

APPENDIX III
TAB O

CONDENSED TRANSCRIPT

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TAMMY KITZMILLER,
et al.,

Plaintiffs

v

CASE NO. 04-CV-2688

DOVER AREA SCHOOL
DISTRICT and DOVER
AREA SCHOOL DISTRICT
BOARD OF DIRECTORS,

Defendants.

Oral deposition of JEFFREY
O. SHALLIT, Ph.D., taken at the law
offices of PEPPER HAMILTON LLP, 3000
Two Logan Square, 18th and Arch
Streets, Philadelphia, Pennsylvania,
on Tuesday, June 28, 2005, commencing
at 11:20 a.m., before Dianna R.
Pugliese, Registered Merit Reporter,
Certified Realtime Reporter,
Certified Shorthand Reporter (NJ),
and Notary Public, pursuant to
notice.



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2

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11
 12 ALSO PRESENT:
 13 Emily Pelham
 14 Director Assistant, Pepper Hamilton LLP

15
 16 (*Present from 1:46 to 2:24 p.m.)
 17
 18
 19
 20
 21
 22
 23
 24

4

1 COURT REPORTER: Any
 2 stipulations?
 3 MR. HOWARD: All objections
 4 are preserved, except as to the form
 5 of the question, and there are no
 6 stipulations that I'm aware of.
 7 MR. THOMPSON: Agreed.
 8 JEFFREY OUTLAW SHALLIT,
 9 Ph.D., having duly affirmed, was
 10 examined and testified as follows:
 11 EXAMINATION
 12 BY MR. THOMPSON:
 13 Q. Professor Shallit, my name
 14 is Richard Thompson. I'm one of the
 15 attorneys representing the Dover Area
 16 School District and the Dover Area
 17 School District Board of Directors in
 18 this lawsuit that has been filed in
 19 the Federal Court in Harrisburg. The
 20 lawsuit has been filed by several
 21 parents who attend the Dover Area
 22 School District.
 23 I will just ask you, first
 24 of all, are you familiar with any of

3

1 ROBERT ENDEX
 2 MAR.
 Shallit
 3 1 Expert Report under 22
 Federal Rule of Civil
 Procedure 26, Jeffrey
 4 Shallit, Ph.D., May 16
 2005
 5
 6 2 Federal Rule of Civil 36
 Procedure 26 Disclosure
 of Expert Testimony of
 7 William A. Dembski
 Ph.D., with handwritten
 8 annotations

9
 10 3 Federal Rule of Civil 73
 Procedure 26 Disclosure
 of Expert Testimony of
 11 William A. Dembski, Ph.D.
 12 4 Document entitled 113
 Pseudoscience for
 13 Anathem or Ten Ways to
 Tell the Real Scientists
 14 from the Fake Ones by
 Jeffrey Shallit

15
 16 EXAMINATION INDEX
 17 JEFFREY O. SHALLIT
 18 BY MR. THOMPSON 4
 19
 20
 21
 22
 23
 24

5

1 the plaintiffs, the parties that have
 2 brought the lawsuit against the Dover
 3 Area School District?
 4 MR. HARVEY: Before he
 5 answers that question, I'll just note
 6 you misspoke, Dick. It's not the
 7 parents who attend the School
 8 District, you meant the children of
 9 the parents.
 10 MR. THOMPSON: The children
 11 of the parents, correct.
 12 MR. HARVEY: It's a minor
 13 clarification, but, please.
 14 THE WITNESS: Could you
 15 clarify, do you mean do I know them
 16 personally, on a personal basis -
 17 BY MR. THOMPSON:
 18 Q. Yes.
 19 A. - or have I seen their
 20 names in print or -
 21 Q. Do you know them on a
 22 personal basis?
 23 A. No, I do not.
 24 Q. Do you know any of the



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<p style="text-align: center;">6</p> <p>1 attorneys representing the 2 plaintiffs, the parties who have 3 brought the lawsuit? 4 A. Again, you're asking do I 5 have personal knowledge of them? 6 Have I met them in person? 7 Q. Yes. 8 A. Steve Harvey I've met in 9 person. 10 Q. Okay. 11 A. Your colleague - remind me 12 his name. 13 MR. HARVEY: Eric 14 Rothschild. 15 THE WITNESS: Eric 16 Rothschild I've met in person. I 17 would -- I don't know that I know any 18 of the others. I would have to 19 refresh my memory by looking at the 20 Complaint with the list of lawyers 21 just to be absolutely sure. 22 BY MR. THOMPSON: 23 Q. Did you know these lawyers 24 prior to the lawsuit being filed?</p>	<p style="text-align: center;">8</p> <p>1 A. No. 2 Q. Do you know Witold Walczak? 3 A. No. 4 MR. HARVEY: Also goes by 5 Vic. 6 BY MR. THOMPSON: 7 Q. Vic Walczak? 8 A. No. 9 Q. Okay. Do you know a Paula 10 Knudsen? 11 A. No. 12 Q. Do you know a Richard B. 13 Katskee? 14 A. No. 15 Q. Alex J. Luchemitser? I'll 16 spell that, L-u-c-h-e-m-i-t-s-e-r. 17 A. No. 18 MR. HARVEY: Pronounced 19 Luchemitser. 20 BY MR. THOMPSON: 21 Q. Luchemitser, Okay. And 22 there are several other attorneys 23 involved in this lawsuit, and I don't 24 have their names readily available.</p>
<p style="text-align: center;">7</p> <p>1 A. Steve Harvey and Eric 2 Rothschild? 3 Q. Right. 4 A. No, I did not. 5 Q. Okay. Do you know any of 6 the lawyers that are involved in this 7 lawsuit, to the best of your 8 knowledge? 9 A. Could I look at the list? 10 Q. It's a long list. I don't 11 have a list of everyone. 12 A. Well, I can't answer -- 13 Q. Okay. 14 A. -- affirmatively or 15 negatively without seeing the list. 16 Q. Do you know -- you already 17 mentioned Eric Rothschild, and you 18 also mentioned Mr. Harvey. Do you 19 know a Joseph Farber? 20 A. No, I do not. 21 Q. A Benjamin Mather? 22 A. No. 23 Q. Okay. Do you know a Thomas 24 Schmidt?</p>	<p style="text-align: center;">9</p> <p>1 Have you ever participated 2 in a deposition before? 3 A. No, I have not participated 4 in a deposition before. 5 Q. Okay. Have you ever been 6 deposed in any kind of proceedings? 7 A. I have served as a witness 8 in a quasi-judicial hearing 9 regarding -- at the University of 10 Waterloo. 11 Q. And could you describe that 12 hearing? 13 A. It was a hearing to 14 determine whether another professor 15 should be fired. 16 Q. And you were a witness in 17 that case? 18 A. I was serving as the 19 professor's faculty colleague, and I 20 also served as a witness in that 21 case. 22 Q. How long ago was that? 23 A. Approximately three years 24 ago, but I would have to check to be</p>



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<p style="text-align: center;">10</p> <p>1 sure.</p> <p>2 Q. Do you recall the</p> <p>3 allegations that were at issue?</p> <p>4 A. They were allegations of</p> <p>5 sexual misconduct.</p> <p>6 Q. That case was handled at</p> <p>7 the university level, it didn't go</p> <p>8 into the criminal justice system?</p> <p>9 A. That's correct. It was an</p> <p>10 arbitration.</p> <p>11 Q. Okay. Professor Shallit,</p> <p>12 I'm going to ask you a series of</p> <p>13 questions dealing with your testimony</p> <p>14 as an expert witness, and also as a</p> <p>15 witness in the case.</p> <p>16 If at any time you don't</p> <p>17 understand the question or don't hear</p> <p>18 the question, please let me know and</p> <p>19 I will repeat it. And I want you to</p> <p>20 understand the question before you</p> <p>21 attempt to answer it. Do you</p> <p>22 understand that?</p> <p>23 A. I do.</p> <p>24 Q. Okay. If you respond to a</p>	<p style="text-align: center;">12</p> <p>1 reporter who is in the room with us.</p> <p>2 Do you understand that?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And you've already</p> <p>5 taken an affirmation that you will</p> <p>6 tell the truth, the whole truth, and</p> <p>7 nothing but the truth. You</p> <p>8 understand that?</p> <p>9 A. Absolutely, yes.</p> <p>10 Q. And you understand that at</p> <p>11 some point in this case, your</p> <p>12 testimony here may be introduced at</p> <p>13 trial? Do you understand that?</p> <p>14 A. Yes.</p> <p>15 Q. And you understand that</p> <p>16 it's important that you do the best</p> <p>17 you can to tell the whole truth and</p> <p>18 nothing but the truth? Do you</p> <p>19 understand that?</p> <p>20 A. Yes.</p> <p>21 Q. And that if at some point</p> <p>22 your testimony at trial is different</p> <p>23 than your testimony here today in</p> <p>24 this deposition, the deposition may</p>
<p style="text-align: center;">11</p> <p>1 question, it's important that your</p> <p>2 response be verbal, not merely a</p> <p>3 shrug of the shoulders, because the</p> <p>4 reporter has to take down verbal</p> <p>5 responses. Do you understand that?</p> <p>6 A. I do.</p> <p>7 Q. Okay. And if you don't</p> <p>8 know the answer to a question, simply</p> <p>9 state you don't know the answer</p> <p>10 rather than attempt to guess or</p> <p>11 speculate as to the answer. Do you</p> <p>12 understand that?</p> <p>13 A. I do.</p> <p>14 Q. If at any time you need to</p> <p>15 take a break, please let us know and</p> <p>16 we'll try to arrange for a break at a</p> <p>17 mutually convenient time, but</p> <p>18 hopefully not in the middle of a</p> <p>19 question. Do you understand that?</p> <p>20 A. Yes. Thank you.</p> <p>21 Q. Okay. So that you</p> <p>22 understand, all of the questions that</p> <p>23 I ask and all of the answers that you</p> <p>24 give are being transcribed by the</p>	<p style="text-align: center;">13</p> <p>1 be used at the trial. Do you</p> <p>2 understand that?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. So that you</p> <p>5 understand that if you respond to a</p> <p>6 question that I ask that I will</p> <p>7 assume that you heard the question,</p> <p>8 understood the question, and are</p> <p>9 responding to the question. Do you</p> <p>10 understand that?</p> <p>11 A. Yes.</p> <p>12 Q. Do you know anyone in the</p> <p>13 Dover School District?</p> <p>14 A. To the best of my</p> <p>15 knowledge, no.</p> <p>16 Q. Okay. Have you discussed</p> <p>17 this case with any of the current</p> <p>18 school board members?</p> <p>19 A. No.</p> <p>20 Q. Have you discussed this</p> <p>21 case with any of the parents who have</p> <p>22 sued the Dover School District?</p> <p>23 A. No.</p> <p>24 Q. Have you discussed this</p>



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<p style="text-align: center;">14</p> <p>1 case with any of the individuals who 2 are currently running for the school 3 district board? 4 MR. HARVEY: Objection. No 5 foundation that he knows of any such 6 election. 7 BY MR. THOMPSON: 8 Q. If you know, 9 A. I don't know who is 10 currently running. 11 Q. Okay. Now, would you give 12 me your full name for the record? 13 A. Jeffrey Outlaw Shallit. 14 Q. Okay. How do you spell 15 Outlaw? 16 A. It's spelled exactly the 17 same as the English word outlaw. 18 Q. And your date of birth? 19 A. October 17th, 1957. 20 Q. And where were you born? 21 A. Here in Philadelphia. 22 Q. Have you ever been 23 convicted or arrested for a felony? 24 A. No.</p>	<p style="text-align: center;">16</p> <p>1 in? 2 A. They are - they have just 3 finished fifth and third grade. 4 Q. Okay. I noted on your 5 report that you indicated you are a 6 United States citizen, but a 7 permanent resident of Canada? 8 A. That is correct. 9 Q. Could you define what that 10 being a permanent resident means? 11 MR. HARVEY: To the best of 12 his understanding? 13 MR. THOMPSON: Yes. 14 MR. HARVEY: As opposed to 15 the legal definition of permanent 16 resident? 17 BY MR. THOMPSON: 18 Q. Yes. 19 A. Yes, I want to emphasize 20 that I have no qualifications in 21 Canadian law and cannot describe 22 anything other than my personal 23 understanding. 24 Q. Okay.</p>
<p style="text-align: center;">15</p> <p>1 Q. Are there any physical 2 problems that you have today that 3 would prevent you from understanding 4 and recalling your expert report, or 5 recalling the facts surrounding how 6 that expert report was developed? 7 A. No. 8 Q. Are you married? 9 A. Yes. 10 Q. And what is your wife's 11 name? 12 A. My wife's name is Anna 13 Lubin - L-u-b-i-n. 14 Q. And how long have you been 15 married? 16 A. We've been married since 17 1989. 18 Q. Do you have any children as 19 a result of that marriage? 20 A. I do. 21 Q. And are they going to 22 school? 23 A. They are. 24 Q. Okay. What grades are they</p>	<p style="text-align: center;">17</p> <p>1 A. To the best of my 2 knowledge, a permanent resident of 3 Canada means someone who has passed 4 certain tests dealing with becoming 5 an immigrant in which their 6 background has been checked, and that 7 they have many of the rights, but not 8 all, of Canadian citizens. 9 Q. Is it your intent at some 10 point to become a Canadian citizen, 11 as we sit here today? 12 A. That's a question which 13 does not have a yes or no answer, I'm 14 afraid. I would happily become a 15 Canadian citizen if I could retain my 16 U.S. citizenship, and if it did not 17 require swearing allegiance to the 18 Queen, her heirs and successors. 19 MR. HARVEY: Off the 20 record. 21 (Discussion off the 22 record.) 23 BY MR. THOMPSON: 24 Q. Could you describe your</p>



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<p style="text-align: center;">18</p> <p>1 present employment for us, please? 2 A. University of Waterloo, the 3 School of Computer Science. 4 Q. And what is your job there? 5 A. I'm a professor. 6 Q. And how long have you held 7 that title at the University of 8 Waterloo? 9 A. Well, I was hired as an 10 associate professor in 1990, and I 11 was promoted to professor, I will 12 have to look at my vitae to know if 13 hopefully it says. In July 2000 I 14 was promoted to full professor. 15 Q. What's the difference 16 between the title associate professor 17 and full professor? 18 A. Well, there - in North 19 America typically there are three 20 ranks of professors: assistant, 21 associate, and full. A professor is 22 hired as an assistant professor, 23 newly starting out, typically. 24 After a period of typically</p>	<p style="text-align: center;">20</p> <p>1 such as formal languages, algorithms, 2 complexity-related courses. I've 3 taught graduate courses. So these 4 would be for master's and doctoral 5 students. So I've taught at all 6 levels. 7 MR. THOMPSON: I'm going to 8 introduce a copy of your expert 9 report that you've prepared under 10 Federal Rule of Civil Procedure 26. 11 I might ask, Steve, do you 12 have a clean copy with you? I've got 13 one that has just a few marks on it, 14 but - 15 MR. HARVEY: I could get a 16 clean copy. 17 MR. THOMPSON: Could you do 18 that, please? 19 MR. HARVEY: Sure. Off the 20 record. 21 (Discussion off the 22 record.) 23 MR. HARVEY: Dick, I don't 24 have a problem with you using this.</p>
<p style="text-align: center;">19</p> <p>1 six to seven years they can be 2 promoted to associate and, again, 3 typically with tenure. 4 And then after another 5 period of time in which they have 6 passed certain qualifications such as 7 having graduate students, producing a 8 lot of research that is well thought 9 of, then they can be promoted to full 10 professor. Not everyone is promoted 11 to full professor. 12 Q. And you indicate you are a 13 full professor in the School of 14 Computer Science. What kind of 15 courses do you teach? 16 A. I've taught a wide variety 17 of courses starting with the basic 18 courses such as courses in 19 programming, and then proceeding to 20 second-year courses such as data 21 structures. 22 I've taught third-year 23 courses such as theory of 24 computation, and fourth-year courses</p>	<p style="text-align: center;">21</p> <p>1 Let me just note the marks. 2 MR. THOMPSON: The marks 3 can be considered redacted as far as 4 the introduction of the evidence, 5 introduction at time of trial. 6 MR. HARVEY: There's some 7 highlighting on page one, the word 8 "mathematical." On page 13, the 9 items noted 20, 21 and 22 and 23 have 10 highlighting on them. 11 On page 20, under Articles 12 Submitted, item number 1 is 13 highlighted and the words "submitted 14 where?" are written. 15 On page 23, item number 10 16 is highlighted. On page 25, under 17 Book Reviews, item number one, the 18 words "Paul Gross" is highlighted, 19 and number five is highlighted 20 completely. 21 Other than that, there are 22 no marks on it, and I have no 23 objection to using this copy. 24 MR. THOMPSON: Please mark</p>



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<p style="text-align: center;">22</p> <p>1 it Shallit Exhibit 1. 2 (Exhibit Shallit-1 was 3 marked for identification.) 4 BY MR. THOMPSON: 5 Q. Professor Shallit -- 6 A. Yes. 7 Q. -- I've had Shallit Exhibit 8 I marked, which purports to be the 9 expert report that you provided in 10 this case. Would you please take a 11 look at it and see if that is 12 accurate? 13 MR. HARVEY: Accurate with 14 the exceptions that I noted. 15 THE WITNESS: (Witness 16 reviews document.) Yes, it is 17 accurate. 18 BY MR. THOMPSON: 19 Q. Thank you. When were you 20 first contacted regarding the 21 potential of being an expert witness 22 in this case? 23 A. I don't recall the exact 24 date. I believe it was within the</p>	<p style="text-align: center;">24</p> <p>1 A. In the areas of my 2 competence. 3 Q. And what is that? 4 A. Mathematics, generally. 5 More precisely, complexity theory, 6 Kolmogorov complexity, the work of 7 Dembski, since I've written papers on 8 that work, and pseudoscience and 9 pseudomathematics. 10 MR. HARVEY: Mr. Shallit, 11 for the benefit of the court 12 reporter, perhaps you could spell 13 Kolmogorov. 14 THE WITNESS: Yes, 15 Kolmogorov -- K-o-l-m-o-g-o-r-o-v. 16 BY MR. THOMPSON: 17 Q. When you were contacted by 18 e-mail, how long did it take you to 19 respond in an affirmative way? 20 A. I responded very quickly. 21 Q. Did you at that time 22 discuss the remuneration as being an 23 expert? 24 A. I don't recall that we</p>
<p style="text-align: center;">23</p> <p>1 last two or three months. 2 Q. The report that you filed, 3 I believe it was dated in May, May 4 16, 2005. Do you know if that helps 5 you try to pinpoint the date? 6 A. I don't remember the exact 7 date. It was a contact by e-mail, I 8 believe, and I don't have that in 9 front of me, so -- but it was -- to a 10 first approximation, within the past 11 two or three months. 12 Q. Okay. Do you know who 13 contacted you? 14 A. I believe it was Steve 15 Harvey. 16 Q. And do you recall what the 17 conversation was? 18 A. He asked if I would be 19 willing to serve as an expert witness 20 in this case. 21 Q. And did he indicate into 22 what areas? 23 A. The areas of my competence. 24 Q. Pardon me?</p>	<p style="text-align: center;">25</p> <p>1 discussed it at that time. 2 Q. Okay. Did you ever make a 3 decision that you were not going to 4 be paid to be an expert? 5 A. Yes. 6 Q. And what was the reason for 7 not asking for expert witness fees? 8 A. I believe -- 9 MR. HARVEY: I'm going to 10 object to the form of the question. 11 You can answer. Go ahead. 12 THE WITNESS: I believe the 13 case is an important one, and that I 14 have something to offer. 15 BY MR. THOMPSON: 16 Q. And how much of your time 17 did it take to prepare the expert 18 witness report, which is Exhibit 1? 19 A. Probably about 30 hours, I 20 would say. 21 Q. Now, when you agreed to 22 become an expert did you ask for 23 information regarding the lawsuit? 24 A. Could you -- could you</p>



