

Fake evidence: and it's not in politics

Fake Evidence: A look at evolutionary evidence for over 90 years in the court cases from Scopes to Kitzmiller

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Former science teacher Ron Milliner documents the fact that much of the evidence used to support evolution presented during the recent American creation–evolution trials is wrong or, at best, very problematic. He begins by reviewing the Scopes trial (1925), now one of the best-known court cases in American history (figure 1). As an illustration of its notoriety, the movie, based on a play about the Scopes Trial, *Inherent the Wind*,¹ was rated number two in a recent list of the *Five Best Movies on Science and Religion*, compiled by National Public Radio (p. 14).

Milliner shows that all of the arguments that evolutionists used in the Scopes trial testimony are now recognized as erroneous, including vestigial organs, the Piltdown man, and the ontogeny–phylogeny arguments of Ernst Haeckel. The scientists' vestigial organ argument as part of the Scopes trial was as follows:

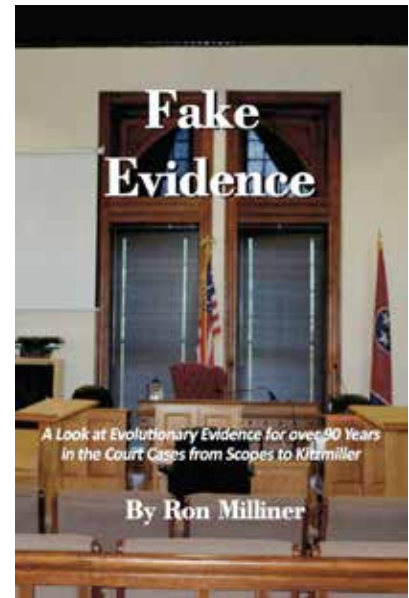
“There are in man, for example, very many structures of no conceivable present use, but showing resemblance in every other animal which are useful. The appendix vermiformis is one structure” (pp. 18–19).

The over-100 examples of other vestigial structures have now been fully refuted by the peer-reviewed scholarly journals.²

Those testifying in the Scopes trial included several of the leading scientists of the time, including University of Chicago anthropology professor Fay-Cooper Cole and Johns Hopkins University zoology professor Maynard Mayo Metcalf, the latter of whom was the only professor to testify on the stand. The rest of the scientists had to submit their testimonies in writing. These were then read into the trial record for the appeal, which the ACLU knew was the next step to achieving their goal. Their plan was to ensure that only evolution was taught, while all evidence against evolution, called ‘back-door creationism’, was not (p. 16).

A scientist's testimony being read into the record was to the scientist's advantage because this allowed them to avoid cross-examination, and they could carefully frame their case instead of attempting to extemporaneously stumble through it on the stand. Milliner gets at the heart of what the Scopes monkey trial case was essentially about in chapter 2—racism. The racist quotes in the biology text used by the school in the Scopes Trial case were clear and damning and would later be used by the Ku Klux Klan to support their unholy racist cause for decades.³

Typical of reviews is science writer Debora Mackenzie. In her review of the Scopes trial she makes no mention of the false arguments, and implies that the anti-evolutionists were ignorant, backward folks who had the audacity to oppose science fact.⁴ As Milliner documents, not only in the Scopes Trial but also in the other trial he covers, the Dover Intelligent Design Trial (*Kitzmiller vs Dover Area School District*, 2005), evolution blocks reason and the progress of knowledge. Fortunately, the creation worldview



moves forward in spite of the Darwinian impediments.

Milliner shows that every creation–evolution court case that has followed the Scopes trial, including the Dover trial, has followed the pattern set by the Scopes trial. This has produced the same or similar results, both in outcome and intent, even ignoring the problem of erroneous support for evolution.

One point Milliner documents is that a bench trial is no place to rule on evidence for evolution or creation. Most of the scientific arguments are far too complex for a layman such as John Edward Jones III, the judge in the *Kitzmiller vs Dover* Intelligent Design (ID) case. Another problem is the commonality of bias. Judge Jones was openly biased against creationism, even admitting that “This is a case that involved folks who really wore religion on their sleeve. And ... to my mind, that fired me up even more [against the ID view]” (p. 2). An example of the complexity is evolutionists using their claim that two of the middle ear ossicles (of the malleus, incus, and stapes) evolved from the jaw. To do this the evolutionists showed a set of artist drawings that appeared to show this transition. The pictures greatly impressed the judge, even though the

illustrations were based on conjecture taken from just-so stories, not direct evidence. None of the ID supporters involved in the case gave an effective response to this claim, thus the judge accepted this erroneous theory as valid.⁵ Nor was the problem of animal jaws changing into two of the ear bones challenged in court. A trial could be held on the ear bone evolution theory alone.

