

EXHIBIT “B”

DR. BENJAMIN FREED, PH.D.

AFFIDAVIT OF DR. BENJAMIN FREED, Ph.D.

BEFORE ME the undersigned authorized to administer oaths, appeared Dr. Benjamin Freed, Ph.D. who, after first being duly sworn, deposes and states as follows:

1.

My name is Dr. Benjamin Freed, Ph.D. I am over the age of 18 years and otherwise competent to give this affidavit.

2.

I am a Anthropology professor at Emory University. I teach several undergraduate classes in Anthropology, including: Methods/Concepts in Biological Anthropology, Evolutionary Anthropology, Primate Behavior & Ecology, Primate Behavior Seminar, Primate Evolution & Extinction, Primate Conservation, Quantitative Methods in Anthropology, and Advanced Methods in Biological Anthropology. Several of these courses are cross-listed with Emory's departments of Neuroscience & Behavioral Biology and Environmental Studies.

3.

I received my Ph.D. from Washington University (St. Louis) in 1996, and a B.S. from Duke University in 1983.

4.

I have taught for five years at Emory University. I have also taught courses in Anthropology and Biology at: Washington University, State University of West Georgia, University of Georgia, and University of Missouri (St. Louis).

5.

Attached is my curriculum vitae.

6.

I have published articles and presented talks at scholarly meetings on primate behavior, ecology, and conservation.

7.

I am an expert in biological anthropology, specifically in the areas of: primate behavior, biology, conservation, ecology, and evolution.

8.

In science class, science is a systematized means of understanding and exploring questions about the natural world. Science is a systematic and empirical study of hypothetical propositions about the relations of natural phenomena.

9.

The scientific method is the means by which scientists make sense of natural phenomena. Scientists develop potentially falsifiable hypotheses, and then collect data. Data are the facts one collects. A scientist analyzes the data, and then decides whether or not to reject the hypothesis. The scientific method is repeated over a variety of conditions.

10.

For purposes of scientific education and practicing scientists, “theory” is the most parsimonious coordinated statement that a scientist uses to explain natural phenomena. Only after repeated hypothesis-testing and vibrant, professional discussion does a theory gain acceptance. A scientific theory is malleable as new data are considered. A scientific theory is powerful. Its basis is factual; its application is predictive. A theory binds facts and ideas. As such, a student must appreciate the facts, hypotheses, and theories to understand evolutionary biology. Facts, hypotheses, and theories are intertwined. Webster’s New World Dictionary (2nd

College Edition) offers several definitions for “theory”, but it clearly distinguishes theory between common and scientific use. In common parlance, theory is a speculation, a mental viewing, or a contemplation. The Cobb County School’s sticker, therefore, easily confuses the reader, and confounds a student’s understanding of the scientific method.

11.

I am familiar with the sticker placed in Cobb County School science textbooks which provide some information on evolution. One reason the sticker is a disclaimer is that it asks students to consider evolution “critically.” As Webster’s New World Dictionary (2nd College Edition) notes, *critically* “often connotes emphasis on the faults or shortcomings.”

12.

I am aware that no other theory is disclaimed in these texts or in any science texts used in the Cobb County School District.

13.

In science, evolutionary theory is on par with the theory of gravity, the germ theory of disease, Newtonian physics, Galilean heliocentrism, plate tectonics, and atomic theory, to name but a few.

14.

Apparently, the Cobb County School Board does not want its students to think critically about any of these other theories. I am aware of no other theory that the Cobb County School Board wishes its students to “consider critically.”

15.

Apparently, the Cobb County School Board does not want its students to approach any of these other theories with an open mind.

16.

There is no scientific dispute in the peer-reviewed scientific literature as to whether evolution is fact and occurs. Species change over time. For example, primate paleontologists have documented how primates have flourished, changed, or gone extinct depending on the climate and the distribution of flowering plants. Gene frequencies and structures change over time. For example, human genetic polymorphisms associated with hemoglobin form have changed with the spread of different forms of malaria. The bases of these statements are the facts collected in the laboratory, among living populations outside the laboratory, and the fossil record. In conservation biology, for example, evolutionary forces (mutation, gene flow, genetic drift, and natural selection) provide tremendous predictive value as we battle the very real extinction of many species.

17.

There is little scientific distinction between microevolution and macroevolution. Macroevolution is an extension of the very same microevolutionary forces that all scientists accept and that many proponents of Intelligent Design and Creationism accept. Any attempt to portray macroevolution as unobservable and unfalsifiable shows a failure to review and to understand the peer-reviewed literature, including work on *Drosophila* flies, lizards, and rodents.

18.