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<p style="text-align: center;">26</p> <p>1 maybe rephrase it to make it more 2 precise? 3 Q. I'll try. At the time the 4 discussion of whether you were going 5 to be an expert or not occurred, and 6 then you agreed that you were going 7 to be an expert, did you ask for 8 information regarding the lawsuit 9 that was at issue here? 10 A. I asked for perhaps general 11 information, what I would be expected 12 to do, who would be testifying. 13 Q. Were you aware that 14 Professor William Dembski would 15 become an expert in this case - 16 A. Yes. 17 Q. - at that time? 18 A. Yes. 19 Q. Was that one of the reasons 20 why you wanted to testify as an 21 expert? 22 A. I -- I do -- I have 23 spent -- yes. 24 Q. What documents did you ask</p>	<p style="text-align: center;">28</p> <p>1 had when you prepared your report. 2 A. Sorry. Okay. 3 Q. Anything else? 4 A. I believe that's all. 5 Q. Did you have a copy of the 6 Complaint that was filed in the 7 lawsuit? 8 A. No, I did not. 9 Q. Okay. Did you have a copy 10 of the policy of the School Board 11 that was at issue in the lawsuit? 12 A. I believe I had read about 13 it in news reports. 14 Q. What you had read about in 15 the news reports was all that you 16 knew about the policy of the School 17 Board at the time you prepared your 18 expert report? 19 A. That's correct. 20 Q. Were there any other 21 documents that you had at the time 22 you prepared your expert report? 23 A. Could you be more precise? 24 Any documents -</p>
<p style="text-align: center;">27</p> <p>1 for or receive prior to preparing 2 your expert report? 3 A. I received -- let me 4 think. I have to think about exactly 5 what I received. I believe I 6 received this document, which is 7 Disclosure of Expert Testimony by 8 William Dembski. 9 Q. Okay. 10 A. Then as the testimony -- as 11 I prepared my testimony, other 12 documents were sent to me, including 13 this document, Rebuttal to Reports By 14 Opposing Expert Witnesses. 15 Q. By Professor Dembski? 16 A. By Professor Dembski, 17 correct. 18 Q. Okay. 19 A. And after I completed my 20 report -- 21 Q. Well, right now I'm just 22 interested in -- 23 A. Okay. 24 Q. -- your report, what you</p>	<p style="text-align: center;">29</p> <p>1 Q. Any documents at all? 2 Anything in writing? 3 A. I have a house filled with 4 thousands of books, so could you be a 5 little more precise about what you 6 want? 7 Q. Any documents that related 8 particularly to the lawsuit at issue 9 here. 10 MR. HARVEY: I'm going to 11 object myself. You want to know, 12 Dick, just to be clear, you want to 13 know documents that were provided to 14 him, or documents that he already had 15 in his possession? 16 And when you say in the 17 lawsuit, related to the lawsuit, do 18 you mean related to intelligent 19 design, or related specifically to 20 the lawsuit such as a pleading or 21 something or a deposition? 22 BY MR. THOMPSON: 23 Q. Any document, anything in 24 writing that dealt with --</p>



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<p style="text-align: center;">30</p> <p>1 particularly dealt with the lawsuit. 2 A. No. 3 Q. Okay. Did you receive any 4 information from attorneys regarding 5 the factual basis of the lawsuit? 6 MR. HARVEY: Objection. 7 You mean in conversation or in 8 writing? 9 BY MR. THOMPSON: 10 Q. Either way. 11 A. We had a meeting here where 12 we discussed aspects of Dembski's 13 claims. 14 Q. Okay. Who was at the 15 meeting? 16 A. Myself, Steve Harvey, 17 Wesley Elsberry, Eric Rothschild from 18 time to time. 19 Q. Who's Wesley Elsberry? 20 A. He is my coauthor on a 21 paper, two papers that I've written 22 about Dembski's work, one entitled 23 Information Theory, Evolutionary 24 Computation, and Dembski's Complex</p>	<p style="text-align: center;">32</p> <p>1 or did you break for lunch? 2 A. We broke for lunch. 3 Q. How long did you take for 4 lunch? 5 A. Approximately half an hour 6 to 45 minutes. 7 MR. HARVEY: For the 8 record, if it involves me, we always 9 break for lunch. 10 BY MR. THOMPSON: 11 Q. I would like you to be as 12 detailed as possible as to the 13 conversation that took place during 14 that meeting. 15 A. Could you tell me what you 16 would like me to be clear -- 17 Q. I'd like what were the 18 specific topics addressed, what were 19 the -- 20 A. I believe I already said 21 that. We discussed Dembski's 22 testimony, we discussed -- 23 Q. Okay. Well, stop right 24 there. What part of Dembski's</p>
<p style="text-align: center;">31</p> <p>1 Specified Information. And the 2 other, a chapter in this book, Why 3 Intelligent Design Fails. 4 Q. Now, who had invited 5 Mr. Elsberry to the meeting? 6 A. I have no personal 7 knowledge who invited him. I could 8 speculate. 9 Q. So what was discussed at 10 the meeting? 11 MR. HARVEY: You can answer 12 the question. 13 THE WITNESS: We discussed 14 Dembski's report. We discussed what 15 should go in an expert report, since 16 I'd never written one before. 17 BY MR. THOMPSON: 18 Q. How long did the meeting 19 last? 20 A. It started at 10:00 a.m., I 21 can tell you that with certainty, and 22 it ended probably approximately 23 4:00 p.m. 24 Q. Did it go straight through</p>	<p style="text-align: center;">33</p> <p>1 testimony? 2 A. His Federal Rule of Civil 3 Procedure Disclosure of Expert 4 Testimony document. 5 Q. Okay. Did you go through 6 the document page by page? 7 A. Yes, we did. 8 Q. Okay. And was your 9 coauthor -- what was his name again? 10 A. Wesley Elsberry. 11 Q. Was he involved in that 12 discussion as well? 13 A. Yes, he was. 14 Q. What did he add to the 15 discussion? 16 A. He's a biologist and I'm 17 not. 18 MR. HARVEY: I'm going to 19 object to the form of the question. 20 BY MR. THOMPSON: 21 Q. What did he say about 22 Dembski's report? 23 A. He took issue with various 24 aspects of the report.</p>



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<p style="text-align: center;">34</p> <p>1 Q. What aspects? 2 A. I will have to look at the 3 report to tell you. 4 Q. Be my guest. 5 MR. HARVEY: Just to be 6 clear, you're asking him to tell to 7 you everything that he can recall 8 that Wesley Elsberry said at that 9 meeting about Mr. Dembski's reports? 10 BY MR. THOMPSON: 11 Q. With regard to the reports. 12 A. We're going to be here a 13 long time then, I guess. 14 Q. Well, you start and I will 15 try to maybe make it more concise. 16 MR. HARVEY: I'm going to 17 have to instruct you, Mr. Shallit, 18 because you've been asked to - 19 obviously you can answer this 20 question and you need to provide 21 truthful testimony, take the time you 22 need to read the report and provide 23 this testimony, and to go through it 24 carefully.</p>	<p style="text-align: center;">36</p> <p>1 MR. THOMPSON: I'd like 2 this marked. 3 MR. HARVEY: I'm going to 4 have to get you a copy of that. 5 That's his copy of that, and I'd be 6 happy to get you a copy of that. 7 MR. THOMPSON: Sure. Let's 8 mark it right now as an exhibit, and 9 then we can switch. 10 MR. HARVEY: Sure, unless 11 you have any particular allegiance to 12 that copy. 13 THE WITNESS: I don't. 14 MR. HARVEY: Okay. 15 (Exhibit Shallit-2 was 16 marked for identification.) 17 BY MR. THOMPSON: 18 Q. Aside from your writings on 19 Shallit Exhibit 2, did you make any 20 other notes of that meeting? 21 A. I don't believe so. 22 Q. Did Mr. Elsberry make any 23 notes, that you're aware of, in that 24 meeting?</p>
<p style="text-align: center;">35</p> <p>1 THE WITNESS: I will have 2 to think about it. It was - the 3 meeting was a while ago, and it was a 4 six-hour meeting, so - 5 BY MR. THOMPSON: 6 Q. Did you make any notes? 7 A. I did make some notes. 8 Q. Do you have those notes? 9 A. The notes are just 10 annotations to this document. 11 Q. Do you have those notes? 12 A. Yes, they are right here. 13 They're not very informative. 14 Q. Can I see them? 15 A. (Document provided.) 16 Q. Were these notes made in 17 your handwriting? 18 A. Yes. 19 Q. And these notes were made 20 during the meeting that we've been 21 discussing? 22 A. No, some of them were made 23 prior to the meeting, and some of 24 them were made after the meeting.</p>	<p style="text-align: center;">37</p> <p>1 A. I don't know. 2 Q. Do you know if Mr. Elsberry 3 was intending to be a witness in this 4 case at the time of the meeting? 5 A. I can't speak about his 6 intent. I'm sorry. 7 Q. Did you discuss the 8 preparation of your report, your 9 expert report, with Mr. Elsberry? 10 A. We discussed aspects of 11 Dembski's testimony that would go in 12 my report, yes. 13 Q. What aspects were they? 14 A. Well, again, I'll have to 15 look at it. 16 Q. Okay. Go ahead. 17 A. I remember one thing that 18 we talked about, which was on page 19 three, "Design theorists take these 20 methods and apply them to naturally 21 occurring systems. When they do," 22 ellipses, this means that - I'm 23 inserting now - this means that 24 "they are the result of intelligence</p>



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<p style="text-align: center;">38</p> <p>1 and highly unlikely to have come 2 about by purely material forces." 3 And Wesley Elsberry pointed 4 out that Del Ratzsch said that as 5 opposed to intelligence, God must 6 have had a hand -- must have had to 7 do it. 8 I remember -- again, I'm 9 supposed to be talking about 10 everything we discussed during that 11 meeting? 12 Q. Well, I asked you a more 13 specific question -- 14 A. Okay. 15 Q. -- to try to focus your 16 attention on it. 17 A. Okay. Do you want me to 18 continue to try to -- 19 Q. Yes. 20 MR. HARVEY: And the 21 question is what do you remember 22 Mr. Elsberry saying at that meeting. 23 Is that -- do I understand? 24 MR. THOMPSON: Right. But</p>	<p style="text-align: center;">39</p> <p>1 that would be addressed, you mean, in 2 his report? 3 BY MR. THOMPSON: 4 Q. Right, that he discussed 5 with Elsberry. 6 A. I think it would be more 7 accurate to say potentially go in the 8 report, sir. 9 Q. Okay. 10 A. We discussed various papers 11 in Dembski's vitae that we did not 12 have copies of, and that we would get 13 copies of. We discussed Dembski's 14 winning the Trotter Prize. 15 Q. Let me stop you right there 16 for a moment. What kind of 17 discussion did you have about Dembski 18 winning the Trotter Prize? 19 A. We were curious about how 20 it happened, and who was on the 21 committee. 22 Q. This was a surprise to you, 23 was it not? 24 MR. HARVEY: Objection.</p>
<p style="text-align: center;">40</p> <p>1 right now I've focused in on the 2 notations. 3 THE WITNESS: We 4 discussed -- 5 MR. HARVEY: I'm very 6 unclear as to what the question is 7 here. 8 MR. THOMPSON: Why don't 9 you go back and please read the 10 question that started this. 11 (The court reporter read 12 back the following: 13 "Q. Did you discuss the 14 preparation of your report, your 15 expert report, with Mr. Elsberry?" 16 "A. We discussed aspects 17 of Dembski's testimony that would go 18 in my report, yes." 19 "Q. What aspects were 20 they?") 21 MR. THOMPSON: So we're 22 talking about now the aspects that 23 would go in your report. 24 MR. HARVEY: The aspects</p>	<p style="text-align: center;">41</p> <p>1 What was a surprise to him? 2 BY MR. THOMPSON: 3 Q. That he had won the Trotter 4 Prize? 5 A. Yes. 6 Q. Because that is a prize 7 that's given to renowned scientists, 8 is it not? 9 A. I don't have a detailed 10 history of who the Trotter Prize has 11 been given to in front of me. I 12 couldn't tell you. 13 Q. Do you know some of the 14 people who have received the Trotter 15 Prize? 16 A. I can't -- I could not reel 17 them off now, no. 18 Q. But that became something 19 that you discussed? 20 A. Uh-huh, yes. 21 Q. And what did Mr. Elsberry 22 say about that? 23 A. We were curious as to the 24 makeup of the committee who had</p>



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<p style="text-align: center;">42</p> <p>1 decided it.</p> <p>2 Q. Why would you be curious</p> <p>3 about the committee?</p> <p>4 A. We -- whenever a prize is</p> <p>5 awarded, you're interested in who</p> <p>6 makes the decision of the prize. And</p> <p>7 this wasn't information that was</p> <p>8 available to us.</p> <p>9 Q. Were you of the opinion</p> <p>10 that he didn't deserve the prize?</p> <p>11 A. I am of that opinion.</p> <p>12 Q. Did Mr. Elsberry express</p> <p>13 that opinion as well?</p> <p>14 A. I believe he did.</p> <p>15 Q. Did you express that</p> <p>16 opinion to anyone else?</p> <p>17 A. Yes.</p> <p>18 Q. Who?</p> <p>19 A. I sent e-mail to people at</p> <p>20 the university where the Trotter</p> <p>21 Prize was awarded, and asked them if</p> <p>22 they knew that this prize had been</p> <p>23 awarded to Dembski.</p> <p>24 Q. Did you get a response</p>	<p style="text-align: center;">44</p> <p>1 you sent, you had three or four</p> <p>2 people respond to you, is that right?</p> <p>3 A. That's correct.</p> <p>4 Q. Have you ever done that</p> <p>5 before?</p> <p>6 A. Done what?</p> <p>7 Q. Regarding a prize, that you</p> <p>8 sent, you know, e-mails out</p> <p>9 questioning why an individual</p> <p>10 received a prize?</p> <p>11 A. I didn't question why he</p> <p>12 had received the prize. I didn't say</p> <p>13 that I had. I said I sent e-mail</p> <p>14 asking them if they knew that Dembski</p> <p>15 had won the prize.</p> <p>16 Q. What was the purpose of</p> <p>17 that?</p> <p>18 MR. HARVEY: Object to the</p> <p>19 form of the question. Relevance.</p> <p>20 What does this have to do with his</p> <p>21 expert testimony?</p> <p>22 MR. THOMPSON: We'll tie it</p> <p>23 all up.</p> <p>24 BY MR. THOMPSON:</p>
<p style="text-align: center;">43</p> <p>1 back?</p> <p>2 A. I did from some people,</p> <p>3 yes.</p> <p>4 Q. What did they say?</p> <p>5 A. Some were embarrassed by</p> <p>6 it.</p> <p>7 Q. Who?</p> <p>8 A. I can't -- I can't produce</p> <p>9 names from my head right now.</p> <p>10 Q. Okay. Do you recall how</p> <p>11 many people expressed embarrassment?</p> <p>12 A. About three to four people</p> <p>13 replied to me.</p> <p>14 Q. And how many e-mails did</p> <p>15 you send out?</p> <p>16 A. I sent e-mail to -- I'm</p> <p>17 trying to think exactly who I sent it</p> <p>18 to. I think to everyone in the</p> <p>19 Computer Science Department.</p> <p>20 Q. How many people would that</p> <p>21 have been?</p> <p>22 A. I'm not sure. Probably</p> <p>23 about 20.</p> <p>24 Q. So out of the 20 e-mails</p>	<p style="text-align: center;">45</p> <p>1 Q. What was the purpose of</p> <p>2 that?</p> <p>3 MR. HARVEY: Perhaps you</p> <p>4 could help me by articulating the</p> <p>5 theory of relevance for this line of</p> <p>6 inquiry?</p> <p>7 MR. THOMPSON: Not right</p> <p>8 now.</p> <p>9 MR. HARVEY: It's not</p> <p>10 addressed in his expert report.</p> <p>11 MR. THOMPSON: It's all</p> <p>12 over his expert report.</p> <p>13 MR. HARVEY: There's</p> <p>14 nothing, I don't believe, that says a</p> <p>15 word in there about the Trotter</p> <p>16 Prize. Counsel, I mean --</p> <p>17 BY MR. THOMPSON:</p> <p>18 Q. Answer the question.</p> <p>19 MR. HARVEY: -- seriously,</p> <p>20 there has to be some line of some</p> <p>21 relevance to this line of inquiry.</p> <p>22 MR. THOMPSON: We'll tie it</p> <p>23 up later.</p> <p>24 BY MR. THOMPSON:</p>



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<p style="text-align: center;">46</p> <p>1 Q. Please answer the question. 2 A. Could you remind me what it 3 is? 4 MR. HARVEY: Mr. Shallit, 5 you don't need to answer that. 6 Counsel, seriously, I don't -- you 7 know, broad-ranging inquiries into 8 Mr. Shallit's activities outside of 9 this lawsuit and his expert report 10 have no relevance here, and I don't 11 know of any relevance. 12 And I'm going to 13 reluctantly instruct the witness not 14 to answer the question unless you can 15 articulate some relevance to this 16 line -- this inquiry. 17 MR. THOMPSON: The whole 18 report is an attack on Bill Dembski. 19 His whole report is an attack on Bill 20 Dembski. That's his whole rebuttal. 21 And that's the relevance. 22 MR. HARVEY: I'm sorry, I 23 don't understand that. I mean, he's 24 submitted an expert report in this</p>	<p style="text-align: center;">48</p> <p>1 didn't say that I had. I said I sent 2 e-mail asking them if they knew that 3 Dembski had won the prize." 4 "Q. What was the purpose 5 of that?" 6 THE WITNESS: And I'd like 7 to add something to that. Now that I 8 think about it, I also remember that 9 I asked them did they know that 10 Dembski was giving a talk in their 11 department with a particular title. 12 BY MR. THOMPSON: 13 Q. Okay. Then what was the 14 purpose of sending that e-mail with 15 that message? 16 A. I wanted to make sure that 17 people knew at this university what 18 was going on. It was -- it -- the 19 announcement implied that the Trotter 20 Prize was being co-sponsored by their 21 department, and I wasn't sure that 22 everyone in the department knew about 23 it, and I wanted to inform them. I 24 did not, in my message, attack</p>
<p style="text-align: center;">47</p> <p>1 case that at least initially was to 2 rebut Mr. Dembski's work. 3 He's here to answer 4 questions about that in any respect. 5 And communications that he may have 6 had with people on the subject of 7 this Trotter Prize, I don't believe 8 the Trotter Prize is addressed 9 anywhere in his report. And what he 10 may have done on that at some 11 undetermined time, I just don't see 12 of any relevance here. 13 I'll tell you what, I'll 14 permit you a little latitude here to 15 go forward with this line of inquiry, 16 but I'm not going to let it go very 17 long at all because I don't see the 18 relevance. Please continue. 19 MR. THOMPSON: Would you 20 read the question back. 21 (The court reporter read 22 back the following: 23 "A. I didn't question 24 why he had received the prize. I</p>	<p style="text-align: center;">49</p> <p>1 Mr. Dembski in any way. 2 Q. And then is this something 3 that you've done in other instances? 4 MR. HARVEY: I'm going to 5 object to the form of the question 6 and instruct the witness not to 7 answer. That has no relation 8 whatsoever to this, to these 9 proceedings, and I'm going to 10 instruct him not to answer that, 11 unless you can articulate some ground 12 of relevance here. 13 MR. THOMPSON: I think it's 14 the other way around. If you're 15 going to instruct him not to answer 16 the question, you have to establish a 17 principle of privilege here. 18 MR. HARVEY: I disagree. I 19 disagree. There's no relevance 20 whatsoever to just general inquiries 21 about Mr. Shallit's activities as 22 they may relate to Mr. Dembski. 23 You're certainly entitled to ask him 24 any questions about his report or his</p>



