

September 26, 2005

Evolution or intelligent design?



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Top Story

President Bush caused a stir recently when he suggested that public schools should be teaching intelligent design alongside evolution as part of the public school science curriculum. But controversy over evolution is nothing new for states.

SNCJ Spotlight

Evolution debate nothing new for states

Some time in the next month the KANSAS School Board is expected to give final approval to science standards that encourage teachers and students to challenge Charles Darwin's theory of evolution. While most observers consider that endorsement to be a foregone conclusion, few believe it will be the final word on a matter that has been furiously debated in scientific, education and religious circles for almost 150 years.

Depending on who you ask these days, evolution is either 1) a scientifically proven fact, 2) an interesting theory that only partially explains the origins of human life or 3) none of the above. Evolution's detractors have of late latched on to option number two in their effort to circumvent its teaching in the public schools, specifically by promoting their own theory: intelligent design.

Developed by founders of the Seattle-based Discovery Institute, a conservative-leaning think tank, intelligent design (ID) argues that Darwin's theory of random selection and constantly evolving species is not sufficient to adequately account for the "irreducible complexity" of molecular mechanics found within living things. Discovery Institute senior fellow and Lehigh University professor Michael Behe claims, for example, that systems like the human eye or those which clot blood are far too complex at the molecular level to be explained by anything other than having been created by some kind of intelligent being.

A growing number of lawmakers are apparently listening. According to the State Net database, this year at least 10 states — ALABAMA (HB 352, SB 240), ARKANSAS (HB 2607), GEORGIA (HB 179), KANSAS (HR 6018), MISSOURI (HB 35), MISSISSIPPI (HB 1201, SB 2286), MONTANA (SJR 8), NEW YORK (AB 8036), PENNSYLVANIA (HB 1007, SR 70) and SOUTH CAROLINA (SB 909) — considered ID legislation or resolutions, including several measures that would have either directly or indirectly opened the door to teaching ID as part of the school science curriculum. To date, none of those measures has evolved out of a legislative committee. Most are already extinct.

The courts have also been busy with evolution and ID issues. This week, a PENNSYLVANIA court will begin hearing arguments in the case of *Kitzmiller v. Dover Area School District*, the first in the nation to challenge the legality of teaching ID in a public classroom. That suit was filed by the ACLU on behalf of parents after the Dover school board voted to endorse the introduction of ID into the biology curriculum. Earlier this year, a federal judge in GEORGIA ordered Cobb County education officials to remove more than 34,000 evolution

The Week in Session

States in Regular Session: DC, MA, MI, NY, PA, US, WI

States in Skeleton Session: OH

States in Special Session: PA "a"

States in Recess: CA, IL, NH, NJ

Special Sessions in Recess: CA "a", DE "a", OK "a"

States Adjourned in 2005:

AK, AL, AR, AZ, CO, CT, DE, FL, GA, HI, IA, ID, IN, KS, KY, LA, MD, ME, MN, MO, MS, MT, NC, ND, NE, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT, WA, WV, WY

States in Special Session

Adjourned in 2005:

AK "a", AL "a", CT "a", GA "a", KS "a", ME "a", ME "b", MN "a", MO "a", MS "a", MS "b", MS "c", MS "d", NV "a", TX "a", TX "b", UT "a", VT "a", WI "a", WV "a", WV "b", WV "c", WV "d"

Letters indicate special/extraordinary sessions

Source: State Net, 9/23/05

disclaimer stickers from science textbooks. Those stickers warned that the books contained material on evolution, stating it “is a theory, not a fact, regarding the origin of living things. This material should be approached with an open mind, studied carefully, and critically considered.” The county has appealed that decision.