Intelligent Design does not qualify as science, as the fundamental tenet (G_d, or an Intelligent Designer, is the basis for the complexity of life) is neither empirically observable nor falsifiable. A dogmatic belief of an intelligent designer (or designers) is beyond the scope of science; it is supernatural. Proponents of intelligent design have yet to show in peer-reviewed discussion any thorough review of the wealth of material in the biological literature. In my own

field of primatology, no intelligent design proponent has used the scientific method and peer-reviewed reports to discuss how intelligent designers regulate biological aspects of disease resistance, development, adolescence, reproduction, and senescence.

19.

The argument contained in the disclaimer that evolution is a theory and not a fact comes from proponents of Intelligent Design and Creationism.

20.

The argument that a distinction exists between microevolution and macroevolution comes solely from proponents of Intelligent Design and Creationism. The only literature that I have seen in which people make this distinction comes from Intelligent Design & Creationism proponents.

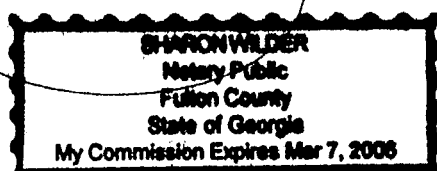
21.

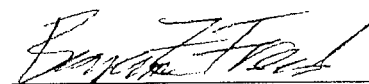
Intelligent Design and Creationism is based on religious doctrine, because any reference to a supernatural guide is beyond the realm of science, and falls solely in the domain of religious study. Most leading Intelligent Design and Creationism sources that I have read are publishers or authors that affirm or promote the spread of a specific religious allegiance or belief. This is wholly outside the realm of science.

FURTHER AFFIANT SAYETH NOT

Sworn to and subscribed
before me this 11th day of
AUGUST 2003.

NOTARY PUBLIC




DR. BENJAMIN FREED, Ph.D.

PUBLICATIONS AND PRESENTATIONS

- Freed, BZ (1999) "An Introduction to the Ecology of Daylight-Active Lemurs," in *The Non-human Primates*, P. Dolhinow & A. Fuentes (eds.). Mayfield: Mountain View, CA.
- Gezon, L and BZ Freed (1999) "Agroforestry and conservation in northern Madagascar: hopes and hindrances," *African Studies Quarterly*, vol 3 (2), August.
- Freed, BZ (1998) "Predators and Primates in Eastern Laos," Presentation, Conservation Research Consortium, Riverbanks Zoo, Columbia, SC.
- Alterman, L and BZ Freed (1997) "Description and Survey of *Nycticebus* Species in Bolikhamxay Province, Laos," Primate Society of Great Britain.
- Freed, BZ (1996) "Habitat use and mixed-species associations of crowned lemurs and Sanford's lemurs," Presentation, American Association of Physical Anthropologists, Abs., *American Journal of Physical Anthropology*, Supp.22:106.
- Freed, BZ (1995) "The ecology of crowned lemurs and Sanford's lemurs in Mt.d'Ambre, Madagascar," Presentation, International Conference on Biology and Conservation of Prosimians, North of England Zoological Society, England.
- Freed, BZ (1995) "Habitat use of crowned lemurs and Sanford's lemurs in Madagascar," p.30. In BD Patterson, SM Goodman, and JL Sedlock (eds.) *Environmental Change in Madagascar*, Field Museum, Chicago.
- Freed, BZ (1994) "Feeding preferences of crowned lemurs and Sanford's lemurs in northern Madagascar," Presentation, American Society of Primatologists, Abs., *American Journal of Primatology*, Vol 33:3:208.
- Freed, BZ (1993) "Differences in habitat use of crowned lemurs and Sanford's lemurs in Madagascar," Presentation, American Association of Physical Anthro-pologists, Abs., *American Journal of Physical Anthropology*, Supp.16:88.
- Freed, BZ (1985) "The development of a portable computer data acquisition system," Presentation, American Society of Primatologists, Abs., *American Journal of Primatology*, Vol 8:4:422.
- Freed, BZ, Wright, PC and Simons, EL (1985) "Infant development and parental care in *Lemur mongoz* and *Lemur coronatus*," Presentation, American Society of Primatologists, Abstract, *American Journal of Primatology*, Vol 8:4:422.
- Glander, KE, Freed, BZ & Ganzhorn, JU (1985) "Meat eating and predation in captive-born semifree-ranging *Lemur fulvus* and caged *Lemur macaco*." *ZooBiology*, 4:361-365.