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<p style="text-align: center;">50</p> <p>1 testimony in this matter. 2 BY MR. THOMPSON: 3 Q. Were there any other, going 4 on with the questions, were there any 5 other aspects that you and Eisberry 6 discussed? 7 A. We discussed the phrasing 8 of the press release which said Two 9 of the nation's top scientists will 10 visit the Texas A & M University 11 campus. And we disputed the 12 characterization of Dembski as a top 13 scientist. 14 Q. You're aware that Professor 15 Dembski didn't - that press release 16 did not come from Professor Dembski? 17 You're aware of that, are you not? 18 A. I am. 19 Q. What else did you discuss 20 in that report on the aspects? 21 A. I'm continuing to page 22 through it and look. 23 Q. Okay. 24 A. We discussed whether or not</p>	<p style="text-align: center;">52</p> <p>1 MR. HARVEY: Which book of 2 Dembski's or his? 3 BY MR. THOMPSON: 4 Q. Of Dembski's. 5 A. Dembski's book, The Design 6 Inference. 7 Q. Who published that? 8 A. Cambridge University Press. 9 Q. Would you say Cambridge 10 University Press is a prestigious 11 publishing house? 12 A. I would. 13 Q. Okay. And you don't know 14 whether they had anyone peer review 15 that? 16 A. I can't speak to personal 17 knowledge of their internal review 18 process with regard to anything 19 except my own book. 20 Q. Is there any reason for you 21 to doubt that it was peer reviewed in 22 some sense? 23 A. I have no personal 24 knowledge of the Cambridge University</p>
<p style="text-align: center;">51</p> <p>1 the characterization by Professor 2 Dembski that his book The Design 3 Inference was peer reviewed was 4 accurate. 5 Q. And what was your position 6 on that? 7 A. It's a complex position. 8 It's that peer review is not a 9 yes-or-no thing, it's a continuum. 10 And that papers typically receive the 11 highest level of peer review; 12 whereas, books often do not receive 13 the same scrutiny. And so my view is 14 that claiming that the book is peer 15 reviewed in the same sense that a 16 paper is is not correct. 17 Q. But you would agree that it 18 is peer reviewed? 19 A. I have no personal 20 knowledge that Dembski's book was 21 peer reviewed by anyone. I only can 22 speak about my own book. 23 Q. Which book are you 24 referring to?</p>	<p style="text-align: center;">53</p> <p>1 Press's guidelines for reviewing 2 books other than in my own book. 3 Q. Aside from the two reports 4 that you indicated you looked at in 5 preparing your report, and that was 6 of the Dembski report, the Dembski 7 report and the Dembski rebuttal 8 report, did you look at the reports 9 of any other experts? This is - 10 A. In preparing my report? 11 Q. In preparing, yes. 12 A. I don't know the 13 chronology. I will tell you that I 14 was sent the other reports at some 15 time. 16 Q. You did what? 17 A. I was sent the other 18 reports. 19 Q. You don't know when? 20 A. I don't remember the 21 chronology of whether it was before I 22 prepared my report, during, or after. 23 Q. And who sent you those 24 other reports?</p>



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<p style="text-align: center;">54</p> <p>1 A. It was Mr. Harvey. 2 Q. And which reports did you 3 receive? 4 A. Do I have them with me? 5 No, I don't have them with me. I 6 received the report of Kevin Padian, 7 I remember that. I received the 8 report of Barbara Forrest. I 9 received the report of Michael Behe. 10 That's all I can remember currently, 11 but I did receive others. 12 Q. Okay. But you don't know 13 whether it was before or after you 14 had prepared the report? 15 A. I can't remember. I could 16 probably deduce it by looking at 17 notes. 18 Q. Do you have your notes 19 here? 20 A. I have no notes here. 21 Q. By the way, did you look at 22 any notes before you came for this 23 deposition? 24 A. Notes that I took myself,</p>	<p style="text-align: center;">56</p> <p>1 A. No. 2 Q. Why don't we continue on 3 with the other aspects you discussed 4 with Elsberry. 5 A. We discussed the ten peer- 6 reviewed ID articles on page 28. And 7 we discussed the paper of Axe. And I 8 remember Wes Elsberry, by seeing my 9 note here, mentioned that Ian 10 Musgrave had something to say about 11 "The probabilities implicit in such 12 extreme functional sensitivity 13 analyses are precisely those needed 14 for a design inference." 15 Q. What's the significance of 16 that? 17 A. I believe Mr. Elsberry was 18 skeptical of the claim that the 19 probabilities were precisely those 20 needed for a design inference. 21 Q. Okay. And what else? 22 A. We discussed the paper of 23 Chiu and Lui, Integrated Use of 24 Multiple Independent Patterns for</p>
<p style="text-align: center;">55</p> <p>1 personally? 2 Q. Yes. 3 A. Yes. 4 Q. Where are they? 5 A. I don't have them here. 6 Q. Where did you put them, or 7 where do you have them, I should say? 8 A. Well, there's a variety of 9 different notes. Some are on a 10 computer, some are handwritten notes 11 in my hotel room. 12 Q. And what do those notes 13 relate to? 14 A. What I should be -- what I 15 should have knowledge of for the 16 deposition, or what I thought, 17 questions you might ask. 18 Q. Okay. Were these notes 19 prepared by you or -- 20 A. By me. 21 Q. Okay. In conversation -- 22 A. No. 23 Q. -- as a result of a 24 conversation you had with someone?</p>	<p style="text-align: center;">57</p> <p>1 Biomolecular Sequence Analysis. I 2 brought -- I just wanted to clarify 3 that I'm expected to tell everything 4 I remember about that meeting to you? 5 Q. Well, right now you're 6 answering specific questions. 7 A. Okay. 8 Q. This is the aspects that 9 you discussed with Elsberry. 10 A. With Elsberry. 11 MR. HARVEY: For purposes 12 right now, that question about 13 answering everything you remember has 14 been withdrawn, or is not on the 15 table. 16 THE WITNESS: Okay. I'm 17 just -- 18 MR. HARVEY: He may ask you 19 about it later. Just your 20 conversations with Elsberry. 21 BY MR. THOMPSON: 22 Q. Yes. 23 A. So we discussed that paper 24 and aspects of that paper, and the</p>



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1 claim that Dembski -- that Dembski
 2 said this was using his work.
 3 Q. Okay. And what other
 4 aspects of that paper did you
 5 discuss?
 6 A. With Elsberry?
 7 Q. Yes.
 8 A. We discussed whether, in
 9 fact, it was accurate that Mr. --
 10 Professor Chiu used Dembski's
 11 methodology.
 12 Q. Okay. Continue on. Any
 13 other aspects of the report that you
 14 discussed with Mr. Elsberry?
 15 A. I'm sure we discussed much
 16 more, but it was -- it was a long
 17 meeting and it was a while ago. I'm
 18 doing my best to remember exactly
 19 what we discussed.
 20 Oh, yeah, we discussed his
 21 intelligent design research themes,
 22 and we discussed in particular points
 23 one, two and four.
 24 Q. And why did you discuss

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1 those points in particular?
 2 A. Well, point one is Methods
 3 of Design Detection, which is an
 4 aspect of his -- Professor Dembski's
 5 work that I've criticized.
 6 We discussed Biological
 7 Information, which is close to my
 8 areas of interest. And we discussed
 9 Evolutionary Computation, which is
 10 something that I'm familiar with.
 11 Other aspects I am -- you know,
 12 Psychology of Design Detection,
 13 that's not my field.
 14 Q. Okay. These were research
 15 projects that he mentioned that
 16 intelligent design was involved with?
 17 A. I wouldn't characterize
 18 them as research projects. They're
 19 intelligent design research themes.
 20 I don't believe that there has been
 21 any progress on these that would
 22 merit the word project.
 23 Q. What's the difference
 24 between a theme and a project?

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1 MR. HARVEY: Just note for
 2 the record he was reading off of
 3 Appendix 4 on page 31 of Dembski's
 4 report.
 5 THE WITNESS: I think
 6 you'll have to ask Professor Dembski
 7 what he meant by a theme.
 8 BY MR. THOMPSON:
 9 Q. I think you used the word
 10 theme, did you not?
 11 A. No, it's -- I'm reading
 12 from page 31.
 13 Q. Okay. Any other aspects
 14 that you discussed with Mr. Elsberry?
 15 A. Yes. We discussed item
 16 number 11 on page 34, Steganographic
 17 Layering of Biological Information,
 18 and we wondered what results there
 19 were in steganography that Professor
 20 Dembski had achieved.
 21 We discussed the claim on
 22 item 13 on page 34, "The intelligent
 23 design community is at the forefront
 24 in raising and answering such

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1 questions," and "such questions"
 2 referred to astrobiology, and we
 3 disputed that this was correct.
 4 We discussed Dembski's
 5 testimony on page 36 where he
 6 discusses a paper of Murray Eden that
 7 appeared in the Wistar Symposium.
 8 And both Wesley and I provided the
 9 context of that symposium for
 10 Mr. Harvey, explained when it was,
 11 and what it was about.
 12 Again, on page 41, we
 13 discussed the paper of Chiu. I think
 14 we may -- since we went through it
 15 page by page, we probably briefly
 16 touched on it again.
 17 We discussed the claim at
 18 the top of page 42 with reference to
 19 the article of Chiu. "Not only does
 20 this article cite my work favorably,
 21 but it makes my work in The Design
 22 Inference the basis for the entire
 23 article." We disputed that
 24 characterization.



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17 (Pages 62 to 65)

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<p style="text-align: center;">62</p> <p>1 We discussed the peer 2 review in the second paragraph on 3 page 42. It did not undergo peer 4 review in the sense, research, 5 scientific research articles are peer 6 reviewed. And both Professor -- both 7 Dr. Elsberry and I clarified for 8 Mr. Harvey what the difference was 9 between a review of a book and an 10 article.</p> <p>11 I'm now trying to remember 12 what other things we may have 13 discussed that are not in these 14 notes. We discussed -- I had 15 prepared, when I came to the meeting, 16 I had prepared a draft of this 17 report.</p> <p>18 We discussed my draft, and 19 there were some changes, I would 20 say -- I would characterize them as 21 mostly editorial and minor changes to 22 wording, spelling, punctuation.</p> <p>23 We discussed, since it was 24 a draft, I had not written section</p>	<p style="text-align: center;">64</p> <p>1 A. Okay.</p> <p>2 Q. And that is included in 3 your Expert Report, I believe on page 4 14.</p> <p>5 A. That's right, it begins on 6 page 14.</p> <p>7 Q. Okay. Would you please 8 take a look at that. Is that an 9 accurate depiction of your curriculum 10 vitae?</p> <p>11 A. It is.</p> <p>12 Q. Okay. Is it current?</p> <p>13 A. Some papers have -- I 14 attempted to list all my scientific 15 research papers, and some papers, for 16 example, Articles Submitted, 17 Enumeration of context-free languages 18 on page 20, that's now been accepted.</p> <p>19 Q. Okay.</p> <p>20 A. So it's not entirely 21 current, but I would say it's fairly 22 accurate.</p> <p>23 Q. Okay. Would you update it, 24 then, right now? Can you update your</p>
<p style="text-align: center;">63</p> <p>1 six or seven at that time, and we 2 discussed the fact that I was going 3 to add sections six and seven.</p> <p>4 And that's all I can 5 currently remember.</p> <p>6 Q. Did Mr. Elsberry assist you 7 in writing your report?</p> <p>8 A. No.</p> <p>9 Q. Did he provide you any of 10 the wording for your report?</p> <p>11 A. No.</p> <p>12 Q. Did you get any assistance 13 from anyone in preparing your report?</p> <p>14 A. As I said, Steve Harvey 15 gave me --</p> <p>16 Q. Other than that? Other 17 than that?</p> <p>18 A. -- minor editorial 19 assistance. No.</p> <p>20 Q. Someone outside of your 21 lawyers, some other individual?</p> <p>22 A. No.</p> <p>23 Q. I want to address your 24 curriculum vitae right now.</p>	<p style="text-align: center;">65</p> <p>1 curriculum vitae right now?</p> <p>2 A. You mean orally?</p> <p>3 Q. Yes.</p> <p>4 A. Well, I mentioned one 5 thing.</p> <p>6 Q. Right.</p> <p>7 A. I've also, becoming an 8 invited speaker at the Words 9 Conference in Montreal in September 10 of 2005.</p> <p>11 Q. And what is the topic 12 there?</p> <p>13 A. Words. By this I mean 14 combinatorial arrangements of 15 letters.</p> <p>16 Q. Okay. Is that a 17 mathematical theory?</p> <p>18 A. It is.</p> <p>19 Q. Okay.</p> <p>20 A. Yes. I would also, had I 21 been writing it now, I would have 22 also included the fact that I 23 organized a special session of the 24 Canadian Mathematical Society</p>



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<p style="text-align: center;">66</p> <p>1 entitled Automatic Sequences and 2 Related Topics. And that was held at 3 the University of Waterloo at the 4 beginning of June. 5 Q. And that's mathematical as 6 well? 7 A. Mathematical and computer 8 science. 9 Q. Okay. Any other updates? 10 A. I'm trying to think. 11 That's all I can think of right now. 12 Q. Okay. Are you currently 13 engaged in writing any books? 14 A. I've just finished a first 15 draft of a manuscript which has been 16 accepted for publication by Cambridge 17 University Press. 18 Q. And what is the name of 19 that? 20 A. The name of it is Advanced 21 Topics in Formal Languages, an 22 Automata Theory. 23 Q. And again, that's in the 24 mathematics area or computer science?</p>	<p style="text-align: center;">68</p> <p>1 this whole concept of peer review 2 take hold of American science? Do 3 you have any idea? 4 MR. HARVEY: I'm going to 5 object to the form of the question. 6 What do you mean when you say "take 7 hold"? 8 BY MR. THOMPSON: 9 Q. When people started to talk 10 about peer review as a part of the 11 scientific community. 12 A. Although I have an interest 13 in history of mathematics and history 14 of science, I can't say that I've 15 ever investigated that question. 16 Q. Now, you've listed your 17 education and your awards in your 18 curriculum vitae? 19 A. I have. 20 Q. And you received, as I 21 understand it, your Ph.D. in 22 mathematics from the University of 23 California - 24 A. I did.</p>
<p style="text-align: center;">67</p> <p>1 A. It's between mathematics 2 and computer science, it combines 3 both aspects. And that, it will be 4 revised. They've asked me to add 5 some topics to it. I will be working 6 on that. 7 Q. And that is in manuscript 8 form right now? 9 A. It's in manuscript form, 10 that's right. 11 Q. Is there a peer review 12 going on? 13 A. There was a review of the 14 original text by two authors, two 15 referees. 16 Q. Okay. 17 A. Possibly three... I can't 18 remember. 19 Q. Is that considered peer 20 review? 21 A. It is considered peer 22 review, but not to the extent that an 23 article would be. 24 Q. I'm interested, when did</p>	<p style="text-align: center;">69</p> <p>1 Q. -- Berkeley, 1983? 2 A. I did. 3 Q. And your dissertation was 4 on Metric Theory of Pierce 5 Expansions. Could you give me a very 6 layman's explanation of what that is? 7 A. Sure. A real number, which 8 means a number like pi or the square 9 root of two, can be expanded as a sum 10 of terms. 11 So probably the most famous 12 example of this is pi over four is 13 one minus a third plus a fifth minus 14 the seventh, and so forth. It's an 15 infinite series. 16 And the particular 17 expansions I was looking at were 18 developed by Pierce in the beginning 19 of the 20th Century. 20 And the metric theory of 21 these treats - normally when you 22 discuss an algorithm, or often when 23 you discuss an algorithm you're 24 dealing with a finite object.</p>



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<p>70</p> <p>1 Pierce expansion is an 2 infinite object, and the space of 3 inputs is the set of all real numbers 4 which, again, is an infinite object. 5 Which means you can put a measure on 6 that, and then you can talk about how 7 the expansions can be characterized 8 in terms of this measure. And that's 9 what I did. 10 Q. You got your mathematics 11 degree from Princeton University in 12 June of 1979; is that correct? 13 A. That's correct. 14 Q. Okay. Have you received 15 any other degrees that you have not 16 mentioned in your curriculum vitae? 17 A. No. 18 Q. Do you have any other 19 credentials which would qualify you 20 to render an opinion in this case 21 which is not reflected in your 22 curriculum vitae? 23 A. No. 24 Q. Have you ever taught, in</p>	<p>72</p> <p>1 out as an expert in the philosophy of 2 education? 3 A. That's correct. 4 Q. You're not holding yourself 5 out as an expert in biology? 6 A. That's correct. 7 Q. You're not holding yourself 8 out as an expert in microbiology? 9 A. That's correct. 10 Q. You're not holding yourself 11 out as an expert in biochemistry? 12 A. That's correct. 13 Q. You're not holding yourself 14 out as an expert in paleontology? 15 A. That's correct. 16 Q. You're not holding yourself 17 out as an expert in theology? 18 A. That's correct. 19 Q. You're not holding yourself 20 out as an expert in evolutionary 21 theory? 22 A. That's correct. 23 Q. And you're not holding 24 yourself out as an expert in American</p>
<p>71</p> <p>1 your career as an educator, have you 2 ever taught any classes in biology? 3 A. No. 4 Q. Genetics? 5 A. No. 6 Q. Have you ever taught any 7 classes on evolution? 8 A. No. 9 Q. Have you ever taught any 10 classes on the philosophy of 11 education? 12 A. No. 13 Q. Have you taught any classes 14 on philosophy? 15 A. No. 16 Q. Have you taught any classes 17 on constitutional law? 18 A. No. 19 Q. Okay. It would be 20 accurate, then, to indicate that you 21 are not holding yourself out as an 22 expert in the philosophy of science? 23 A. That's correct. 24 Q. You're not holding yourself</p>	<p>73</p> <p>1 Constitutional law? 2 A. That's correct. 3 Q. Keeping in mind the 4 credentials that you have, how do you 5 believe those credentials would give 6 you the expertise to rebut Dembski's 7 report, the two reports that you 8 mentioned, his expert report and his 9 rebuttal report? 10 A. I only addressed aspects of 11 the report that were in my 12 professional competence. 13 MR. THOMPSON: Okay. Let's 14 go to Dembski's initial report, and 15 I'll mark this as an exhibit. 16 MR. HARVEY: Do you have an 17 extra copy, Counsel? 18 MR. THOMPSON: Yes. 19 (Exhibit Shallit-3 was 20 marked for identification.) 21 MR. HARVEY: I can look on 22 with the witness. I'm familiar, 23 generally. 24 BY MR. THOMPSON:</p>



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<p style="text-align: center;">78</p> <p>1 that the delicate balance of 2 cosmological constants (known as 3 cosmological fine-tuning) and the 4 machine-like qualities of certain 5 tightly integrated biochemical 6 systems (known as irreducibly complex 7 molecular machines) are the result of 8 intelligence and highly unlikely to 9 have come about by purely material 10 forces." 11 So I won't say that my 12 competence addresses every single 13 word in every single sentence, but 14 certainly the claims, the implied 15 mathematical claims about specified 16 complexity and the fact that it was 17 formulated exactly, that it can be 18 studied rigorously and 19 scientifically, that the sequence of 20 prime numbers is complex, these are 21 all aspects that are within my 22 competence. 23 Q. Are these mathematical 24 formulations that he is making right</p>	<p style="text-align: center;">80</p> <p>1 complexity? 2 A. Well, the concept is 3 incoherent, so I'll do my best. But 4 Professor Dembski says that an event 5 possesses specified complexity if it 6 is improbable, which he calls 7 complex, and specified, by which it 8 means - he means it matches an 9 independently given pattern. 10 However, both these concepts are 11 problematic as he has formulated 12 them. 13 Q. And what do you think is 14 wrong with that? 15 A. I've said exactly in my 16 Expert Report, I believe. 17 Q. I want to hear it on the 18 record. 19 A. We're going to be here a 20 long time. So the first problem is 21 complexity. Dembski misuses the term 22 complexity. 23 When a mathematician or 24 computer scientist talks about</p>
<p style="text-align: center;">79</p> <p>1 here? 2 A. Specified complexity is a 3 mathematical formulation. 4 Q. Okay. Excuse me. Go 5 ahead. I'm sorry. 6 A. Prime numbers are a 7 mathematical formulation. 8 Cryptography is an area that I am 9 familiar with. Random number 10 generation is an area that I'm 11 familiar with. 12 Q. Now, going to specified 13 complexity, is that something that 14 you've studied? 15 A. I have studied the concept 16 as described in his work, yes. 17 Q. Okay. Now, based upon your 18 credentials, do you feel you are 19 qualified to act as an expert in 20 discussing specified complexity? 21 A. I do. 22 Q. Okay. What is your 23 understanding of what Professor 24 Dembski means by specified</p>	<p style="text-align: center;">81</p> <p>1 complexity, they're typically talking 2 about computational complexity, which 3 is the study of how complicated a 4 problem is in terms of the available 5 resources to solve it. 6 Or descriptive 7 complexity, and a particular example 8 of descriptive complexity is 9 Kolmogorov complexity. 10 That measures the 11 complexity of the finite 12 combinatorial object in terms of its 13 description size. 14 So to use the term 15 complexity as Dembski has done is 16 misleading and contrary to scientific 17 practice. So that's number one. 18 Number two is that he 19 evaluates the complexity, in quotes, 20 of an event based on a probability 21 distribution, but he gives no 22 coherent method for determining what 23 the correct probability distribution 24 is.</p>



