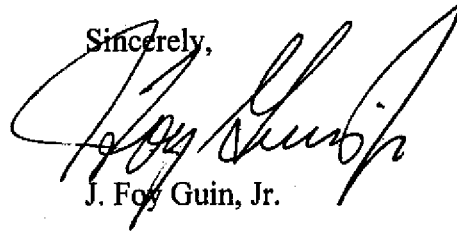
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It is disturbing to me that Dr. Gould proposed in 1989 the absolute necessity of reversing the Darwinian Tree of Life, but never did anything to get the authors of textbooks to change their books to reflect this. If these authors are really qualified to write textbooks, they should have found out within the last fifteen years that a large number of paleontologists have come to agree with Dr. Gould. This should be reflected in the text books. A warning that all of these icons should be critically tested by the students seems very appropriate to me. If someone had not critically tested Newton's theory of physics, we would not have modern particle physics and quantum mechanics. The reaction of evolutionists to any cogent argument is always a diatribe of abuse heaped on him who makes the argument, equating him with a member of the "Flat Earth Society." Abuse does not answer an argument.

I believe there is real content in this book and I believe that the disclaimer is very mild indeed in suggesting that each student critically consider all the tenets of the doctrine submitted to him as absolute fact.

I wish you the best in arriving at a just decision. If you have elected to consider what I have written, I thank you for it.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Foy Guin, Jr.", written in a cursive style.

J. Foy Guin, Jr.



ICONS OF EVOLUTION SCIENCE OR MYTH?

How much of what we teach about evolution is wrong

What some biologists know... and are not telling you

In this shocking book, Berkeley-educated doctor of biology Jonathan Wells lets you in on scientific discoveries you won't learn about from college and high school textbooks—and reveals a dirty little secret known only to some of his fellow biologists.

The best-known "icons" of evolution—from pictures of apes evolving into humans, to comparisons of fish and human embryos, to mouths on tree trunks—are false or misleading. For decades, biology students have been taught things about evolution that are simply untrue.

These icons of evolution appear even in the most recent textbooks, although the scientific literature is full of evidence that they are false. Apparently, dogmatic promoters of Darwinian evolution fear that without these icons public faith in their claims will disappear, so they knowingly misinform our children and suppress scientific evidence.

In Icons of Evolution

Jonathan Wells reveals:

- How the textbook version of the origin of life assumes the exact opposite of what scientists now believe was the environment on the early Earth
- How scientists have long known that drawings supposedly showing similarities between fish and human embryos were faked, yet continue to use them as evidence for evolution
- How Darwin's theory of natural selection is illustrated with staged photographs showing mouths on tree trunks, where they don't actually rest

JONATHAN WELLS

with illustrations by Jody Sjogren

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"The iconography of persuasion strikes even closer than words to the core of our being. Every demagogue, every humorist, every advertising executive, has known and exploited the evocative power of a well-chosen picture....

But many of our pictures are incarnations of concepts masquerading as neutral descriptions of nature. These are the most potent sources of conformity, since ideas passing as descriptions lead us to equate the tentative with the unambiguously factual."

—Stephen Jay Gould, *Wonderful Life*
(New York: W.W. Norton, 1989, p. 28)