AWARDS AND FELLOWSHIPS

- 2002 Emory Undergraduate Last Lecture Award
- 2001 Emory Undergraduate Teaching Fellowship (John Kingston primary): Cast Collection Improvement
- 1999 Anthro. Fossil Casts: Grants to improve teaching in College Science Courses, General Science Education Committee, Emory College Faculty Science Council.
- 1997 "A Pilot Study of Slow Loris Behavior in Laos," Primate Conservation Int'l.
- 1992-93 Dean's Dissertation Fellowship, Washington University
- 1988 Dissertation Funding: "Co-occurrence in Two Species of Lemurs"
National Science Foundation Dissertation Improvement Grant, NSF BNS 8722340, (Robert W. Sussman, Advisor)
Collaborative Fulbright Research Grant, Boise Fund, Sigma-Xi
- 1983-85 Tuition Scholarship, Washington University
- 1983-84 Graduate Fellowship, Washington University

SPECIALIZATIONS WITHIN PHYSICAL ANTHROPOLOGY

Primate Ecology & Behavior	Primate Evolution	Data Methods & Analysis
Conservation	Prosimian Biology	Human Adaptation

MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS

American Anthropological Association, American Assn. of Physical Anthropology
Animal Behavior Society, American Society of Primatologists, Fulbright Association
Southern Anthropological Society, International Primatological Society

LANGUAGE AND COMPUTING PROFICIENCIES

Fluent: French. Beginner: Malagasy.

Fluent: BASIC (w/copyrighted programs), PASCAL, SAS, C+, FORTRAN, PL/I
Computer consulting references: Washington University, 1983-99, (C. Olejniczak, R.W. Sussman, M. Sauther); Duke Univ. Primate Center, 1982-88, (L. Taylor, K. Glander); San Diego Zoo, 1985-87, (H. Fitch); Yerkes Primate Center/Emory, 1985-87, (E.O. Smith)

PHOTOGRAPHIC CREDITS

Evolutionary Anthropology (Cover; 1st issue); Animal Kingdom (Cover); WWF-Denmark (Feature); Primate Conservation; Folia Primatologica (species description: *Propithecus tattersalli*); Sunset Magazine; WGBH/Metropolitan Museum of Art (*The Western Tradition*); *The Nonhuman Primates* (Cover; Dolhinow and Fuentes); *Primates in Nature* (A. Richard); *Primate Ecology: I: Prosimians* (Sussman); Kodansha/ODM publications; more than 30 newspapers & brochures.

TEACHING EXPERIENCE

Courses at Emory University (Anthropology), Fall 1998 - Fall 2003:

Concepts & Methods in Biological Anthropology: Lab (Fall 1999 - Fall 2003).

Evolutionary Anthropology (Spring 2002)

Primate Behavior and Ecology (Fall 2000, 2001, 2003).

Primate Behavior Seminar (Fall 2002)

Primate Conservation (Spring 2001)

Primate Evolution and Extinction (Spring 2000, 2003).

Senior Research Seminar (co-instructor w/Michelle Lampl, Fall 1999).

Intro. Anthropology (Biological anthro. instructor for Knauff, Spring 2000).

Advanced Methods in Biological Anthropology (Fall 1998, Spring 2003).

Freshman Advising and Mentoring at Emory (Fall 2000 - Spring 2004)

Emory University Guest Lectures in:

Intro. Anthropology (Brown), Biological Anthropology (Smith, Lampl), Primate Ecology (Whitten), Human Evolution (Kingston)

Environmental Issues Seminar (Environmental Studies: Capellato)

Extinction Seminar (Environmental Studies: Martin)

Beyond Orientalism (Music/Asian Studies: Y. Uno-Everett)

Emory University Undergraduate Honors Theses

Primary Advisor for: Christopher Shaffer (2002), James Millette (2003)

Committee for: Kourtney Kuss (Anthropology), Katherine Blumenthal (Music), James Grady (Religion); Jeffrey VanDam (Political Science)

University of Georgia (Anthropology), Spring 1999: Human Adaptation; Primate Ecology & Conservation

State Univ. West Georgia (Sociology/Anthropology), Spring 1998, 1999: Intro.

Anthropology (3 sections; Spring 1998, 99), Intro. Physical Anthropology (Spring 1999).
1998 Distinguished Service Award.

Washington University, St. Louis (Anthropology): Intro. Human Evolution (Spring 1997); Primate Ecology & Social Structure (Spring 1995); Assistant: Africa: Peoples & Cultures (1986), Intro. Social Anthropology (1985), Intro. Human Evolution (1985-87).

University of Missouri, St. Louis (Biology), 1986, 1999: Seminar: Species Interactions (Summer 1995); Animal Societies & Aggregations (co-instructor w/Zuleyma Tang-Halpin, Spring 1986)

Duke University (Computer Science; Teaching Assistant), 1982-83: Data Base Methods; Programming Methods

Distance Learning (GSAMS) at Zoo Atlanta (Guest Lecturer), 1998-2001:

“Madagascar”: An introduction to Madagascar’s flora & fauna, primates, and the human side of conservation. Audience: High schools, grade schools, university, adult groups.

“Laos”: An introduction to conservation and development issues in one of Southeast Asia’s most isolated, but biologically diverse areas. High schools.

Teaching elsewhere (Instructor): Computer Methods in Primatology, 1985-87, Primatology Field School, Beaufort, S.C.; Dr. David M. Taub, Director.