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<p style="text-align: center;">82</p> <p>1 In particular, for the very 2 same event such as in his book No 3 Free Lunch, he analyzes Dawkins' 4 weasel program, he gives two 5 different probability distributions 6 in order to analyze and never says 7 which one is the correct one to use. 8 So because he chooses his 9 probability distributions at whim, in 10 some sense, he is able to say this is 11 complex and this isn't, without any 12 rational basis. 13 Q. And you've taken him to 14 task for that, have you not? 15 A. I have. 16 Q. Not only in your expert 17 report, but you've taken him to task 18 in other publications that you've 19 done? 20 A. That's correct. 21 Q. Okay. Continue on with his 22 report. 23 A. Okay. And in terms of -- 24 MR. HARVEY: Just to be</p>	<p style="text-align: center;">84</p> <p>1 the term exactly the opposite of what 2 standard scientific practice would 3 say. 4 Q. Well, can he define 5 complexity the way he wants to? 6 A. He certainly can. 7 Q. And has he done that? 8 A. No, he hasn't done it in a 9 coherent way. 10 Q. Has he attempted to? 11 MR. HARVEY: Object to the 12 form of the question. Calls for 13 speculation. 14 BY MR. THOMPSON: 15 Q. In his writings has he 16 attempted to? 17 A. He has made an attempt 18 which I don't consider to be very 19 good. 20 Q. You still dispute his 21 theory on that complexity? 22 A. I wouldn't -- I wouldn't 23 dignify it with the term theory. It 24 offers no predictions. It makes --</p>
<p style="text-align: center;">83</p> <p>1 clear, the question is what does he 2 see wrong with the concepts of 3 complexity and specification? 4 BY MR. THOMPSON: 5 Q. Right. If you -- I thought 6 you answered that. 7 A. Well, I'm not done yet, 8 no. Sorry. 9 Q. Okay. 10 A. So that's a brief summary 11 of what's wrong with his claims about 12 complexity. I would also point out 13 that when Dembski says a sequence of 14 prime numbers is complex, this is 15 completely contrary to what a 16 mathematician or a computer scientist 17 would understand as complex; namely, 18 that it -- it would be very difficult 19 to generate prime numbers. 20 On the contrary, a very 21 short program will generate as many 22 prime numbers as you like. So in 23 terms of Kolmogorov complexity, 24 they're not complex. So he is using</p>	<p style="text-align: center;">85</p> <p>1 it makes -- it is not applicable 2 empirically, and it doesn't have any 3 data in support of it. I would call 4 it not even really a hypothesis at 5 this point. 6 Q. Continue on with your -- 7 A. Yes, I'm not done yet. 8 Q. Yes. 9 A. So that, now I addressed 10 the concept of complexity. Now, the 11 second -- the second part of his idea 12 is specification. So specification 13 is again very vaguely defined. 14 He says that it matches an 15 independently given pattern, but he 16 doesn't say specifically where the 17 class of patterns is supposed to be 18 drawn from, and he also does not 19 offer any coherent way of separating 20 what -- the valid patterns from the 21 invalid patterns, which he calls 22 fabrications. 23 Now, Kolmogorov himself was 24 one of the first people to give a</p>



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<p style="text-align: center;">86</p> <p>1 rigorous definition of pattern. And 2 for Kolmogorov, a pattern was 3 something that is specifiable by a 4 computer program. 5 So a string, X, has a 6 description in Kolmogorov's sense if 7 there exists a computer program, P, 8 and an input, Y, such that when you 9 run P on Y, you get X. 10 So the advantage to this 11 definition is there's absolutely no 12 way to contest when you have a 13 description of the string X, anyone 14 can run the computer program and see 15 that X is produced. 16 Whereas, Dembski allows 17 natural language specifications. His 18 notion of specification is tied to 19 the background knowledge of an 20 intelligent agent, which means it can 21 be different from person to person. 22 So a specification for you might be 23 different from a specification for 24 me.</p>	<p style="text-align: center;">88</p> <p>1 longer than the string itself. And 2 that creates problems. Because he 3 allows natural language 4 specifications, he runs into a 5 paradox called the Berry paradox, 6 which is a paradox in logic which 7 would create self-contradicting 8 specifications. He has no way of 9 removing those. 10 So there are a lot of 11 problems. That's a brief summary of 12 the problems. 13 Q. And as I indicated, you 14 have discussed those problems in 15 writing -- 16 A. I have. 17 Q. -- correct? Now, have you 18 read his -- one of his most recent 19 papers entitled Specification, The 20 Pattern That Signifies Intelligence? 21 A. It -- it only came out, I 22 think -- what's today, Tuesday? I 23 believe it came out either Sunday or 24 Monday night. I've had a chance to</p>
<p style="text-align: center;">87</p> <p>1 He says that specifications 2 are holistic in the sense that they 3 only apply to the string as a whole, 4 and that you can't take a 5 specification for one thing and hook 6 it on next to a specification of 7 another thing. 8 And yet in one of his 9 examples, he takes a list of prime 10 numbers encoded, and that is a 11 concatenation of different 12 specifications, one for each prime 13 number. 14 He -- the real breakthrough 15 of Kolmogorov, which Dembski just 16 discards, is that these specification 17 or these -- Kolmogorov wouldn't call 18 them specifications, but these 19 descriptions are measured in terms of 20 the length of the description. That 21 was his big breakthrough. And 22 Dembski just throws that away. 23 A specification can be as 24 long as you like. It can be even</p>	<p style="text-align: center;">89</p> <p>1 skim it, but I haven't read it in 2 great detail. 3 Q. On his web site he claims 4 that he answers a lot of your 5 criticisms. Skimming it, have you 6 seen any attempt to respond to your 7 criticisms? 8 A. No. No, he doesn't refer 9 to me, to the best of my knowledge. 10 Q. Well, whether he refers to 11 you by name, has he responded to the 12 issues that you've raised with his 13 specified complexity? 14 A. Typical scientific practice 15 when one is addressing a criticism is 16 to refer to the person by name. So I 17 would expect that if he addressed it, 18 he would have mentioned me. 19 To the best of my 20 knowledge, he doesn't adequately 21 address those. But I would say that 22 that -- that that is only based on a 23 very, very cursory reading. 24 Q. You used the word</p>



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<p style="text-align: center;">90</p> <p>1 "adequately," but does -- on your 2 cursory review of it, do you get a 3 feeling that there is an attempt to 4 respond to the criticisms that you 5 raised? 6 A. I would -- I would say that 7 it appears that he's abandoned his 8 previous description of 9 specification. 10 Q. Okay. 11 A. So if abandoning the 12 previous one is a response to my 13 criticism, I suppose you could 14 characterize it that way. 15 Q. When you say you gave it a 16 cursory look, did you read the whole 17 thing over? 18 A. I didn't read every word, 19 no. 20 Q. Okay. Have you studied it 21 in any way? 22 A. As I say, it was only 23 released on the Internet two nights 24 ago. I need more -- to give it a</p>	<p style="text-align: center;">92</p> <p>1 Q. Okay. Get it. 2 A. "It" -- meaning intelligent 3 design -- "simply argues that certain 4 finite material objects exhibit 5 patterns that convincingly point to 6 an intelligent cause." 7 Q. How do your credentials as 8 an expert give you the expertise to 9 respond to that statement? 10 A. Because the convincingly 11 point is supported through 12 mathematical argument, which I 13 dispute. 14 Q. Is that the only kind of 15 argument that can be used to come to 16 the conclusion convincingly point? 17 A. I'm sorry, could you 18 restate? 19 Q. Is mathematics the only 20 basis upon which you can come to the 21 conclusion that it convincingly 22 points? 23 A. Well, I would say 24 mathematics and aspects of computer</p>
<p style="text-align: center;">91</p> <p>1 careful reading, I would need to 2 spend more time than that. 3 Q. Okay. Continue on going 4 through your review of Professor 5 Dembski's book -- excuse me, report 6 MR. HARVEY: You say 7 going -- oh, the question now is back 8 to the question, to identify those 9 aspects of the report which he feels 10 qualified to respond to? 11 MR. THOMPSON: Correct. 12 MR. HARVEY: Go back. 13 THE WITNESS: Page four, 14 "It" -- referring to intelligent 15 design -- "simply argues that certain 16 finite material objects exhibit 17 patterns" -- 18 BY MR. THOMPSON: 19 Q. Could you -- excuse me, 20 where are you on that page? 21 A. The first complete 22 paragraph on page four. 23 Q. Okay. 24 A. The second sentence.</p>	<p style="text-align: center;">93</p> <p>1 science, which include complexity 2 theory, for example. And that -- 3 there may be other aspects, but I 4 don't -- 5 Q. What about biology? 6 A. I don't -- I'm not an 7 expert in biology. I don't -- I 8 don't offer expert testimony in that 9 area. 10 Q. Okay. And what in computer 11 science would relate to that comment? 12 A. The claim that patterns 13 that convincingly point to 14 intelligent cause has been convincing 15 through Dembski's mathematical 16 arguments. 17 Q. And that's a matter of 18 opinion, then, correct? He 19 believes -- in other words, he 20 believes it's convincing and you do 21 not? 22 A. I would say that if his 23 mathematical arguments are intended 24 to be the evidence that it is</p>



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<p style="text-align: center;">94</p> <p>1 convincing, then he has failed on 2 that -- the mathematical aspects of 3 it. 4 Q. In accordance with your 5 opinion? 6 A. Yes. 7 Q. Continue. What page are 8 you on right now, Professor Shallit? 9 A. I'm currently on page 10 seven. I would say "One indicator is 11 that design theorists are 12 increasingly publishing research 13 supporting intelligent design in the 14 peer-reviewed mainstream scientific 15 literature, especially in the 16 biological literature." 17 Q. And where is that on that 18 page? 19 A. Sorry, it's the second 20 paragraph of section five. "A 21 related indicator is that their work 22 is increasingly being subjected to 23 criticism within mainstream 24 scientific literature."</p>	<p style="text-align: center;">96</p> <p>1 Harvey. So -- 2 Q. Have you read that? 3 A. I have read it, yes. 4 Q. Okay. 5 A. And there are -- there are 6 some aspects of the book which touch 7 on specified complexity, mathematics, 8 probability, and I can serve as an 9 expert in those areas. 10 Q. Okay. Continue. 11 A. I can address the claim 12 that "This is because both the" -- 13 sorry, page ten, third paragraph, 14 second sentence. "This is because 15 both the criticisms it offers against 16 neo-Darwinian theory and the 17 evidences it provides in favor of 18 intelligent design continue to 19 stand -- the book is accurate." So I 20 dispute the claims of accuracy with 21 respect to the mathematical content 22 of the book. 23 Q. Okay. You dispute all of 24 it, or parts of the mathematical</p>
<p style="text-align: center;">95</p> <p>1 So to the extent that this 2 refers to Dembski's mathematical 3 publications, and the ability that I 4 have to search databases for such 5 publications, I can address those. 6 Q. Okay. 7 A. I can address some aspects 8 of the supplemental biology textbook. 9 Q. Excuse me, what page are 10 you on? 11 A. I'm sorry. I apologize. 12 Page ten -- 13 Q. Okay. 14 A. -- section seven, first 15 paragraph. I can address some 16 aspects of the book The Design Of 17 Life: Discovering Signs of 18 Intelligence in Biological Systems. 19 I was sent a copy of this, and have 20 signed an agreement to maintain its 21 confidentiality. 22 Q. Who sent you a copy of 23 this? 24 A. I think it was Steve</p>	<p style="text-align: center;">97</p> <p>1 content? 2 A. I dispute parts of the 3 mathematical content. 4 Q. Other parts you agree with? 5 A. I wouldn't say that, no. 6 Q. How would you -- 7 A. I may -- I may hold no 8 opinion on some aspects of it. 9 Q. Oh, I see. Do you recall 10 what parts you hold no opinion on? 11 A. It's a 200 -- a 300-page 12 book. We can go through it if you 13 wish. 14 Q. Where is the book? 15 A. Right here. 16 Q. May I see it? 17 MR. HARVEY: Dick, I assume 18 you've signed a confidentiality 19 order? 20 MR. THOMPSON: No. 21 MR. HARVEY: Well, then, I 22 must ask that you give that back. 23 MR. THOMPSON: Okay. 24 MR. HARVEY: Because I</p>



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<p style="text-align: center;">98</p> <p>1 think there's a strict 2 Confidentiality Order from the Court 3 on that. 4 MR. THOMPSON: Oh, is that 5 right? 6 THE WITNESS: Yes. 7 MR. HARVEY: Yes. I don't 8 have it in front of me. I would 9 assume it might cover counsel in this 10 case. 11 MR. THOMPSON: Okay. 12 That's fine. 13 MR. HARVEY: But we need to 14 be careful of that. Mr. Shallit, 15 that's -- 16 THE WITNESS: I apologize. 17 BY MR. THOMPSON: 18 Q. Okay. Let's forget about 19 that book. Continue on. 20 A. On page 11, the second full 21 paragraph, "Moreover, it" -- 22 referring to intelligent design -- 23 "provides a scientific explanation 24 for the origin and diversification of</p>	<p style="text-align: center;">100</p> <p>1 vitae, I am -- I do have some 2 expertise in the journals in which he 3 has published, for example, the 4 quality of the journals, the impact 5 of the journals as measured by 6 databases. 7 And so I can speak with 8 respect to some papers of the value 9 in the mathematical and scientific 10 community of those papers. Would you 11 like me to list all of them or -- 12 Q. No, not -- 13 A. Okay. 14 Q. The report ends on page 12, 15 and then he has these appendix -- 16 A. Yes. 17 Q. -- starting from 13 all the 18 way through 50, I guess. 19 A. Right. I'm happy to go 20 through those, too, if you like. 21 Q. I don't need to do that 22 right now. But I do have a question 23 for you. Did you ever read the book 24 Of Pandas and People?</p>
<p style="text-align: center;">99</p> <p>1 life." 2 So to the extent that his 3 explanation is based in mathematics, 4 I can dispute the accuracy of the 5 claim that -- and if the claim is 6 inaccurate, then it can't be 7 scientific. 8 Q. What part of that statement 9 do you believe is mathematical? 10 A. "It," referring to the 11 theory of intelligent design. 12 Q. Okay. And so if I 13 understand you correctly, it, 14 referring to the theory of 15 intelligent design, you are saying 16 that any aspect of the theory of 17 intelligent design which touches on 18 mathematics you are qualified to 19 speak? 20 A. I wouldn't say any aspect. 21 I would say the aspects that are 22 addressed in my Expert Report. 23 Q. Okay. Fine. Continue on. 24 A. So in Professor Dembski's</p>	<p style="text-align: center;">101</p> <p>1 A. No, I did not. I've only 2 read the follow-up version. 3 Q. Okay. Going back to your 4 report now, on page two of your 5 report, headline one, you say 6 "Dembski is not a scientist." 7 A. That's correct. 8 Q. On the other hand, you 9 consider yourself a computer 10 scientist? 11 A. I am both a mathematician 12 and a computer scientist. 13 Q. What is the distinction 14 between being a mathematician, in 15 which you say it is not science, 16 versus computer science? 17 A. I would say that the 18 distinction is that computer 19 scientists deal with computers; 20 whereas, mathematicians often do not 21 deal with -- a pure mathematician, 22 for example, does not deal with 23 actual objects in the physical world, 24 but with concepts.</p>



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<p style="text-align: center;">102</p> <p>1 Computer scientists, 2 typically their work is related, 3 however tangentially, to a physical 4 computer. 5 Q. Could you clarify that by 6 just giving us a definition of what 7 science is, then? 8 A. I'm not a philosopher of 9 science, although I do have interest 10 in pseudoscience and 11 pseudomathematics, and I have 12 commented on them. So I'm not sure 13 that my definition of science would 14 be useful. 15 I can say that there are 16 certain characteristics of 17 scientists, certain characteristics 18 that scientists have, in my 19 understanding, that Dembski doesn't 20 have. Is that what you're driving 21 at? 22 Q. Well, you were the one that 23 said in your report "Dembski is not a 24 scientist."</p>	<p style="text-align: center;">104</p> <p>1 another field doesn't seem like a 2 reasonable criticism to me. I mean, 3 when a field branches off, by 4 definition there were no 5 practitioners of that field before. 6 Q. Well, when you were 7 studying mathematics, what department 8 in the university was that in? 9 A. At Princeton University, it 10 was in the Department of Mathematics. 11 Q. Okay. And it was not in 12 the Science Department? 13 A. No, it wasn't, it was in 14 the Faculty of Arts, actually. 15 Q. Okay. What about 16 University of Waterloo? 17 A. The Faculty of Mathematics 18 is its own faculty, separate from the 19 faculties of Science and Arts. 20 Q. Okay. Does computer 21 science fall under the branch of 22 mathematical logic, a branch of 23 mathematical logic called recursion 24 theory?</p>
<p style="text-align: center;">103</p> <p>1 A. Yes. And by -- 2 Q. And then down below in your 3 footnote you say "I do not consider 4 mathematics to be" -- 5 A. That's right. 6 Q. -- "a science." I'm trying 7 to understand that. 8 A. All right. So to the best 9 of my understanding, science deals 10 with aspects of the natural world. 11 And mathematics can be -- is a 12 language, it's usually referred to as 13 the language of science, for 14 example. And science is a process, 15 also. It's a way that claims are 16 investigated. 17 Q. Isn't it true, though, that 18 computer science was developed by 19 mathematicians like Kurt Godel, Alan 20 Turing? 21 A. To answer that, I mean, 22 it -- if a field doesn't exist, then 23 the fact that it is initiated by 24 people who were originally from</p>	<p style="text-align: center;">105</p> <p>1 A. No, I'd say aspects of 2 computer science are related to 3 recursion theory. Computer science 4 is a very broad field. 5 Q. Well, would you call Albert 6 Einstein a scientist? 7 A. I would. 8 Q. Okay. Wasn't he a 9 mathematician as well? 10 A. No, I would call him a 11 mathematical physicist. 12 Q. Okay. You used to be on 13 the faculty of the University of 14 Chicago? 15 A. I did. 16 Q. Okay. And didn't you teach 17 Professor Dembski at one point? 18 A. When I met Professor 19 Dembski at a conference, he informed 20 me that he had been a student in one 21 of my classes. Whether he took the 22 course for credit or not, I actually 23 don't remember. And I have very 24 little memory of him being in my</p>