Intelligent Design confused with creation and religion

The Dover case was covered in detail, noting that one of the evolutionists' main arguments was that creationists wanted to redefine science by allowing supernaturalism into their discussions. Science, former young-earth creationist Brian Alters⁶ of McGill University stresses, is about what we can observe, ignoring the fact that the strict empirical method of what we can observe has proven Darwinism wrong by true science (pp. 54, 106, 113).

Typical of the comments plaintiff Tammy Kitzmiller made, when asked if "you feel you've been harmed by the action of the Dover" School Board was her response, "Absolutely. I feel that they have brought a religious idea into the classroom, and I object to that." Of course, religious ideas are regularly brought into the classroom, often indirectly, and sometimes openly. Instruction is not the concern of ID supporters, evolutionary indoctrination is. ID concepts, such as *complex*

specified information and *irreducible complexity* should have been mentioned to Tammy Kitzmiller, followed by asking her if *these* ideas, as well as similar ID concepts, were religious. As Milliner notes, those objecting to a religious idea being taught in a public classroom do not typically object to anti-religious information being taught in the public classroom (pp. 67–68). The concern mentioned by Milliner has given rise to the term *snowflake students*, persons censoring information because such students are overly emotional, easily offended, and unable to deal with opposing opinions.

Another example along the same line was the testimony of Aralene 'Barrie' Callahan, who testified, in the Dover trial, that

"Intelligent design is clearly religious. It's not my religion. I am very upset about the idea of a public school trying to influence my daughter's religious beliefs. And that probably is the most harmful."

To this response Milliner comments,

"How does she think the Christian mother who believes in creation feels when the public school tries to undo her daughter's religious beliefs who also believes in creation?" (p. 68)

As Milliner shows, the schools in America and other countries deliberately and openly indoctrinate students into a materialistic worldview and have no pretence of objective education by doing so except calling scientific critiques

against Darwinism 'religion' and scientific support in *favour* of Darwinism 'science', even if the support is erroneous.

The Dover case was essentially about placing a book titled *Pandas and People*⁷ in the school library so students could read it if they chose (p. 55). It was not about teaching creation or ID in a science classroom, but rather of allowing students to read the other side. The authors, Percival Davis and Dean H. Kenyon, have impeccable credentials and are both very successful authors and textbook writers.⁸ The hatred against *Pandas and People* is openly expressed on Amazon, with 60% giving the book one-star reviews. The reviews are replete with sarcasm and name-calling, showing that the clear majority of reviewers have not read the book.

References

1. For a detailed review, see Bergman, J., *Inherit the Wind: A Lesson in Distorting History*, *ARJ* 3:61–69, 2010.
2. Bergman, J., *Useless Organs: The rise and fall of the once major argument for evolution*, Bartlett Publishing, Tulsa, OK, 2019.
3. See Bergman, J., *Evolution is the Doorway to Atheism*, Leafcutter Press, Southworth, WA, pp. 77–93, 2019.
4. Mackenzie, D., Creationism special: A battle for science's soul, *New Scientist*, p. 9, July 9–15, 2005.
5. For a discussion of this claim, see Anthwal, N., Joshi, L., and Tucker, A.S., Evolution of the mammalian middle ear and jaw: adaptations and novel structures, *J. Anatomy* 222:147–160, 2013. Some of the problems with this theory are noted on Maier, W., and Ruf, I., Evolution of the mammalian middle ear: a historical review, *J. Anatomy* 228:270–283, 2016. See also Luo, Z., Chen, P., Li, G., and Chen, M., A new eutriconodont mammal and evolutionary development in early mammals, *Nature* 446:288–293, 15 Mar 2007 | doi:10.1038/nature05627. Editor's summary, An early look at mammals, *Nature* 446:270. Unfortunately, few creationists I am aware of have attempted to tackle this problem. One attempt is Cserhádi, M., Did the ear bones of mammals really evolve from the jawbones of reptiles? creation.com/mammal-middle-ear-bones, 2 Jul 2019.
6. See Bergman, ref. 3, pp. 9–12.
7. Davis, P. and Kenyon, D.H., *Of Pandas and People: The central question of biological origins*, Houghton Publishing Company, Mesquite/Dallas, TX, 1993.
8. Kenyon, D.H. and Steinman, G., *Biochemical Predestination*, McGraw-Hill, New York, 1969.



Figure 1. Clarence Darrow and William Jennings Bryan at the 'monkey trial' in Dayton, Tenn. in 1925