Challenging Darwin is, of course, nothing new. The most notable attempt came in 1925 during the now famous “monkey trial,” in which a teacher named John Scopes was tried and convicted of violating a TENNESSEE ban on teaching evolution. At the time, OKLAHOMA and FLORIDA also barred teaching Darwin’s theory. Those laws stayed on the books until 1968, when the U.S. Supreme Court banned them nationwide. Several states responded by passing measures mandating that schools teach “creation science” along with evolution. That again brought the Supreme Court into the mix, which ruled first in 1982 and again in 1987 that because creationism is based on religious

doctrine, teaching it in public schools violates the First Amendment’s principle of separation of church and state.

But ID theorists, including many biologists, engineers and other scientists, deny their theory is based on creationism, which they say relies on a strict interpretation of the Book of Genesis in the Bible. ID enthusiasts claim their only connection to creationism is that they both agree there is some source of intelligence behind human life, which they say could be anything from a divine being like God

Bird’s eye view



The 411 on dubious 9/11 loans

The federal government has spent \$5 billion helping small businesses recover from the September 11, 2001 terrorist attacks on New York and Washington, D.C. But according to an investigation by the Associated Press, almost 90 percent of the loan money handed out in that process went to companies outside of the targeted areas, including \$8 million to companies in Puerto Rico and other U.S. territories. Other businesses to receive money from the 9/11 loan program include a country music station in SOUTH DAKOTA, a UTAH dog boutique and more than 100 Dunkin’ Donuts and Subway sandwich shops across the country. Many of the business owners — most of whom apparently did not even know that their small business loan was being drawn from the 9/11 fund — said their businesses were not harmed at all by the terrorist attacks. The accompanying map shows the 9/11 loan distribution by state, with figures expressed in millions.



to a space alien or, in Behe's words, "an angel, or some satanic force, some new age power. Something we don't know anything about yet."

Be that as it may, the bulk of ID's supporters and theorists — scientists included — come from the world of Christian conservatism. This not only includes champions like Behe, a devout Catholic, but also other prominent religious conservatives such as President Bush and Senate Majority Leader Bill Frist (R), both of whom have publicly advocated teaching ID in the classroom.

Antonia Cortese, executive vice president for the American Federation of Teachers was one of many within the science and education communities that took umbrage at the President's August endorsement of ID. Cortese said Bush's comments signaled "a huge step backward for science education in the United States," adding that teaching ID is "akin to suggesting that students be taught the 'alternative theory' that the earth is flat or that the earth revolves around the sun."

Bush's stance even drew fire within some creationist circles. Pennsylvania Sen. Rick Santorum (R), one of the nation's most powerful Christian voices and a possible 2008 presidential candidate, opined against teaching ID, saying that "What we should be teaching are the problems and holes in the theory of evolution. As far as intelligent design is concerned, I really don't think it has risen to the level of a scientific theory at this point that we would want to teach it alongside evolution."

It is just that weakness in credibility that makes many within the scientific community dismiss the ID argument as "pseudo-science" poorly masquerading as the real thing. Critics often point to significant flaws in Behe's "irreducible complexity" theory, noting that precious little of ID theorists' arguments ever end up in legitimate peer-reviewed publications, primarily because they can be readily refuted. And because ID ultimately falls back on crediting a higher power for creating life, most scientists see it as merely a cover for an underlying religious agenda and not worth publicly debating as a legitimate scientific concept.

Those arguments apparently resonated with the UTAH Board of Education, which rejected a recent proposal from state Sen. Chris Buttars (R) to have schools introduce ID as a theory to explain the origin of life. He requested a two-hour meeting to defend his proposal, which Buttars says the board refused. A group of 10 researchers and scientists, however, did address the board, including Brigham Young University biologist Gregory Clark, who told the panel that "science does not attempt to explain the natural world by invoking the supernatural."

Buttars later called the board "out of touch" with the wishes of Beehive state citizens and vowed he will not let the matter drop.