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<p style="text-align: center;">106</p> <p>1 class.</p> <p>2 Q. Okay.</p> <p>3 A. He may have simply been</p> <p>4 sitting in on the class.</p> <p>5 Q. Well, then, you wouldn't</p> <p>6 know whether he was a good student or</p> <p>7 not; is that correct?</p> <p>8 A. No, I don't know anything</p> <p>9 about his record.</p> <p>10 MR. HARVEY: Counsel, it's</p> <p>11 1:00. I made a statement earlier</p> <p>12 today about lunch and me, which is</p> <p>13 that I always take it. I assume</p> <p>14 you're flying out tonight so you want</p> <p>15 to get this concluded today?</p> <p>16 MR. THOMPSON: Well, if we</p> <p>17 can. If not, I'll stay. But, yes,</p> <p>18 I'd like to see if we can conclude it</p> <p>19 today.</p> <p>20 MR. HARVEY: We can go off</p> <p>21 the record.</p> <p>22 (A luncheon recess was</p> <p>23 taken from 1:03 to 1:39 p.m.)</p> <p>24 BY MR. THOMPSON:</p>	<p style="text-align: center;">108</p> <p>1 Q. Right. We stopped at the</p> <p>2 appendix. We did not go through the</p> <p>3 appendix.</p> <p>4 A. Right.</p> <p>5 Q. Now, you've given me all of</p> <p>6 the areas in the report up to the</p> <p>7 appendix where you feel your</p> <p>8 credentials allow you to discuss?</p> <p>9 A. Yes.</p> <p>10 Q. On page two of your report</p> <p>11 you mention the fact that Dembski has</p> <p>12 been viewed as the Isaac Newton of</p> <p>13 information theory by a proponent of</p> <p>14 intelligent design, Rob Koons.</p> <p>15 A. Right.</p> <p>16 Q. And you take issue with</p> <p>17 that, is that correct?</p> <p>18 A. I do.</p> <p>19 Q. And why?</p> <p>20 A. Well, Isaac Newton was</p> <p>21 probably the greatest physicist or</p> <p>22 one of the greatest physicists of all</p> <p>23 time, and -- sorry, mathematicians of</p> <p>24 all time.</p>
<p style="text-align: center;">107</p> <p>1 Q. Now, your report, expert</p> <p>2 report, this is the sum total of the</p> <p>3 opinions that you are giving in the</p> <p>4 case; is that correct?</p> <p>5 A. It's a summary, yes.</p> <p>6 Q. Yes. You are not intending</p> <p>7 to give opinions on any other aspect</p> <p>8 of this case?</p> <p>9 A. No.</p> <p>10 Q. Okay. You're not intending</p> <p>11 to write any kind of supplemental</p> <p>12 reports to your expert opinion</p> <p>13 report?</p> <p>14 A. No. This is my expert</p> <p>15 opinion report.</p> <p>16 Q. Okay. Now, I went through</p> <p>17 with you the Dembski report and asked</p> <p>18 you to indicate what portions of the</p> <p>19 report related to the specific</p> <p>20 credentials that you had. Do you</p> <p>21 recall that?</p> <p>22 A. Yes. We only -- we didn't</p> <p>23 go through the entire document, but</p> <p>24 just --</p>	<p style="text-align: center;">109</p> <p>1 And he -- to call someone</p> <p>2 an Isaac Newton of information theory</p> <p>3 would imply, for example, Isaac</p> <p>4 Newton was the founder of the</p> <p>5 calculus independently of LiveNet.</p> <p>6 So to say someone is the</p> <p>7 Isaac Newton of information theory,</p> <p>8 you would think this is someone who</p> <p>9 founded the field or at least was a</p> <p>10 huge, towering figure with dozens of</p> <p>11 published papers or published works,</p> <p>12 viewed by everyone as either the</p> <p>13 founder of the field information</p> <p>14 theory, or certainly a very well</p> <p>15 recognized expert in the field. And</p> <p>16 I take exception to that because I</p> <p>17 don't see that any of those things</p> <p>18 are true.</p> <p>19 Q. You briefly mentioned the</p> <p>20 definition of theory, I think, when</p> <p>21 you were talking about Dembski's</p> <p>22 referring to something as a theory,</p> <p>23 you said that's not a theory. It's</p> <p>24 not even a hypothesis. Do you</p>



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<p style="text-align: center;">110</p> <p>1 remember that --</p> <p>2 A. Right.</p> <p>3 Q. -- comment by you?</p> <p>4 A. Yes, uh-huh.</p> <p>5 Q. What is your definition of</p> <p>6 a theory?</p> <p>7 A. Well, I want to preface my</p> <p>8 remarks by saying that I'm not a</p> <p>9 historian or -- I'm sorry, I'm not a</p> <p>10 philosopher of science. I'll give</p> <p>11 you my layman's understanding of the</p> <p>12 word theory. To me, a theory</p> <p>13 means --</p> <p>14 MR. HARVEY: I'm going to</p> <p>15 object to the form of the question.</p> <p>16 You're referring now to a scientific</p> <p>17 theory as opposed to the dictionary</p> <p>18 definition of --</p> <p>19 BY MR. THOMPSON:</p> <p>20 Q. The definition of theory he</p> <p>21 was using when he was criticizing</p> <p>22 Dembski's use of the word.</p> <p>23 A. Yes. So I would understand</p> <p>24 a theory to be a description based on</p>	<p style="text-align: center;">112</p> <p>1 Q. You indicated that you read</p> <p>2 the expert report by Michael Behe?</p> <p>3 A. I did.</p> <p>4 Q. Okay. Do you consider</p> <p>5 Michael Behe a credible scientist?</p> <p>6 A. I would say my opinion, it</p> <p>7 doesn't matter because I'm not a</p> <p>8 biologist, and I don't offer any</p> <p>9 opinion on biology through my expert</p> <p>10 testimony.</p> <p>11 Q. In his report, he talks</p> <p>12 about different definitions of</p> <p>13 theory. Do you recall --</p> <p>14 A. Not well enough to -- to</p> <p>15 rattle them off, no.</p> <p>16 Q. Okay. Also in his report</p> <p>17 he talks about the various claims</p> <p>18 that are made under the umbrella of</p> <p>19 the theory of evolution. Do you</p> <p>20 recall that?</p> <p>21 A. No.</p> <p>22 MR. THOMPSON: Mark this as</p> <p>23 Shallit Exhibit 4.</p> <p>24 (Exhibit Shallit-4 was</p>
<p style="text-align: center;">111</p> <p>1 a large amount of evidence, empirical</p> <p>2 evidence, experimental evidence to</p> <p>3 elucidate some aspect of the physical</p> <p>4 world.</p> <p>5 Q. Is there a distinction, in</p> <p>6 your mind, between fact and theory?</p> <p>7 A. Yes. A fact is something</p> <p>8 that is -- I like to use -- well,</p> <p>9 again, it's my layman's</p> <p>10 understanding, that it's Stephen</p> <p>11 Jay Gould's description of a fact is</p> <p>12 something that has been confirmed so</p> <p>13 much that it would be absurd to</p> <p>14 withhold provisional assent; whereas,</p> <p>15 a theory, theories are constantly</p> <p>16 being revised, changed through time.</p> <p>17 Q. And when scientists use the</p> <p>18 word theory, they're using it in a</p> <p>19 sense that it is revisable over time?</p> <p>20 A. I'd say that's typically</p> <p>21 the case. Scientists aren't</p> <p>22 philosophers of science, and aren't</p> <p>23 always completely careful about how</p> <p>24 they use the term theory.</p>	<p style="text-align: center;">113</p> <p>1 marked for identification.)</p> <p>2 (Mr. Rothschild entered the</p> <p>3 deposition room at 1:46 p.m.)</p> <p>4 BY MR. THOMPSON:</p> <p>5 Q. I show you Shallit Exhibit</p> <p>6 4 entitled Pseudoscience for Amateurs</p> <p>7 or Ten Ways to Tell Real Scientists</p> <p>8 from Fake Ones. Do you recognize</p> <p>9 that document?</p> <p>10 A. I do.</p> <p>11 Q. Is that a document that you</p> <p>12 prepared?</p> <p>13 A. It is.</p> <p>14 MR. HARVEY: I'm going to</p> <p>15 ask the witness to read this</p> <p>16 document, and I'd like just a second</p> <p>17 to read it as well.</p> <p>18 THE WITNESS: All right.</p> <p>19 MR. HARVEY: It's not long,</p> <p>20 but --</p> <p>21 I recognize the title on</p> <p>22 the first -- you know, and the</p> <p>23 excellent writing. (Witness reviews</p> <p>24 document.)</p>



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<p style="text-align: center;">114</p> <p>1 Yes, I recognize that, and 2 I did write it. 3 BY MR. THOMPSON: 4 Q. Yes. And do you still 5 stand by the claims you make on the 6 ten ways of telling real scientists 7 from fake ones? 8 A. Well, let me look 9 carefully. I'd say I stand by 10 probably most of it, yeah. 11 Q. Which parts would you not 12 stand by? 13 A. I think maybe I might be a 14 little more cautious about saying 15 books published by them go through a 16 peer review process that usually 17 weeds out the bad ones. When I wrote 18 this -- 19 Q. What page are you looking 20 at? 21 A. Page one, item two, last 22 sentence. "These presses have a 23 reputation to maintain and books 24 published by them go through a peer</p>	<p style="text-align: center;">116</p> <p>1 Q. I'm going to take you back 2 to your days on the faculty of 3 University of Chicago. You were a 4 teacher there, correct? You were an 5 instructor there? 6 A. I was a professor there. 7 Q. A professor there. 8 A. I wasn't an instructor. 9 Q. Okay. Do you recall that 10 they had the graduate school divided 11 into different divisions? 12 A. No, I don't actually 13 remember the structure of the 14 graduate school. 15 Q. Okay. Let me just attempt 16 to refresh your recollection. A 17 Division of Biological Sciences, a 18 Division of Physical Sciences, a 19 Division of Humanities, and Division 20 of Social Sciences. Do you recall 21 that at all? Does that ring a bell? 22 A. No, not terribly well. I 23 remember the Division of Physical 24 Sciences, yes.</p>
<p style="text-align: center;">115</p> <p>1 review process that usually weeds out 2 the bad ones." 3 I think, now having 4 published two books, I would be less 5 sanguine about this ability. But -- 6 Q. What was your experience 7 that would make you change? 8 A. Well, my books were 9 reviewed, but not -- not by any means 10 adequate review to the length of the 11 book. I received private peer review 12 of one of my books that went on for 13 55 pages, and compare that to a 14 two-page peer review from the 15 University Press, it just doesn't 16 compare. 17 Q. Which University Press was 18 that? 19 A. Cambridge University Press. 20 Q. Any others? Any other 21 changes you would make in that 22 document? 23 A. I think it's accurate other 24 than that.</p>	<p style="text-align: center;">117</p> <p>1 Q. Okay. Is it accurate to 2 say that mathematics was under the 3 Division of Physical Sciences? 4 A. I wouldn't know. I didn't 5 teach in the Mathematics Department. 6 Q. What were you teaching 7 there? 8 A. I taught in the Computer 9 Science Department. 10 Q. Okay. We did briefly 11 mention the Trotter Prize awarded by 12 Texas A & M University. Are you 13 familiar with Francis Krick and 14 Charlie Townes? 15 A. I'm familiar with Francis 16 Krick, yes. 17 Q. Okay. 18 A. And Charlie Townes is -- I 19 know the name. I don't know as much 20 about him, yes. 21 Q. Okay. Were you aware that 22 they had received the Trotter Prize 23 the first year it was given in 2002? 24 A. Yes.</p>



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<p style="text-align: center;">118</p> <p>1 Q. Okay. And when the Trotter 2 Prize was awarded to William Dembski, 3 there was a press release that 4 started out with, Two of the nation's 5 top scientists will visit Texas A & 6 M. Do you recall that? 7 A. I do. 8 Q. Okay. And you disagree 9 with that characterization of Bill 10 Dembski? 11 A. I do. 12 Q. Okay. On page four of your 13 expert report, I think you say 14 that - let me see if I can find it. 15 Okay, bottom of the page, "Dembski 16 argues that his books represent 17 original mathematical research." 18 Okay. Can you provide us with an 19 exact quote where Dembski says that 20 he is conducting mathematical 21 research? 22 A. Yes. On page 14 of his 23 Disclosure of Expert Testimony, he 24 says, about a third of the way down</p>	<p style="text-align: center;">120</p> <p>1 asked did I ever -- 2 Q. But does he ever call 3 himself a mathematical researcher? 4 A. That was -- that's a 5 different question, right? You 6 realize that? 7 Q. Well -- 8 A. The original question was 9 does he ever state that he is doing 10 mathematical research. 11 Q. Let me go back to see what 12 my exact question was here. You 13 said, "Dembski argues that his books 14 represent original mathematical 15 research", right? 16 A. You read that, but then you 17 asked -- 18 Q. No, can you provide an 19 exact quote where Dembski says -- 20 A. Where Dembski says he is 21 doing mathematical research? 22 COURT REPORTER: One at a 23 time, please. 24 THE WITNESS: Sorry, I</p>
<p style="text-align: center;">119</p> <p>1 the page, under Academic Experience, 2 Postdoctoral Visiting Fellow, MIT, 3 Department of Mathematics, research 4 in probability theory, 1988. 5 Above that, research in 6 chaos and probability, 1989. Above 7 that, research in cryptography and 8 complexity theory, 1990. Above that, 9 Independent Scholar, Pascal Centre, 10 Hamilton, Ontario, research in 11 complexity, information, and design, 12 1993 to 1996. 13 Above that, Fellow, 14 Discovery Institute, Center for the 15 Renewal of Science and Culture, 16 research in complexity, information, 17 and design. 18 Q. You are reading on the 19 Appendix? 20 A. Page 14 of his document. 21 It's Appendix 1, Curriculum Vitae. 22 Q. Okay. You are looking at 23 his Academic Experience? 24 A. Yes, that's correct. You</p>	<p style="text-align: center;">121</p> <p>1 apologize. 2 BY MR. THOMPSON: 3 Q. Okay. Go ahead. And 4 that's what you're responding to? 5 A. I'm responding to your 6 question does Dembski ever say he was 7 doing mathematical research, and the 8 answer is yes, according to his 9 vitae. 10 Q. Okay. On different 11 occasions by different people, there 12 has been criticism of Dembski's book 13 No Free Lunch, and specifically 14 chapter four in that book. Do you 15 understand that? Do you -- 16 A. I know there's been 17 criticism of many aspects of his 18 book, yes. 19 Q. Right. 20 A. I could look at chapter 21 four. 22 Q. We are specifically looking 23 at chapter four. 24 A. May I look at chapter</p>



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<p style="text-align: center;">122</p> <p>1 four? I don't know his book well 2 enough to know it -- the number of 3 the chapter. Evolutionary 4 Algorithms, yes. 5 Q. And in that book, or in 6 that chapter, referring to that 7 chapter, a person by the name of 8 David Wolpert said it was, I think, 9 written in Jell-O. Okay. Are you 10 aware that Dembski has claimed that a 11 few months back that he has filled in 12 what was considered mathematical gaps 13 in that chapter? 14 A. I'm aware of his claim, 15 yes. 16 Q. Okay. Have you looked at 17 that? 18 A. I have. 19 Q. And that was in the paper 20 entitled Searching Large Spaces? 21 A. I have, yes. 22 Q. Okay. Is that accurate? 23 Is that an accurate claim that he's 24 made?</p>	<p style="text-align: center;">124</p> <p>1 Q. Okay. Is it accurate to 2 say that at some point that you had 3 an e-mail communication with 4 Professor Dembski indicating that you 5 were not going to waste your time 6 finding more errors in his works? 7 A. Yes. Let me explain the 8 context of the sentence -- of this. 9 He sent me a copy of the paper, I 10 think he sent it to many people, and 11 asked me to give my comments. And my 12 response to him was, I don't intend 13 to waste more time finding more 14 errors in more work of yours. 15 Q. Is there an academic code 16 of conduct in professors dealing with 17 each other? 18 A. I don't think there's a 19 formal code. There -- my University 20 has a code of conduct about how 21 professors should treat each other. 22 I think it varies from university to 23 university, and many universities may 24 have -- may have no such code.</p>
<p style="text-align: center;">123</p> <p>1 A. Not in my opinion, no. 2 Q. Has he attempted to fill in 3 some of the gaps? 4 MR. HARVEY: Object to the 5 form of the question. 6 THE WITNESS: He's filled a 7 lot of pages. 8 BY MR. THOMPSON: 9 Q. Okay. Has he addressed any 10 of the criticisms? 11 A. No, he hasn't addressed, 12 for example, any of my criticisms. 13 Q. Okay. When did you read 14 that paper? 15 A. I think it was posted to 16 the Internet something like two 17 months ago, one to two months ago, if 18 I remember correctly. 19 Q. And you read it at that 20 time? 21 A. I looked at it at that 22 time, and I read it again more 23 carefully in preparing for today's 24 event.</p>	<p style="text-align: center;">125</p> <p>1 Q. Okay. Your University has 2 a written code of conduct? 3 A. It does. 4 Q. Okay. And where is that 5 found? 6 A. In documents on the 7 University of Waterloo web site, for 8 example, can be found a code of 9 conduct. 10 Q. So it is your claim that 11 Dembski's paper that I've referred to 12 does not address your criticisms of 13 his -- 14 A. It does not. 15 Q. Are you concerned that when 16 you raise a criticism, publicly or 17 privately, that he does not respond 18 to your criticism by name? 19 A. I'm sorry, could you 20 rephrase the question? 21 Q. Sure. When you raise a 22 criticism to his work, privately or 23 publicly, are you concerned that he 24 does not respond to your criticisms</p>



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<p style="text-align: center;">126</p> <p>1 by name, referring to you and your 2 criticism? 3 A. I'm sorry, it's the word 4 concerned that I don't know how to 5 deal with. 6 Q. Okay. 7 A. Can you use another word? 8 Q. Upset? 9 A. No. 10 Q. Well, why don't you tell me 11 how you feel about that? 12 A. I think that he has an 13 obligation to address valid 14 criticisms, and I think he hasn't 15 done that. 16 Q. Okay. Now, does he have to 17 do that by referring to the person 18 who expressed the criticism? 19 A. That would be standard 20 scientific or mathematical practice, 21 yes. 22 Q. Okay. Would you say that 23 that's a part of the academic code of 24 conduct?</p>	<p style="text-align: center;">128</p> <p>1 A. I think he's trying to do 2 that. 3 Q. So you would give him a 4 good grade for effort? 5 MR. HARVEY: Object to the 6 form of the question. 7 BY MR. THOMPSON: 8 Q. Go ahead, if you can 9 answer. 10 MR. HARVEY: If you can 11 answer, you can answer, if you 12 understand the question. 13 THE WITNESS: As a 14 professor, we don't give grades for 15 effort, we give grades for 16 accomplishment. 17 BY MR. THOMPSON: 18 Q. Okay. You don't think he's 19 accomplished it? 20 A. I don't. 21 Q. Even though he's attempted? 22 A. I don't. 23 Q. Okay. Do you recall in 24 that same phone conversation that you</p>
<p style="text-align: center;">127</p> <p>1 MR. HARVEY: Object to the 2 form of the question. He hasn't 3 testified that there's any code of 4 conduct that applies to this 5 situation. 6 BY MR. THOMPSON: 7 Q. Is there a code of conduct 8 that would apply to this situation? 9 A. Not a formal written one 10 that I can think of. 11 Q. Do you recall calling 12 Professor Dembski back in 2002 - 13 A. I do. 14 Q. -- about his book No Free 15 Lunch? 16 A. I do. 17 Q. Do you recall encouraging 18 him to write up his results in the 19 book in a mathematically rigorous 20 way? 21 A. I do. 22 Q. Okay. Don't you think he's 23 doing that now with these various 24 papers that he's issued?</p>	<p style="text-align: center;">129</p> <p>1 told him you were on the phone with 2 Wesley Elsberry several times a week 3 about his book? 4 A. That's true at that time, 5 yes. 6 Q. Okay. How much time do you 7 feel you spent in analyzing his book 8 No Free Lunch? 9 A. I think by the estimate 10 that I gave in the expert testimony 11 was three months, if I remember 12 correctly. 13 Q. Is that unusual, for 14 professors to spend their sabbaticals 15 reviewing a book? 16 A. I didn't review the book, 17 precisely. I read it and tried to 18 understand its arguments. Then after 19 doing so, I thought it would be 20 worthwhile to write a review of it. 21 Q. Isn't it true that during 22 sabbaticals, mathematicians typically 23 devote their time to primary 24 research?</p>



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<p style="text-align: center;">130</p> <p>1 A. Your question doesn't have 2 an easy answer with a yes or a no. 3 Q. Answer it and explain it. 4 A. A sabbatical is granted 5 typically every six years, every -- 6 the seventh year is the sabbatical 7 year. And this is a time for 8 professors to pursue many different 9 activities that they normally 10 wouldn't be able to do. 11 During my sabbatical, I 12 finished a book, namely, the book 13 Automatic Sequences that was 14 published by Cambridge University 15 Press. 16 I also wrote many papers. 17 And in addition, something that I 18 would typically not have the ability 19 to do during teaching and other 20 duties, is I spent three months 21 analyzing the arguments in Professor 22 Dembski's book. 23 Q. Why did you feel it was 24 necessary to take three months out of</p>	<p style="text-align: center;">132</p> <p>1 arise, the bacterial -- he says the 2 bacterial flagellum. 3 That's an error, but let's 4 say a bacterial flagellum. He does 5 so in terms of a calculation 6 involving binomial coefficients and 7 powers, and he asserts the number 8 corresponds to ten to the minus 288th 9 power, that means .00000 with 287 10 zeroes and then a one. 11 Q. Okay. Could you, to a 12 layman, could you explain what that 13 means, what the significance of that 14 is? 15 A. It's an extremely small 16 probability. 17 Q. And how would that relate 18 to the theory of intelligent design? 19 A. You're asking me to make 20 Dembski's argument for him. Dembski 21 would say such a small probability 22 indicates that the flagellum could 23 not have arisen naturally. 24 Q. Okay. Now, with his number</p>
<p style="text-align: center;">131</p> <p>1 your professional life to analyz 2 that book? 3 A. I thought that -- I wanted 4 to understand his arguments, and I 5 didn't anticipate it would take as 6 long as it did to read them and 7 consider them carefully. 8 Q. So it's a fair statement to 9 say you took his book seriously? 10 A. I did take it seriously, as 11 he -- he challenged people to do. 12 Q. On page six of your report, 13 you talk about in No Free Lunch, 14 Dembski recorded a number that is 65 15 orders of magnitude off. Could you 16 explain that for me, please? 17 A. Yes. Let's see if I can 18 get the exact page here for you. On 19 page 297 of No Free Lunch, there's a 20 calculation where he uses something 21 he calls a perturbation probability 22 to approximate a probability, one of 23 several that he uses in computing the 24 probability that the flagellum would</p>	<p style="text-align: center;">133</p> <p>1 off by 65 orders of magnitude, what 2 does that mean? 3 A. That means he's off by a 4 thousand thousand thousand thousand 5 thousand thousand thousand thousand 6 thousand thousand thousand 7 thousand -- I said thousand 22 times 8 there -- a factor that large. 9 Q. How does that affect the 10 validity of the theory? 11 A. I'd say that when you have 12 a calculation in a book that's off by 13 65 orders of magnitude, it indicates 14 sloppiness, certainly, and that the 15 figure should be retracted or 16 otherwise publicized as wrong, and 17 the correct figure should be given. 18 Q. My question was, how does 19 that implicate his theory? 20 A. It implies that the 21 flagellum is far more improbable than 22 his own calculation actually says. 23 Q. So it actually helps his 24 theory, does it not?</p>



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<p style="text-align: center;">134</p> <p>1 A. The error helps his theory, 2 that's right. The error makes it 3 look more improbable. 4 Q. Oh, it does? 5 A. Yes. 6 Q. Than had he corrected the 7 65 magnitude? 8 A. Right. So it should be 10 9 to the minus 223 power, so he's made 10 it 10 to the 65 more times improbable 11 than it should be. 12 Q. Okay. In the scheme of 13 things, would it make much 14 difference, I mean, even the number 15 that is accurate, how would you 16 describe that? As highly improbable? 17 A. I would describe that if 18 the calculation were done correctly, 19 it would be improbable. 20 Q. Okay. Virtually 21 improbable? 22 A. I don't know what that 23 means. Sorry. 24 Q. In layman's terms, what</p>	<p style="text-align: center;">136</p> <p>1 correction, changed the figure? 2 A. I was not aware of it. He 3 certainly didn't inform me. 4 Q. Okay. Do you know an 5 individual by the name of Robert 6 Marks, or know of him, I should say? 7 A. Robert Marks? 8 Q. Uh-huh. 9 A. The name is not familiar, 10 no. 11 Q. Okay. Are you familiar 12 with the expert report of Scott 13 Minick? 14 A. No, I wouldn't say I could 15 say anything about it, really. 16 Q. As I understand the 17 position that you've taken 18 throughout, that, you know, you're 19 limiting your expert opinions to the 20 areas that you have credentials in, 21 and that is, mathematics and computer 22 science, is that correct? 23 A. Mathematics, computer 24 science, and also pseudomathematics</p>
<p style="text-align: center;">135</p> <p>1 would be the chances? 2 A. But the entire calculation 3 is based on a nonsensical model, so I 4 think it has no interpretation. 5 My only point in pointing 6 out that this was wrong is that 7 Dembski has made a calculation where 8 he's made 10 to the 65th error, and 9 routine scientific practice would be 10 to issue an erratum to this, and he 11 hasn't. 12 Q. Now, okay, other 13 mathematicians have made errors? 14 A. Yes. 15 Q. And it is not something 16 that is tremendously unusual, is it? 17 A. No, it's not. 18 Q. Okay. And your objection 19 is that when the error was presented 20 to him, he should have issued some 21 kind of correction? 22 A. At the very least, yes. 23 Q. Okay. Would it help to 24 know that he has issued some</p>	<p style="text-align: center;">137</p> <p>1 and pseudoscience to some extent. 2 Q. Okay. Is that a field, 3 pseudomathematics and pseudoscience? 4 A. The study of it is a field, 5 yes. 6 Q. Who studies that? 7 A. There have been many, many 8 books and papers on pseudoscience and 9 pseudomathematics. 10 Q. Is it a department in any 11 university? 12 A. No. 13 Q. Are there any -- 14 A. No, it's a -- it would be a 15 sub field. 16 Q. Okay. Are there any 17 professors who claim to be experts in 18 pseudomathematics and pseudoscience? 19 A. Yeah, I think there would 20 be several, yeah. 21 Q. Okay. How would you define 22 a pseudomathematician? 23 A. Well, let me start with 24 pseudoscience as a preliminary.</p>



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<p style="text-align: center;">138</p> <p>1 Q. Okay.</p> <p>2 A. Pseudoscience is a social</p> <p>3 activity which has the trappings of</p> <p>4 science, mimics science in several</p> <p>5 ways, but is not actual science in</p> <p>6 many respects.</p> <p>7 And Martin Gardner, the</p> <p>8 popular science writer and editor of</p> <p>9 the mathematical games column of</p> <p>10 Scientific American wrote a book</p> <p>11 entitled In the Name of Science where</p> <p>12 he lists some of the characteristics</p> <p>13 of pseudoscience.</p> <p>14 So he says that</p> <p>15 pseudoscientists make grandiose</p> <p>16 claims. Pseudoscientists attack the</p> <p>17 best-known scientists and the best-</p> <p>18 known theories.</p> <p>19 Pseudoscientists develop</p> <p>20 their own jargon, a form of discourse</p> <p>21 that's unique to them and which is</p> <p>22 not shared by the larger scientific</p> <p>23 community.</p> <p>24 Pseudoscientists believe</p>	<p style="text-align: center;">140</p> <p>1 Q. Would you consider or do</p> <p>2 you consider, excuse me, do you</p> <p>3 consider William Dembski a</p> <p>4 pseudoscientist?</p> <p>5 A. I think pseudo -- yes, I</p> <p>6 think it's a combination of</p> <p>7 pseudoscience and pseudomathematics.</p> <p>8 I was restricting myself to the</p> <p>9 pseudomathematics.</p> <p>10 Q. Okay. Would you consider</p> <p>11 Michael Eche a pseudoscientist?</p> <p>12 A. I -- at this point, if I</p> <p>13 answer, I would say that it's only</p> <p>14 with a layman's understanding of the</p> <p>15 biology involved, and not any</p> <p>16 professional credentials. So with</p> <p>17 that preface, I would say that, yes,</p> <p>18 his work does exhibit some of the</p> <p>19 aspects of pseudoscience.</p> <p>20 Q. You know he's a professor</p> <p>21 of microbiology at Lehigh University?</p> <p>22 A. I do.</p> <p>23 Q. And that he has published a</p> <p>24 lot of works in the area of</p>
<p style="text-align: center;">139</p> <p>1 they are -- often believe they are</p> <p>2 unjustly persecuted or prevented from</p> <p>3 disseminating their results.</p> <p>4 Pseudoscientists do not</p> <p>5 respond to critics. So these are</p> <p>6 some of the things that he laid out</p> <p>7 as characteristics of pseudoscience.</p> <p>8 And pseudomathematics is</p> <p>9 similarly the practice of mathematics</p> <p>10 where it looks, perhaps to the</p> <p>11 untrained eye, as if someone is doing</p> <p>12 mathematics, but the person is not</p> <p>13 following the generally accepted</p> <p>14 standards of presenting, for example,</p> <p>15 theorems together with proofs, of</p> <p>16 responding to criticism, focusing</p> <p>17 attacks on, you know, on the very</p> <p>18 best known mathematical theories that</p> <p>19 are accepted by everyone.</p> <p>20 So I would say it's very</p> <p>21 similar to that, just the focus has</p> <p>22 shifted from -- very similar to</p> <p>23 pseudoscience, but the focus has</p> <p>24 shifted from science to mathematics.</p>	<p style="text-align: center;">141</p> <p>1 microbiology?</p> <p>2 A. I didn't say all his work.</p> <p>3 Q. Which work do you think is</p> <p>4 pseudoscience?</p> <p>5 A. Darwin's Black Box.</p> <p>6 Q. What part of that?</p> <p>7 A. I think, again, I'm only</p> <p>8 speaking as a layman's understanding,</p> <p>9 and I don't intend to offer this as</p> <p>10 expert testimony.</p> <p>11 I think the fact that he</p> <p>12 doesn't -- he doesn't change his</p> <p>13 arguments and respond to good</p> <p>14 criticisms. So, for example, the</p> <p>15 mouse trap analogy I think has been</p> <p>16 decisively refuted, but he continues</p> <p>17 to give that.</p> <p>18 Q. Where do you believe it's</p> <p>19 been decisively refuted? Who's</p> <p>20 decisively refuted it?</p> <p>21 A. I think there are a</p> <p>22 large --</p> <p>23 MR. HARVEY: I'm going to</p> <p>24 object to the line of questioning.</p>



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<p style="text-align: center;">142</p> <p>1 It's outside his area of expertise. 2 I don't know why we're pursuing this, 3 what relevance this has to this 4 litigation. He can answer the 5 question, but I'm not going to let 6 this go on for too long. 7 THE WITNESS: I would say, 8 again, prefacing that this is only my 9 layman's understanding, I believe 10 it's been decisively refuted by many 11 people whose critiques I've read, 12 such as Kenneth Miller, for example. 13 BY MR. THOMPSON: 14 Q. What about Professor Scott 15 Minick, do you think he's a 16 pseudoscientist? 17 A. I don't know enough of his 18 work to be able to give you an 19 answer. 20 Q. Did you read the report of 21 Stephen Meyer? 22 A. I did read it, yes. 23 Q. Do you think he's a 24 pseudoscientist?</p>	<p style="text-align: center;">144</p> <p>1 opinion on that. 2 Q. Okay. Can you offer any 3 expert opinion on the policy that was 4 adopted by the Dover Area School 5 Board which is the subject matter of 6 this lawsuit? 7 A. I'm not qualified to 8 discuss science education in the high 9 schools, per se. I don't know the 10 legal issues, and I couldn't offer 11 anything of value about their 12 particular policy. 13 Q. What do you understand as 14 the theory of an intelligent design? 15 A. I think that based on my 16 understanding of Dembski's summary, 17 that it is the belief that certain 18 aspects of nature exhibit a 19 complexity which could not be reduced 20 to chance or necessity and, 21 therefore, according to Dembski, must 22 be assigned to an intelligent 23 designer, a supernatural being. 24 Q. Do you agree that</p>
<p style="text-align: center;">143</p> <p>1 A. Again, prefacing my remarks 2 that it's only a layman's, I 3 wouldn't -- I wouldn't call him a 4 pseudoscientist because I don't think 5 he's even mimicking science, so I 6 don't -- he's a philosopher, as far 7 as I can tell. 8 Q. Isn't it true many times 9 new theories, before they're accepted 10 by the general scientific community, 11 are considered pseudoscience? 12 A. No, I don't think so. I 13 don't think that's true. But -- no, 14 I would say no. 15 Q. What about the Big Bang 16 theory? 17 A. I'm not -- 18 MR. HARVEY: I'm going to 19 object to the form of the question. 20 What about it? 21 BY MR. THOMPSON: 22 Q. Wasn't it at one point 23 considered pseudoscience? 24 A. I couldn't offer any expert</p>	<p style="text-align: center;">145</p> <p>1 scientists like Michael Behe look at 2 a bacterial flagellum and see design? 3 MR. HARVEY: Object to the 4 form of the question. 5 THE WITNESS: You're asking 6 me to talk about Michael Behe's 7 internal state, and I don't -- 8 BY MR. THOMPSON: 9 Q. Well, no, his report, his 10 expert opinion. 11 A. I haven't -- I don't feel I 12 have been qualified to answer 13 anything about bacterial flagellum 14 other than the calculation in No Free 15 Lunch by Dembski. 16 Q. Your report focuses on a 17 rebuttal of Dembski; is that correct? 18 A. I think there are several 19 aspects of my report. I address his 20 qualifications, and I address his 21 mathematical claims. 22 Q. A lot of your report, 23 though, really deals with an attack 24 on Dembski, does it not?</p>



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<p style="text-align: center;">146</p> <p>1 MR. HARVEY: Object to the 2 form of the question. Attacking 3 Dembski personally, or on his work? 4 MR. THOMPSON: An attack on 5 Dembski. If you can answer the 6 question. 7 MR. HARVEY: Object to the 8 form of the question. 9 THE WITNESS: Can you 10 qualify what you mean by the word 11 attack? 12 BY MR. THOMPSON: 13 Q. Well, you make a claim 14 Dembski is not a scientist. Is that 15 an attack on Dembski? 16 A. I think it's -- 17 MR. HARVEY: Object to the 18 form of the question. 19 THE WITNESS: I think it's 20 a factual statement, by my 21 understanding of the word science. 22 BY MR. THOMPSON: 23 Q. You say in your report that 24 Dembski is not a renowned</p>	<p style="text-align: center;">146</p> <p>1 objection. 2 THE WITNESS: I'd say 3 neither is -- not accepted by the 4 scientific community at large is a 5 fact, and not useful to science is my 6 opinion. 7 BY MR. THOMPSON: 8 Q. Now, when you say Dembski 9 is not a scientist, how is that 10 relevant to the question of whether 11 his theory is valid? 12 A. It's a separate issue. 13 Q. Okay. So when you make a 14 statement Dembski is not a scientist, 15 you are not in any way impugning the 16 validity of his theory -- 17 MR. HARVEY: Object. 18 BY MR. THOMPSON: 19 Q. -- is that correct? 20 MR. HARVEY: You may 21 answer. 22 THE WITNESS: Yes, that's 23 correct. 24 BY MR. THOMPSON:</p>
<p style="text-align: center;">147</p> <p>1 mathematician. Is that an attack on 2 Dembski? 3 MR. HARVEY: Object to the 4 form of the question. 5 THE WITNESS: I think it's 6 a factual statement. 7 BY MR. THOMPSON: 8 Q. You say Dembski's work is 9 extensively criticized in the 10 literature, but he rarely responds. 11 Is that an attack on Dembski? 12 MR. HARVEY: Object to the 13 form of the question. You may 14 answer. 15 THE WITNESS: I think it's 16 a factual statement. 17 BY MR. THOMPSON: 18 Q. You make a statement, 19 Dembski's method for inferring design 20 is neither accepted by the scientific 21 community at large nor useful to 22 science. Is that an attack on 23 Dembski? 24 MR. HARVEY: Same</p>	<p style="text-align: center;">149</p> <p>1 Q. Okay. So when you make a 2 statement that Dembski is not a 3 renowned mathematician, you are not 4 in any way impugning the validity of 5 his theory, is that correct? 6 MR. HARVEY: I'm going to 7 object to the form of the question. 8 THE WITNESS: Yes, that's 9 correct. 10 BY MR. THOMPSON: 11 Q. You make the statement 12 Dembski's work is extensively 13 criticized in the literature, but he 14 rarely responds. That is not in any 15 way impugning the validity of his 16 theory, is it? 17 MR. HARVEY: Same 18 objection. 19 THE WITNESS: I don't think 20 it has a yes or no answer, again. 21 BY MR. THOMPSON: 22 Q. You mean the validity of a 23 theory depends on whether someone 24 responds to criticism?</p>



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<p style="text-align: center;">150</p> <p>1 A. If the criticism isn't 2 addressed and it's correct, then, 3 yes. 4 Q. Well, that's -- I didn't 5 ask -- you inserted "and it's 6 correct." I'm just talking about the 7 claim itself. 8 A. Okay. Could you rephrase, 9 then? 10 Q. Okay. You indicated 11 Dembski's work is extensively 12 criticized in the literature, but he 13 rarely responds. Does that claim in 14 any way impugn the validity of his 15 theory? 16 A. In a logical sense, no. 17 Q. Well, aren't scientists 18 supposed to be logical? 19 A. Well, in a sociological 20 sense, yes, so I find it hard -- 21 Q. It's a -- 22 A. I'm a mathematician and 23 scientist and I don't fit well into a 24 legal community, and for that, I</p>	<p style="text-align: center;">152</p> <p>1 Q. So much of the claims that 2 you are making and that I just 3 referred to have no relevancy at all 4 to the validity of whether Dembski's 5 theory of intelligent design is a 6 valid theory, is that correct? 7 MR. HARVEY: Objection. 8 Mischaracterizes the testimony. 9 THE WITNESS: Do you want 10 to -- could you rephrase it? 11 MR. THOMPSON: I'll try to 12 rephrase it. Would you please repeat 13 what I asked. 14 (The court reporter read 15 back the following: 16 "Q. So much of the 17 claims that you are making and that I 18 just referred to have no relevancy at 19 all to the validity of whether 20 Dembski's theory of intelligent 21 design is a valid theory, is that 22 correct?") 23 BY MR. THOMPSON: 24 Q. Do you understand the</p>
<p style="text-align: center;">151</p> <p>1 apologize. 2 Q. Well, no, I'm talking about 3 logic in the sense of is it a 4 fallacious argument to make that just 5 because he does not respond to 6 literature -- excuse me. Just 7 because he does not respond to 8 criticism in the literature, that 9 that impugns the validity of his 10 theory? 11 A. That would be fallacious if 12 I had made that argument, yes. 13 Q. Right. And would it in any 14 way impugn the validity of his theory 15 by claiming Dembski's method for 16 inferring design is neither accepted 17 by the scientific community at large, 18 nor useful to science? 19 A. It could be correct even 20 so. 21 Q. Correct. 22 (Mr. Rothschild exited the 23 deposition room at 2:24 p.m.) 24 BY MR. THOMPSON:</p>	<p style="text-align: center;">153</p> <p>1 question now? 2 A. I would say some of what 3 I've said is not directly addressing 4 that question, yes. 5 Q. Well, the various 6 allegations that I referred to 7 earlier, Dembski is not a scientist, 8 Dembski is not a renowned 9 mathematician, Dembski's work is 10 extensively criticized in the 11 literature but he rarely responds, 12 Dembski's method for inferring design 13 is neither accepted by scientific 14 community at large nor useful to 15 science, none of those allegations 16 really relate to whether Dembski's 17 theory of intelligent design is a 18 valid theory, is that correct? 19 A. It's just hard because it 20 doesn't have a yes or no answer. 21 It's a -- we use many methods for 22 determining the validity of theories. 23 We use methods where we 24 examine the claims, which I also have</p>