"We're considering our options right now," he says of potential plans to introduce legislation next session. "We could go that way or we could work on a ballot referendum."

lived in and around New Orleans, the area most affected by Katrina and its aftermath, generated between 25 and 40 percent of the state's total tax revenues. Officials say they won't know until mid-November how many of those people — and their tax dollars — will remain in the state. Until then, they say they'll have to count pennies and prioritize. The state's Joint Legislative Committee on the Budget was scheduled to meet on the 23rd to begin that process. (ADVOCATE [BATON ROUGE])

BUDGETS IN BRIEF: **MISSISSIPPI** Gov. Haley Barbour (R) will convene a special session of the Legislature tomorrow (Sept. 27) to address Hurricane Katrina recovery issues, including whether to allow coastal casinos to build on land (USA TODAY). • **ARKANSAS** Gov. Mike Huckabee (R) has scheduled a special election for Dec. 13 to approve the sale of bonds for higher education and to reauthorize the state's bond program for transportation (ARKANSAS NEWS BUREAU). • After lengthy partisan debate, **WEST VIRGINIA** lawmakers approved Gov. Joe Manchin's (D) 1 percent cut in the state sales tax on food. Passage of the bill — HB 401 — brought an end to the Mountain State's tumultuous seven-day special session (CHARLESTON GAZETTE). • **PENNSYLVANIA** Gov. Ed Rendell (D) called last week for a special session to amend Act 72 to force school districts to accept proceeds from slot machine gambling and reduce property taxes. Rendell pushed the gambling/property-tax-reduction plan through the Legislature last year, but only about 20 percent of the state's 501 school districts have signed on to it (PITTSBURGH POST-GAZETTE). • Thanks to a construction and real-estate boom, **WASHINGTON** took in an unanticipated \$493 million in its third quarter, pushing the state's reserve to \$1.1 billion (SEATTLE POST-INTELLIGENCER).

— *Compiled by KOREY CLARK*

Politics & Leadership

B **USY OFF-YEAR SEASON FOR BALLOT MEASURES:** Although only eight states — CALIFORNIA, COLORADO, MAINE, NEW JERSEY, NEW YORK, OHIO, TEXAS and WASHINGTON — are planning to hold elections this November, those states will consider nearly 40 statewide ballot initiatives, on issues ranging from gas taxes to redistricting. Among the more noteworthy measures is a proposal in Washington that would

spending, restricting the power of labor unions, and turning redistricting authority over to a panel of retired judges. “Everything after that became attack and counterattack,” said Senate President Pro Tem Don Perata (D).

Schwarzenegger countered that the legislative failures were simply more proof of the need for reform. “The legislators went as far as they could, but they are beholden to other people and have to always ask permission from other forces,” he said. The session did see some bipartisan successes, such as the earliest passage of a state budget in five years and a school nutrition bill to combat childhood obesity. But

the business that was left unfinished has set up a major battle between Schwarzenegger and lawmakers this fall, which will be left to the state’s voters to settle. Commenting on that prospect, Assembly Speaker Fabian Nunez (D) said, “We are on a path to one of the most divisive political campaigns that California has ever seen.” (CONTRA COSTA TIMES, SACRAMENTO UNION)

AT THE POLLS: Sept. 13 turned out to be exceptionally bad timing for a single-item statewide special election in OKLAHOMA to consider an increase in the gas tax. With fuel prices surging in the wake of Hurricane Katrina, the proposal, which would have raised the tax from 17 cents to 22 cents per gallon to pay for road and bridge repairs, went down to a crushing 87-percent-to-13-percent defeat (MUSKOGEE PHOENIX, STATELINE.ORG). • On the same Tuesday, Democrat Ted W. Lieu comfortably defeated three Republican challengers in a special election to fill CALIFORNIA’s 53rd Assembly District seat, vacated by the death of Mike Gordon (D) in June. Lieu garnered 60 percent of the vote, three times the percentage claimed by his nearest competitor. The race attracted some interest because the 53rd, located on the Southern California coast, is one of the few competitive districts in the state. The Democrats’ victory gives them a 48-32 majority in the Assembly (ASSOCIATED PRESS, LOS ANGELES TIMES). • Also on the 13th, Democrat Cherelle Parker claimed PENNSYLVANIA’s 200th House District seat in Northwest Philadelphia, handily defeating Green Party candidate Marlene Santoyo and Republican Robert Rossman. The seat had been held by Rep. LeAnna Washington (D), who was elected to the Senate in June (PHILADELPHIA INQUIRER). • Democrats also captured a NEW YORK Assembly seat they’ve never held before, with the election of Marc Alessi to the 1st District