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<p style="text-align: center;">154</p> <p>1 done. But we also evaluate theories 2 every day on the basis of appeal to 3 appropriate authority. So -- 4 Q. Well, isn't -- even -- 5 MR. HARVEY: I'm going to 6 object. I don't believe, I'm not 7 sure that it's clear that he was 8 finished. 9 MR. THOMPSON: Okay. 10 MR. HARVEY: Were you 11 finished with your answer? 12 THE WITNESS: I think I was 13 finished. 14 BY MR. THOMPSON: 15 Q. Okay. Well, appeal to 16 appropriate authority, that's a 17 fallacious argument in itself, isn't 18 it? 19 A. No, appeal to authority is 20 a fallacious argument. 21 Q. But even appeal to 22 appropriate authority, the authority 23 might be wrong; isn't that true? 24 Isn't that one of the fallacious</p>	<p style="text-align: center;">156</p> <p>1 you've alleged, does not affect the 2 validity of his theory, does it? 3 A. No. 4 Q. Okay. And the fact that 5 Dembski is not a renowned 6 mathematician does not affect the 7 validity of his theory, does it? 8 A. No. 9 Q. Okay. And the fact that 10 Dembski's work is extensively 11 criticized in the literature but he 12 rarely responds does not affect the 13 validity of his theory, does it? 14 A. I think we're back to the 15 same point again. 16 Q. Are we stuck on that one? 17 A. I guess to make it clear, 18 that alone, with nothing else, would 19 not affect the validity. 20 Q. Okay. And then the fact 21 that Dembski's method for inferring 22 design is neither accepted by the 23 scientific community at large, nor 24 useful to science, does that affect</p>
<p style="text-align: center;">155</p> <p>1 arguments discussed in books in 2 logic, appeal to authority? 3 A. No, I think appeal to 4 authority is a fallacious argument. 5 But appeal to appropriate authority 6 is not always fallacious. It could 7 be fallacious, but it's not 8 necessarily fallacious. 9 Q. When you prove your 10 argument, when you're attempting to 11 prove the validity of your argument, 12 how does the validity of your 13 argument depend upon the authority 14 that you're appealing to? 15 A. You didn't -- you didn't 16 really follow what I said, I think. 17 I said that we -- we, as people, use 18 many different methods for assessing 19 the correctness of claims. And in 20 areas where one is not an expert, the 21 opinions of experts are useful. 22 Q. Okay. Now I'll ask my 23 question again. The fact that 24 Dembski is not a scientist, which</p>	<p style="text-align: center;">157</p> <p>1 the validity of his theory? 2 A. That alone, no. 3 Q. Okay. On page ten, you 4 refer to -- and that's paragraph 5 number six, "Dembski's 'Law of 6 Conservation of Information' is not a 7 law." Can you explain what you mean 8 by that? 9 A. Yes. Dembski makes a 10 certain claim that his version of 11 complexity, which he calls specified 12 complexity, has the property that if 13 a function, a deterministic function, 14 is applied to a particular item of 15 information with a particular 16 specified complexity, then the new 17 item of information that you get by 18 applying the function, let's call it 19 F, to the item of information X, new 20 piece of information F of X, has no 21 more information in the Dembski 22 sense, specified complexity, than the 23 original X. 24 And he makes a similar</p>



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<p style="text-align: center;">158</p> <p>1 claim to F's that are not strictly 2 deterministic but involve a 3 stochastic element. This he calls 4 his Law of Conservation of 5 Information. 6 Q. And you're saying it's not 7 a law? 8 A. It's not a law. 9 Q. Could you define what you 10 mean by law? 11 A. He uses the term law, and 12 when I say it's not a law, I mean 13 it's not correct. The claim, the Law 14 of Conservation of Information, is 15 not correct. 16 Q. Are you aware of the 17 endorsements of Dembski's book No 18 Free Lunch? 19 A. I'm familiar with many of 20 them, yes. 21 Q. Okay. Are you familiar 22 with the endorsement he received by 23 John C. Lennox? 24 A. I am.</p>	<p style="text-align: center;">160</p> <p>1 Q. Ceramic, is it? Okay. 2 A. I believe that's what it 3 says. May I consult the book? 4 Q. Sure. 5 A. Bioceramic engineering. I 6 don't purport to be an expert in 7 engineering, but bio means life, and 8 ceramic, I think we know what 9 ceramics are, so I imagine it has to 10 do with the properties of materials 11 that involve organic substances 12 together with ceramics. That would 13 be my guess. 14 Q. Do you recall criticizing 15 Ruys -- 16 A. I do. 17 Q. -- for endorsing Dembski's 18 work -- 19 A. I do. 20 Q. -- on ethical grounds? 21 A. I criticized him on the 22 basis that giving your opinion where 23 you're not an expert for the 24 endorsement of a book might be</p>
<p style="text-align: center;">159</p> <p>1 Q. Do you consider John C. 2 Lennox a credible scientist, 3 mathematician? 4 A. He's a mathematician, yes. 5 Q. Credible mathematician? 6 A. Yes. 7 Q. Do you consider him 8 involved in pseudomathematics? 9 A. No. 10 Q. Okay. What about Andrew 11 Ruys, are you aware of his 12 endorsement of -- 13 A. I am. 14 Q. And do you consider himself 15 a credible scientist? 16 A. I believe he's an engineer, 17 a materials engineer. 18 Q. How would you define that 19 in the different departments of 20 academia? 21 A. He's an engineer. 22 Q. Engineer. Okay. What is a 23 bioceramic engineer? 24 A. Bioceramics?</p>	<p style="text-align: center;">161</p> <p>1 unethical. 2 Q. And you cited the Code of 3 Canadian Ethics -- excuse me, the 4 Canadian Code of Ethics for 5 Engineers? 6 A. I did. 7 Q. Was there a specific 8 provision in there? 9 A. I cited -- I quoted to him 10 something along those lines. It was 11 three years ago. I don't remember 12 the exact. 13 Q. Well, why did you do that? 14 A. Because he insisted that it 15 was perfectly fine for him to endorse 16 it. And -- but he didn't respond to 17 my question about whether he felt he 18 had the qualifications to understand 19 it. 20 Q. And so your -- 21 A. This was private 22 correspondence, I want to emphasize. 23 Q. Okay. So what you were 24 saying is you don't have the</p>



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<p style="text-align: center;">162</p> <p>1 qualifications to endorse the book, 2 therefore, you should not have 3 endorsed the book? 4 A. Yes. 5 Q. Have you contacted any 6 other scholars who have endorsed -- 7 A. I have. 8 Q. -- Dembski's book? 9 A. Uh-huh. 10 Q. How many? 11 A. I couldn't say because the 12 book came out in 2002, but I would 13 guess it was between five and ten. 14 Q. Is this a usual practice of 15 yours? 16 A. Please rephrase the 17 question. 18 Q. Is it a usual practice of 19 yours to look at book reviews and 20 criticize individuals who are 21 endorsing a book? 22 A. I have on occasion, yes. 23 Q. What other occasions? 24 A. I have to think. I believe</p>	<p style="text-align: center;">164</p> <p>1 there's a small amount of animosity, 2 yes. 3 BY MR. THOMPSON: 4 Q. Why is that? 5 A. Well, to take the most 6 recent example, he -- he alleged that 7 I engaged in unethical conduct, and 8 his summary of the events was 9 incorrect, and he did so by posting 10 it on the Internet. 11 Q. Was that with reference to 12 the book that he was co-editing 13 with -- 14 A. It was. 15 Q. -- Professor Michael Ruse? 16 A. It was. 17 Q. And you, in fact, 18 apologized for what you did; is that 19 true? 20 A. It is a -- your summary of 21 the events is misleading. 22 Q. Okay. Why don't you give 23 me the summary of events. 24 A. The summary of events was</p>
<p style="text-align: center;">163</p> <p>1 I once criticized someone for 2 endorsing a pro-evolution, 3 anticreationist book which was poorly 4 written. 5 Q. And you criticized it on 6 what grounds? 7 A. That the endorsement wasn't 8 accurate. 9 Q. And do you remember what 10 the title of that book was? 11 A. It was -- it was -- just a 12 second. I can't remember. It was by 13 an Australian anticreationist, and I 14 could come up with the title and give 15 it in a minute, but -- 16 Q. Okay. Is it a fair 17 statement to make that there is 18 animosity between you and Bill 19 Dembski? 20 MR. HARVEY: Object to the 21 form of the question. I believe he 22 can only testify about his end of 23 that. 24 THE WITNESS: I'd say</p>	<p style="text-align: center;">165</p> <p>1 that Elsberry and I considered the 2 possibility of submitting our paper 3 to a volume edited by Ruse and 4 Dembski. 5 I wrote to Ruse and asked 6 him to keep my concern confidential, 7 that if I sent the paper to Ruse and 8 Dembski, Dembski would find some 9 reason to not include it in the 10 volume. And then he would not only 11 know our arguments, but also have 12 kept our paper out. That was the 13 context. 14 And -- however, Ruse 15 mistakenly forwarded this 16 confidential e-mail, which I asked 17 him to keep confidential, to Dembski 18 by accident, which he was mortified 19 to do, and he apologized -- Ruse 20 apologized to me profusely. 21 And I called up Dembski and 22 I said -- I explained to him, because 23 Dembski thought in his e-mail to me 24 that this meant I was trying to sneak</p>



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<p style="text-align: center;">166</p> <p>1 the paper in behind his back. 2 I wasn't. I was simply 3 expressing my concern. We hadn't 4 submitted a paper. We hadn't asked 5 the paper to be included. We had 6 never asked it to be included behind 7 his back. 8 I simply asked -- I 9 expressed my concern to Ruse, and 10 Ruse replied. And that was it. The 11 paper was never submitted, or Ruse 12 never saw the paper. 13 And I apologized to Dembski 14 because I thought I should not have 15 denigrated him to his coauthor. That 16 was rude. And I apologized for my 17 rudeness, and Dembski accepted my 18 apology. 19 Q. Well, isn't it true the 20 actual e-mail that you sent said the 21 following: "I am somewhat worried 22 that if you send the MS" -- is that 23 the manuscript -- 24 A. Uh-huh.</p>	<p style="text-align: center;">168</p> <p>1 Q. Continuing on with this, I 2 don't know how to characterize this, 3 but this exchange that you're having 4 with Professor Dembski, you indicated 5 to him just recently, actually in 6 March, that you were not going to 7 waste any more time looking at papers 8 of his; is that correct? 9 A. No. I believe what I said 10 was -- well, you can read what I 11 said. I think you have it in front 12 of you. I said something to the 13 order of I don't plan to waste any 14 more time finding mistakes in papers 15 of yours. 16 Q. Right. 17 A. That's different from 18 reading. Finding mistakes is a more 19 thorough reading. 20 Q. I'll quote it so that it's 21 accurate. "I already told you that 22 since you have never publicly 23 acknowledged even one of the many 24 errors I have pointed out in your</p>
<p style="text-align: center;">167</p> <p>1 Q. -- "to him," meaning 2 Dembski, "he will find some reason to 3 put the kibosh on it." And then 4 you've got in parentheses, "Too 5 technical, too long." And then he 6 will win both ways. It doesn't get 7 published in your anthology, and he 8 already knows the content before it 9 appears." Isn't that what you wrote 10 in your e-mail? 11 A. That's what I wrote, and I 12 believe I made an accurate summary of 13 it just now. 14 Q. Well, you wanted to keep 15 your manuscript away from Dembski; 16 isn't that true? 17 A. I did -- I expressed my 18 worry that if he saw it, he would 19 unfairly reject it. That was my 20 worry. 21 Q. Okay. 22 A. I never submitted the 23 manuscript to Ruse. He never saw 24 it. And it -- well --</p>	<p style="text-align: center;">169</p> <p>1 work, I do not intend to waste my 2 time finding more errors in more work 3 of yours." 4 A. That's correct. 5 Q. Then the next paragraph 6 "I find your failure to acknowledge 7 the errors I have pointed out 8 completely indefensible, both 9 ethically and scientifically." 10 A. Yes. 11 Q. Period. That's what the 12 letter was, or the e-mail you sent. 13 A. Uh-huh, yes. 14 Q. In that e-mail you were 15 saying, and correct me if I'm wrong, 16 that you were not going to read any 17 more of his papers? 18 A. At the time that e-mail was 19 written, I had the intention that I 20 would not search for errors in his 21 papers. 22 Q. And that was a response, 23 your e-mail that I just read was a 24 response to an e-mail that he had</p>



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<p style="text-align: center;">170</p> <p>1 sent you, among other critics, and 2 that e-mail basically indicated that 3 he was attaching a paper to fill in 4 the details of chapter four of No 5 Free Lunch which, you know, David 6 Wolpert had referred to as, quote, 7 written in Jell-O. 8 A. That's correct. 9 Q. Okay. And he wanted you 10 all to take a look at it, right? 11 A. Yes. 12 Q. Okay. And he welcomed your 13 comments, correct? 14 A. He said he welcomed my 15 comments. 16 Q. Right. And your response 17 was the e-mail that you sent him that 18 we just referred to? 19 A. That's true. 20 Q. Well, isn't that an 21 indication that at least he was 22 willing to listen to critics and had 23 already responded to critics? 24 A. No, it's not such an</p>	<p style="text-align: center;">172</p> <p>1 Q. Are you aware of the 2 religious implications in the battle 3 between the theory of intelligent 4 design and the theory of evolution?" 5 THE WITNESS: I don't know 6 what I'm supposed to do. If I don't 7 think that intelligent design is a 8 theory, then how should I answer the 9 question? It seems to be like do you 10 beat your wife? When did you stop 11 beating your wife? 12 BY MR. THOMPSON: 13 Q. You don't acknowledge that 14 proponents of intelligent design view 15 it as a theory? 16 A. Yes, but I don't view it as 17 a theory, and so I can't answer the 18 question without betraying my own 19 understanding of it. 20 Q. Do you acknowledge reading 21 the book by Barbara Forrest and Paul 22 Gross entitled Creationism's Trojan 23 Horse, I believe? 24 A. I do.</p>
<p style="text-align: center;">171</p> <p>1 indication. 2 Q. Now, are you aware that 3 there is a dispute between 4 intelligent design theory and the 5 theory of evolution that has 6 religious implications to it? 7 MR. HARVEY: Object to the 8 use of the word theory. 9 THE WITNESS: Could you 10 rephrase? 11 BY MR. THOMPSON: 12 Q. Are you aware of the 13 religious implications in the battle 14 between the theory of intelligent 15 design and the theory of evolution? 16 A. I'm aware - 17 MR. HARVEY: Object to the 18 form of the question. 19 BY MR. THOMPSON: 20 Q. Okay. Continue. 21 A. Sorry. Could you read back 22 the question? 23 (The court reporter read 24 back the following:</p>	<p style="text-align: center;">173</p> <p>1 Q. In there they discuss the 2 theory of intelligent design, do they 3 not? 4 A. I think they discussed 5 intelligent design. I'm not sure 6 they used the word theory. 7 Q. Are you having a problem 8 with the word theory that I put in 9 front of intelligent design? 10 A. That is precisely the 11 problem, yes. 12 Q. Okay. If I took the word 13 theory out, would you answer the 14 question? 15 A. I would. 16 Q. Okay. I take the word 17 theory out. Are you familiar with 18 the religious implications in the 19 conflict between the theory of 20 evolution and intelligent design? 21 A. I'm aware that some believe 22 there are religious conflicts, yes. 23 Q. Does that in any way affect 24 your view of intelligent design as</p>



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<p style="text-align: center;">174</p> <p>1 propounded by William Dembski and 2 Michael Behe? 3 A. I can only speak about 4 William Dembski. 5 Q. Okay. 6 A. That's what I'm offering my 7 expert testimony. My expert 8 testimony has nothing to do with the 9 religious implications. 10 Q. Okay. Have you read the 11 biology textbook that the Dover ninth 12 grade high school students use? 13 A. I have not. 14 Q. Have you consulted with Ken 15 Miller at all, who is the author of 16 that book? 17 A. Could you be more precise? 18 With respect to this issue? 19 Q. Yes. 20 A. No. 21 Q. Have you consulted him with 22 respect to any issue? 23 A. I've sent him e-mail on 24 occasion.</p>	<p style="text-align: center;">176</p> <p>1 Q. And basically it went 2 through the Wedge document. Have you 3 ever seen the Wedge document? 4 A. I have. 5 Q. Okay. Have you read it? 6 A. I have. 7 Q. And Barbara Forrest 8 discusses that; is that correct? 9 A. Yes. 10 Q. And her book also discusses 11 the various strategies and ways in 12 which intelligent design proponents 13 are moving their intelligent design 14 along; is that correct? 15 A. That's correct. 16 Q. Okay. Now, that book was 17 not a science book, was it? 18 A. I would say it's a more -- 19 it had aspects of science in it, but 20 I'd say primarily a political and 21 sociological analysis. 22 Q. Right. It didn't discuss 23 mathematics, did it? 24 A. I think it was briefly</p>
<p style="text-align: center;">175</p> <p>1 Q. Dealing with what? 2 A. Something he said, 3 something I read of his. 4 Q. Dealing with the battle 5 between the theory of evolution and 6 intelligent design? 7 A. Probably, but it's been a 8 while since -- I actually don't 9 remember the precise details of my 10 e-mail message. I correspond with 11 many people. 12 Q. Okay. Now, when you read 13 Barbara Forrest's book, Creationism's 14 Trojan Horse, you gave it a very 15 sterling review, did you not? 16 A. I did. 17 Q. And would you describe, if 18 you can, the book. What was the book 19 about? 20 A. The book was about the 21 political and sociological aspects, 22 largely about the political and 23 sociological aspects of the -- of the 24 intelligent design movement.</p>	<p style="text-align: center;">177</p> <p>1 discussed, yes. 2 Q. Which part? 3 A. Without having -- 4 Q. You don't remember, okay. 5 A. Not having it in front of 6 me, I couldn't say. 7 Q. It really was a book about 8 the intelligent design movement? 9 A. Yes, it was. 10 Q. Okay. It was not supposed 11 to be a science book? 12 A. That's correct. 13 Q. Okay. Have you taken sides 14 in this battle between the theory of 15 evolution and intelligent design? 16 MR. HARVEY: Object to the 17 form of the question. 18 THE WITNESS: Could you 19 rephrase it, make it more precise? 20 BY MR. THOMPSON: 21 Q. Yes. Have you decided 22 which is correct, the theory of 23 evolution or intelligent design? 24 MR. HARVEY: Object to the</p>



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<p style="text-align: center;">178</p> <p>1 form of the question. 2 BY MR. THOMPSON: 3 Q. If you understand the 4 question, you may answer. 5 A. I have a personal belief. 6 Q. Yes. 7 A. Which I am not offering as 8 expert testimony -- 9 Q. Correct. 10 A. -- about this debate. 11 Q. I understand. You have 12 limited, quite rightly, your area of 13 expertise in mathematics and computer 14 science, and so I'm asking you some 15 questions that are outside of your 16 expertise. And if you have an 17 opinion, I'm asking for your personal 18 opinion. 19 A. It would only be -- I'll 20 answer it with the understanding it's 21 only my personal opinion. Yes, I -- 22 I accept the theory of evolution as a 23 good explanation for biological 24 diversity.</p>	<p style="text-align: center;">180</p> <p>1 expertise. You can answer. 2 THE WITNESS: Yes, it's 3 outside my area of expertise, really. 4 BY MR. THOMPSON: 5 Q. You don't feel competent to 6 answer that question as a -- 7 A. I could only answer it as a 8 layman -- 9 Q. Okay. 10 A. -- and I don't think it 11 would be of any value. 12 Q. Well, I'm interested. 13 A. I don't think that my 14 answer would be of any value. 15 Q. Well, I'm interested in 16 your answer. 17 A. I think like -- I think it 18 has changed, yes. 19 Q. Okay. Are you aware that 20 researchers still debate important 21 questions in the theory of evolution, 22 such as how new species arise? 23 MR. HARVEY: Same 24 objection.</p>
<p style="text-align: center;">179</p> <p>1 Q. Okay. Do you also accept 2 the fact that the theory of evolution 3 does have gaps in it? 4 MR. HARVEY: Object to the 5 form of that question. 6 THE WITNESS: Please define 7 the word gap. 8 BY MR. THOMPSON: 9 Q. There are things that it 10 can't explain? 11 A. Yes, it does not explain 12 why objects fall at 32 feet per 13 second per second acceleration, for 14 example. 15 Q. Well, things that is 16 encompassed in the theory that it 17 doesn't explain? 18 A. No theory is complete. 19 Q. Okay. And you would agree 20 that the theory of evolution 21 continues to change as new data are 22 gathered? 23 MR. HARVEY: Object. 24 Again, this is outside his area of</p>	<p style="text-align: center;">181</p> <p>1 THE WITNESS: Now we're 2 really heading out of anything where 3 I have much competence. 4 BY MR. THOMPSON: 5 Q. Okay. What about how life 6 began, are you aware that there -- 7 A. Even less competence. 8 Q. Okay. 9 MR. HARVEY: Counsel, I'd 10 like to use the men's room, if this 11 is a good time. 12 MR. THOMPSON: Okay, sure. 13 (A recess was taken from 14 2:50 to 2:56 p.m.) 15 BY MR. THOMPSON: 16 Q. Do you believe that 17 intelligent design and creationism 18 are the same thing? 19 MR. HARVEY: Object to the 20 form of the question. Outside the 21 scope of his expert report. 22 THE WITNESS: Yeah, I 23 really, I think that's outside the 24 scope of my report.</p>



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1 BY MR. THOMPSON:
 2 Q. Okay. So you would not
 3 want to venture an opinion on that
 4 question?
 5 A. No.
 6 Q. You indicated that
 7 intelligent design posits a
 8 supernatural creator or being; is
 9 that correct? Is that what you --
 10 A. You asked for my
 11 understanding of what the theory was
 12 according to Dembski. I believe that
 13 was the original context.
 14 Q. Would it be more accurate
 15 to say an intelligent cause?
 16 A. I think his writings
 17 definitely suggest a supernatural
 18 being in several places.
 19 Q. Well, I'm aware that some
 20 of his writings are religious and
 21 some of his writings are scientific.
 22 I want you to focus on his scientific
 23 writings. Do you think that in his
 24 scientific writings he posits a

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1 supernatural creator?
 2 MR. HARVEY: Object to the
 3 form of the question. Asks him to
 4 assume that his work is scientific.
 5 BY MR. THOMPSON:
 6 Q. You can answer it.
 7 A. Which scientific writings?
 8 Which writings in particular would
 9 you like me to --
 10 Q. Well, you can start with
 11 his report, okay, his expert opinion
 12 report, or you can look at the book
 13 that you have got in front of you,
 14 the books that you've got in front of
 15 you.
 16 A. I think No Free Lunch does,
 17 in fact, have suggestions about
 18 supernatural design, and I guess I
 19 would -- I would -- I would point to
 20 the last chapter as places where
 21 supernatural design might be
 22 mentioned.
 23 Q. Okay. Do you have a
 24 specific paragraph or sentence there,

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1 the last chapter?
 2 A. Well, the word God appears
 3 many times in chapter six.
 4 "Likewise, the design theorist is
 5 likely to posit a generic designer or
 6 specified complexity or imminent
 7 teleology or God as the final resting
 8 place of explanation."
 9 Q. Well, that --
 10 A. The design theorists.
 11 Q. Right. That could be what
 12 some theorists may ultimately define
 13 God as; correct? But that does not
 14 necessarily mean that that's what
 15 intelligent design theory or concept
 16 refers to?
 17 A. With respect to the first
 18 part of your sentence where you said
 19 correct, I don't agree. So I can't
 20 answer the rest.
 21 Q. Well, what characteristics
 22 of the intelligent cause does the
 23 concept of intelligent design posit?
 24 MR. HARVEY: Object to the

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1 form of the question. Intelligent
 2 cause is not a defined term.
 3 THE WITNESS: You asked me
 4 does Dembski refer to the intelligent
 5 design intelligence as God, and I
 6 gave you an example in the book where
 7 he says --
 8 BY MR. THOMPSON:
 9 Q. Some theorists?
 10 A. -- the design theorists.
 11 The design theorists. I understand
 12 that to mean the typical design
 13 theorist is likely ... to posit God
 14 as the final resting place. So this
 15 is a possibility, so I think I
 16 answered your question there.
 17 Q. Again, understanding that
 18 you're not holding yourself out to be
 19 an expert in this area, so are you
 20 saying by that answer that the
 21 concept of intelligent design posits
 22 the intelligence as being God?
 23 A. I understand that claim to
 24 be made by people who represent



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<p style="text-align: center;">186</p> <p>1 themselves as proponents of 2 intelligent design. 3 Q. Are there atheists who 4 support the concept of intelligent 5 design? 6 A. I couldn't tell you. 7 Q. Do you know a David 8 Berlinski? 9 A. I know him, yeah. 10 Q. Isn't he an atheist? 11 A. I don't know. 12 Q. What about Anthony Flew? 13 A. He's a famous British 14 philosopher. What about him? 15 Q. He is an atheist, until the 16 concept of intelligent design came 17 along. And are you aware that he is 18 now a supporter of the concept of 19 intelligent design? 20 A. I don't think I can speak 21 intelligently or as an expert on 22 respect to Anthony Flew's beliefs. 23 I'm not a -- I'm not a philosopher of 24 religion or -- yeah.</p>	<p style="text-align: center;">188</p> <p>1 part was written by Wesley Elsberry. 2 Q. So you have pulled back 3 from Wesley Elsberry's claims? 4 A. When you write a joint 5 paper, not everyone writes every 6 single -- not -- both of you don't 7 write every single word. There are 8 some parts that are due to his 9 expertise, and some parts that are 10 due to mine. 11 Q. Okay. So you are not 12 taking a position one way or the 13 other on the question of whether 14 intelligent design is an argument 15 from ignorance? 16 A. I have to think about 17 that. I think that the methodology 18 for inferring design that I have 19 critiqued in this long paper with 20 Elsberry does involve deducing design 21 through a negative means rather than 22 a positive assertion of evidence. 23 Q. Okay. So you would not 24 agree with the statement that</p>
<p style="text-align: center;">187</p> <p>1 Q. And I wasn't meaning for 2 you to venture a guess on that, but 3 merely to comment on whether to be a 4 proponent of intelligent design you 5 have to believe in God? 6 A. I can't answer the 7 question. Sorry. 8 Q. Have you heard of the 9 attack on intelligent design as being 10 an argument from ignorance? 11 A. Yes, I've heard of that. 12 Q. Okay. Do you agree with 13 that? 14 A. I think in my expert 15 testimony -- maybe -- I'm not sure 16 whether it's in the expert testimony 17 or not. Let's see. Let me -- no, 18 it's not -- I don't think it's 19 mentioned in our expert -- in my 20 expert testimony. 21 But there is some 22 discussion of the argument from 23 ignorance in my longer paper with 24 Elsberry. However, I believe that</p>	<p style="text-align: center;">189</p> <p>1 irreducible complexity -- have you 2 heard of that phrase, irreducible 3 complexity? 4 A. I have. 5 Q. That's Michael Behe's 6 phrase? 7 A. Yes. 8 Q. You do not agree with the 9 phrase that irreducible complexity is 10 not evolvable by Darwinian evolution? 11 A. You're asking me to comment 12 on what is and what is not evolvable, 13 and I'm not a biologist, and I have 14 no -- 15 Q. Okay. 16 A. -- it's outside my area of 17 expertise. 18 Q. Would you agree that the 19 concept of intelligent design really 20 addresses only one of the claims of 21 the theory of evolution, and that is 22 the complex biological systems could 23 not be established by natural 24 selection?</p>



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<p style="text-align: center;">190</p> <p>1 A. Well, I don't agree with 2 the premise of the question, so -- 3 Q. Which premise? 4 A. You say that complex 5 biological systems could not be 6 formed by natural selection. But 7 evolution is much more than natural 8 selection, as I understand it, in my 9 layman's understanding. 10 Q. Yes, it is. We can go back 11 and say evolution encompasses several 12 claims. But what I'm asking you is, 13 isn't it true that the concept of 14 intelligent design only addresses one 15 of those claims, and that claim is 16 that complex systems can be created 17 by natural selection? 18 A. I think you're -- you're 19 still moving a little bit away from 20 my area of expertise. I was really 21 trying to restrict my expert report 22 to Dembski's mathematical background 23 and mathematical claims, and now 24 we're wandering off to --</p>	<p style="text-align: center;">192</p> <p>1 attributable to Arthur Schopenhauer, 2 did you not? 3 A. Can you rephrase the 4 question? 5 Q. I don't know if I can. The 6 quote that Dembski cited and I just 7 read was not a statement made by the 8 German philosopher Arthur 9 Schopenhauer? 10 A. I established that to the 11 best ability that I have, yes. 12 Q. And many, many people were 13 attributing that quote to Arthur 14 Schopenhauer, correct? 15 A. Some people have, yes. 16 Q. And that was not just 17 William Dembski? 18 A. That's true. 19 Q. And there are many times 20 where somehow quotes get started and 21 are carried from one person to 22 another, one generation to another, 23 and ultimately no one can really 24 authenticate the person who allegedly</p>
<p style="text-align: center;">191</p> <p>1 Q. If you can't answer it or 2 it's beyond your expertise -- 3 A. Yeah, yeah. 4 Q. -- that's a good answer. 5 A. Okay. 6 Q. Okay. There was a lot of 7 controversy over a proposed -- I 8 shouldn't say a proposed -- alleged 9 quote by Arthur Schopenhauer, that 10 quote being, "All truth passes 11 through three stages: First, it is 12 ridiculed; second, it is violently 13 opposed; third, it is accepted as 14 being self evident." Now, apparently 15 you took William Dembski to task for 16 using that quote; is that correct? 17 A. I did. 18 Q. And you did a lot of 19 research to try to discover the 20 genesis of that quote; is that 21 correct? 22 A. I did. 23 Q. And you ultimately 24 uncovered that that quote was not</p>	<p style="text-align: center;">193</p> <p>1 made that statement; is that correct? 2 A. That's true. 3 Q. I was searching your web 4 site, and in your web site you talk 5 about -- or you link to some 6 organizations that are of interest. 7 One is the ACLU, and one is Americans 8 United for Separation of Church and 9 State. Is that an accurate 10 statement? 11 A. I believe so. 12 Q. Was there any particular 13 reason why you listed those 14 organizations on your web site and 15 not the Thomas More Law Center? 16 MR. HARVEY: If you can 17 answer it. I don't see the relevance 18 of it, but -- 19 THE WITNESS: I admire the 20 goals of both organizations. 21 BY MR. THOMPSON: 22 Q. And you support those 23 goals? 24 A. I do.</p>



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<p style="text-align: center;">194</p> <p>1 Q. Okay. Are you --</p> <p>2 A. I would not say all -- all</p> <p>3 goals of the organization, but in</p> <p>4 general.</p> <p>5 Q. And you support the goals</p> <p>6 both of the ACLU and Americans United</p> <p>7 for Separation of Church and State;</p> <p>8 correct?</p> <p>9 A. I do.</p> <p>10 Q. And both of those</p> <p>11 organizations are involved in this</p> <p>12 lawsuit. Are you aware of that?</p> <p>13 A. I am aware of that.</p> <p>14 Q. Okay. Does that affect</p> <p>15 your ability to give an objective</p> <p>16 view of Dembski and intelligent</p> <p>17 design?</p> <p>18 A. I don't believe so.</p> <p>19 Q. You also -- I'm trying to</p> <p>20 find it here. You also referred to</p> <p>21 some sites dealing with skepticism?</p> <p>22 A. Yes.</p> <p>23 Q. And in one of your -- I</p> <p>24 think a letter to the editor, you</p>	<p style="text-align: center;">196</p> <p>1 don't have any expertise in theory of</p> <p>2 education, other than being a</p> <p>3 professor, which may rule it out.</p> <p>4 BY MR. THOMPSON:</p> <p>5 Q. When you talk about</p> <p>6 skepticism as being a good quality,</p> <p>7 what are you referring to there?</p> <p>8 A. I think that truth is best</p> <p>9 arrived at by free inquiry.</p> <p>10 Q. And would that also apply</p> <p>11 to science?</p> <p>12 A. Yes.</p> <p>13 Q. And would you agree that</p> <p>14 science many times basically deals</p> <p>15 with argumentation?</p> <p>16 A. Yes, I would agree with</p> <p>17 that.</p> <p>18 Q. That scientists look at the</p> <p>19 same empirical data and come to</p> <p>20 different conclusions; is that</p> <p>21 correct?</p> <p>22 A. I think that that does</p> <p>23 happen, yes.</p> <p>24 Q. And then as scientists, it</p>
<p style="text-align: center;">195</p> <p>1 praised intelligent skepticism. Do</p> <p>2 you recall --</p> <p>3 A. I don't remember.</p> <p>4 Q. -- phrasing that?</p> <p>5 A. I don't remember that</p> <p>6 phrase, no.</p> <p>7 Q. But is that something that</p> <p>8 you do believe in?</p> <p>9 A. I think skepticism is a</p> <p>10 good thing, yes, in general.</p> <p>11 Q. And would that also apply</p> <p>12 to science?</p> <p>13 A. Absolutely, yes.</p> <p>14 Q. Okay. Do you find it</p> <p>15 appropriate to allow students to</p> <p>16 critically evaluate the theory of</p> <p>17 evolution?</p> <p>18 MR. HARVEY: Object to the</p> <p>19 form of the question. Outside the</p> <p>20 scope.</p> <p>21 THE WITNESS: Yeah, it's --</p> <p>22 it's pretty vague, and I don't even</p> <p>23 know what curriculum you're referring</p> <p>24 to, what year student. You know, I</p>	<p style="text-align: center;">197</p> <p>1 is argued out in the scientific</p> <p>2 community --</p> <p>3 A. Yes.</p> <p>4 Q. -- until some consensus is</p> <p>5 arrived; is that correct?</p> <p>6 A. Yes.</p> <p>7 Q. And is it also true that</p> <p>8 the consensus in one generation might</p> <p>9 be the theory that's on the junk pile</p> <p>10 in the next?</p> <p>11 A. It does happen, yes.</p> <p>12 Q. And so do you think that</p> <p>13 this dispute between the theory of</p> <p>14 evolution and the concept of</p> <p>15 intelligent design serves science in</p> <p>16 any way?</p> <p>17 MR. HARVEY: I'm going to</p> <p>18 object as outside the scope of his</p> <p>19 expert testimony.</p> <p>20 THE WITNESS: Yeah, I</p> <p>21 really don't know if I could say with</p> <p>22 any knowledge what would serve</p> <p>23 science. I think that's for maybe a</p> <p>24 sociologist of science or, you know.</p>



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<p style="text-align: center;">198</p> <p>1 BY MR. THOMPSON: 2 Q. Would you agree that the 3 science community a lot of times 4 defends the particular consensus that 5 it has against some newly arrived at 6 theory? 7 MR. HARVEY: Same 8 objection. 9 THE WITNESS: I'm not sure 10 I have any personal, you know, 11 expertise in this area. 12 BY MR. THOMPSON: 13 Q. Okay. And as a person that 14 deals in science, are there disputes 15 that go on in the area that you're 16 involved with, computer science? 17 A. It's quite rare. 18 Q. Is that because it deals 19 with mathematics so much? 20 A. I think it's more -- it's 21 more difficult. Mathematical claims 22 are more susceptible to absolute 23 proof and, therefore, less 24 disputable.</p>	<p style="text-align: center;">200</p> <p>1 MR. HARVEY: Object to the 2 form of the question. I don't know 3 what this has to do with his expert 4 testimony, but I'll allow him to 5 answer it. 6 THE WITNESS: You're asking 7 about my personal religious beliefs? 8 BY MR. THOMPSON: 9 Q. Yes. 10 A. I have -- I hold no belief 11 in the existence of the Judeo- 12 Christian God, that's correct. 13 Q. Well, you consider yourself 14 an atheist as well? 15 A. I would say a provisional 16 atheist, yes. 17 Q. What is a provisional 18 atheist? 19 A. Well, I think the term 20 atheism is poorly understood by many 21 people. Many people believe it's -- 22 it needs the assertion that God does 23 not exist. 24 I think in my case, it's</p>
<p style="text-align: center;">199</p> <p>1 Q. Okay. I noted from your 2 web site that you've taken Princeton 3 University to task several times for 4 promoting religion over atheism, is 5 that correct? 6 A. I think, no, that's not 7 correct. I think it was the -- it 8 was not Princeton University, per se. 9 Q. The Princeton Alumni 10 Weekly, I guess, more accurately? 11 A. Princeton Alumni Weekly, I 12 wouldn't say the word promote is 13 precisely correct, no. I have 14 objected to their coverage of 15 religious students out of proportion 16 to the number of such students at 17 Princeton. 18 Q. In other words, you claim 19 that the Princeton Alumni Weekly has 20 not seem fit to give nonbelievers 21 equal treatment? 22 A. Exactly. 23 Q. Do you believe God is a 24 fiction?</p>	<p style="text-align: center;">201</p> <p>1 more that I personally hold no such 2 belief in the existence of God, and 3 that I would be -- and the word 4 provisional means that I would be 5 willing to revise my beliefs in the 6 case that new evidence is provided. 7 Q. Evidence like intelligent 8 design? 9 MR. HARVEY: Same 10 objection. 11 BY MR. THOMPSON: 12 Q. You consider -- if I can 13 find it -- you consider people who 14 believe in God are less intelligent 15 than people who don't? 16 MR. HARVEY: Object to the 17 form of that question. I don't know 18 what that has to do with anything. 19 THE WITNESS: On an 20 individual basis, no. 21 BY MR. THOMPSON: 22 Q. But haven't you made 23 comments that studies show? 24 A. There is a study that</p>



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1 suggests that people who believe in
 2 God have, I think lower marks or
 3 lower grades. I'm not sure I
 4 referred to being more stupid.
 5 Perhaps. Maybe if you want to read
 6 to me the particular quote and
 7 refresh my memory.
 8 Q. I'm going to find that
 9 quote for you in a minute.
 10 A. Okay.
 11 Q. But I found this other
 12 letter that you wrote to the
 13 Princeton Alumni Weekly where you
 14 say, "Yet instead of covering the
 15 comforting fact that two-thirds of
 16 students at one of America's best
 17 universities have not been swayed by
 18 the propaganda of organized religion,
 19 you instead choose to focus on the
 20 one-third who have."
 21 What do you mean by
 22 "propaganda of organized religion"?
 23 A. Are you asking me to define
 24 the word propaganda?

203

1 Q. Yes, what you meant by
 2 that?
 3 A. I think it's rhetoric with
 4 the attempt to persuade someone of a
 5 particular position.
 6 Q. Here's where I was
 7 referring to. You indicate, "Why is
 8 it that studies show that lack of
 9 religious belief is correlated with
 10 intelligence and education?" That's
 11 the quote that I was looking for.
 12 A. I think that's a factual
 13 statement based on studies of
 14 sociology that I've read.
 15 Q. That say what?
 16 A. That lack of religious
 17 belief is correlated with education.
 18 Q. And so if you are more
 19 educated, you will have less
 20 religious belief?
 21 A. You tend to have, as a
 22 probability measure.
 23 Q. Give me a minute. We're
 24 almost done.

204

1 You never saw the policy of
 2 the Dover Area School District that
 3 is the center of the dispute here?
 4 A. I have seen the statement
 5 of the School Board.
 6 Q. When did you see that?
 7 A. This morning.
 8 Q. For the first time?
 9 A. For the first time, I may
 10 have read popular glosses of it in
 11 the newspaper.
 12 Q. That policy is not the
 13 concern of your expert opinion,
 14 though, is it?
 15 A. No, it's not.
 16 Q. And you do not intend to
 17 give an expert opinion in court on
 18 that policy?
 19 A. I do not.
 20 Q. I just want you to think
 21 back, and this is a general question,
 22 I'll give you an opportunity to
 23 correct any statements that, on
 24 hindsight, you think were inaccurate,

205

1 and if you have any, this is a time
 2 that you can correct those
 3 statements.
 4 MR. HARVEY: Are you asking
 5 him if he has provided any testimony
 6 today that, upon reflection, was
 7 inaccurate?
 8 MR. THOMPSON: Yes.
 9 THE WITNESS: Maybe I would
 10 like to, when you asked me are these
 11 the areas that you're competent in
 12 and we went through a long list, I
 13 would like to say that I believe that
 14 I am competent in the areas of
 15 pseudoscience and pseudomathematics.
 16 I believe I enunciated that
 17 elsewhere. But I believe I do have
 18 some knowledge of that area.
 19 BY MR. THOMPSON:
 20 Q. Yes, I think you said
 21 that -
 22 A. Okay.
 23 Q. - if my recollection is
 24 correct, yes.



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