Upcoming Elections (09/22/2005 - 10/13/2005)

09/27/2005
Massachusetts Special Election
Senate 2nd Middlesex

09/30/2005
Massachusetts Special Election
Senate 2nd Middlesex

10/04/2005
California Special Primary
US House (Cox 48)

10/04/2005
South Carolina Special Election
House 024



price of a gallon of crude oil and a gallon of gasoline is about 90 cents. According to the UW study, current crude oil prices would have to be approximately \$95 per barrel in order to justify gas prices that have climbed well over \$3 per gallon in many cities across the country. Crude oil, however, has fluctuated between only \$65 and \$70 per barrel since Katrina hit at the end of August. The study's author, UW economist Don Nichols, said in his report that "The disconnect between gasoline and crude oil prices is quite remarkable." The petroleum industry of course disagrees. Ed Murphy, a spokesperson for the Washington D.C.-based American Petroleum Institute, says the real problem is a lack of supply, which he says was already dangerously low before Katrina and much worse afterward. "That put an upward pressure on petroleum prices. It's a no-brainer," he said. President Bush has assigned Attorney General Alberto Gonzales to investigate any price-gouging allegations, and in Congress, 22 senators are co-sponsoring legislation introduced by Washington Sen. Maria Cantwell (D) that would allow the Federal Trade Commission to impose civil and criminal penalties on oil and gas companies found to have enacted "unconscionably excessive" price increases. (WASHINGTON POST, STATESMAN JOURNAL [SALEM])

Quote...

"Given that the California governor is at 36 percent popularity, his blaming others in his ad for the failures of the administration...is not a very persuasive message."
 — **Democratic consultant Gale Kaufman offering her critique of new ads being run by Gov. Arnold Schwarzenegger (R) in support of his reform agenda on the Nov. 8 special election ballot.**

SCHWARZENEGGER FINALLY LAUNCHES COUNTERPUNCH: For months, CALIFORNIA Gov. Arnold Schwarzenegger (R) has endured blistering media attacks from his opponents — mostly unions for teachers, nurses and firefighters — opposed to his "Year of Reform" agenda. The result has been a dramatic drop in his popularity and questions whether he would even run for re-election in 2006. All the while, the former movie strongman, who made a fortune by playing

decisive characters that usually destroyed challengers in a blast of massive, muscled retaliation, has offered, at best, only a tepid response. That has left some Republican strategists — and GOP donors — more than a bit perplexed and concerned. But Schwarzenegger last week gave worried supporters weary of seeing their guy take a public flogging a major morale boost by announcing his plans to run again next year. Just days later he also began his own media campaign by airing the first two of what is expected to be a slew of

... unquote
 "If the unions spent \$40 million to denigrate Mother Teresa, she'd have low poll ratings, too."
 — **Steve Merksamer, chief of staff for former California Gov. George Deukmejian (R), weighing in on current Gov. Schwarzenegger's declining poll numbers.**
 (SAN JOSE MERCURY NEWS)

Mississippi Republican Party Chairman Jim Herring says he believes Barbour is doing “a great job,” but adds that “the last thing on his (Barbour’s) mind is his political future.” Barbour has so far refused to comment on any of the speculation. (CLARION-LEDGER [JACKSON])

GOVERNORS IN BRIEF: MASSACHUSETTS Gov. Mitt Romney (R) proposed last week that Bay State teacher pay raises be linked to student test scores and other measures. Romney’s plan, which needs legislative approval, would designate \$68 million in bonus money that would be awarded to around 25,000 teachers. Massachusetts has rejected several teacher merit pay proposals in previous years (BOSTON GLOBE). • **OHIO** Gov. Bob Taft (R) is facing further investigation — and renewed calls for his resignation — by the state ethics commission for failing to report two additional gifts on his annual financial disclosure statement. Taft was recently convicted of four ethics violations for not reporting dozens of lobbyist-supplied golf outings and other gifts. Taft agreed to pay a \$4,000 fine and apologize to Buckeye State residents. Under that agreement, he also cannot be charged with further violations unless they meet felony status. The revelation came about a week after a spate of polls indicated that about half of all Ohioans believe Taft should resign over the scandal. Taft has vowed to fulfill his term (TOLEDO BLADE). • **KENTUCKY** Gov. Ernie Fletcher (R) vowed to seek re-election despite a growing scandal of his own. Fletcher recently asked for the resignation of nine senior state officials — four that were previously indicted and later pardoned for illegal hiring practices along with five others — and called on the chairman of the state Republican Party to step down. The state GOP rejected his request (CINCINNATI ENQUIRER, COURIER-JOURNAL [LOUISVILLE], NEW YORK TIMES).

Upcoming Stories

Here are some of the stories you will see in upcoming issues of the State Net Capitol Journal:

The global warming fallout on insurance carriers

Feds push for IPv6: Will states follow?

Bear of a problem - de-listing the grizzly in WYOMING

Reigning in the Third House: The effort to regulate lobbying

TEXAS telcos get free pass into cable; will other states follow?

And many more...

— Compiled by RICH EHISEN

Hot issues

B **USINESS:** A **MARYLAND** court rules that employees injured on the job have the right to collect workers' compensation benefits, even if they are in the country illegally. The decision upheld a previous ruling by a lower court (**CAPITAL NEWS SERVICE [COLLEGE PARK]**). • The **MICHIGAN** House endorses a bill that would allow both in-state and out-of-state wine makers to ship limited quantities of vino directly to consumers. The bill would limit direct shipments from each winemaker to 500 cases per year. It now pops a cork in the Senate (**SOUTH BEND TRIBUNE**). • Also in **MICHIGAN**, Gov. Jennifer Granholm (D) signs legislation that makes it illegal to sell or rent adult-rated video games to anyone under the age of 18. Retailers that violate the new statute face up to two years in jail — a real one, not on video — and a \$10,000 fine (**SOUTH BEND TRIBUNE**). • Responding to more than 1,400 consumer complaints of gas pump gouging since Hurricane Katrina, the **PENNSYLVANIA** Senate approves a measure that would empower the state attorney general to investigate gasoline price increases of 20 percent or more after the governor declares a disaster emergency. The proposal heads to the House (**PATRIOT NEWS [HARRISBURG]**). • **CALIFORNIA** Gov. Arnold Schwarzenegger (R) signs SB 513, legislation that requires private institutions to defer for six months any financial obligations owed by an active member of the California National Guard killed in the line of duty (**STATENET DATABASE**).

CRIME & PUNISHMENT: The **ILLINOIS** Supreme Court rejects a plea from news organizations to allow cameras and microphones into Prairie State trial courtrooms. Appellate courts and the state Supreme Court already allow cameras. The Court dismissed the request without comment (**DAILY HERALD [SPRINGFIELD]**). • **WISCONSIN** becomes the latest state to require its most dangerous sex offenders to wear devices that allow them to be monitored electronically via satellite. The Badger State also announced it will soon post offenders' exact addresses on the state's sex offender registry. **FLORIDA, MISSOURI, OHIO** and **OKLAHOMA** also mandate that people convicted of certain sexual offenses wear satellite tracking devices (**MILWAUKEE JOURNAL SENTINEL**). • **CALIFORNIA** Gov. Arnold Schwarzenegger (R) signs into law a package of bills that outlaw human trafficking, making the practice a felony punishable by up to eight years in prison. Offenders can also still be prosecuted for additional crimes associated with the slave trade, including pimping and rape (**LOS ANGELES TIMES**).



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