

The Scopes Monkey Trial Again

The website of the National Center for Science Education has a page titled, "Ten Major Court Cases about Evolution and Creationism." I filed a First Amendment lawsuit against Lee Bollinger, the President of Columbia University, and a department of the New York State Unified Court System that is directly related to the NCSE lawsuits because it concerns the teaching of biological evolution. The relationship between my lawsuit and the NCSE lawsuits is inverted because the NCSE decisions were pro-science and anti-religion. If I win, it will be an anti-science and pro-religion decision.

I graduated from Fordham College in 1964, and the Jesuits taught me that the Cosmological Argument for God's existence is not based on the Big Bang, but on the insight that human beings are embodied spirits. This means that human beings did not evolve from animals. What evolved from animals are hypothetical creatures without free will and the conscious knowledge of human beings as opposed to the sense knowledge of animals. Since humans have what Martin Buber calls I-Thou relationships, humans are finite beings. Assuming the universe is intelligible leads to an argument for existence of an infinite being. The infinite being is called *God* in the religions originating in the Near East.

I'm a retired high school science teacher and learned from personal experience and workshops that students learn by creating their own knowledge, not by listening to a lecture. I created a lesson plan with a handout to explain the Cosmological Argument and offered to give it to the Columbia Catholic Ministry. The Catholic priest declined. On March 16, 2016, I wrote to the two undergraduate co-Presidents of the club with my offer and a link to the article I published:

https://www.academia.edu/23340072/WHY_PEOPLE_BELIEVE_GOD_CAUSED_THE_BIG_BANG

The priest sent me an email saying,

If you contact them again, you will hear from our Safe Environment lawyers who deal with the endangerment and entrapment of minors.

Concerned that the two students were scandalized by my email and the behavior of the priest, I told the Archdiocese of New York what happened. Not getting any response, I asked the Assistant Dean for Student and Family Support for the telephone numbers of the undergraduate's parents. This resulted in a letter from the Department of Public Safety saying,

...any further attempts to communicate with the students or staff will be considered harassment...if you are found on Columbia University property without permission from this office, you will be considered a trespasser and subject to immediate arrest.

Ignoring this letter, I sent an email with my offer to the University Chaplain, who appoints the ministers of the various religious clubs. There was no response, except from the Department of Public Safety. In a meeting at Columbia, the order in the letter was repeated. I told the Executive Director of Investigations that I was going to complain to Mr. Bollinger. I did so, and received a threatening letter from the General Counsel of Columbia, Jane Booth.

On October 18, 2016, I filed a complaint against Ms. Booth with the Attorney Grievance Committee saying,

My complaint against Ms. Booth is that she is conspiring with the University Chaplain and the President to deprive the students and faculty of Columbia of the opportunity to learn and understand the arguments for God's existence.

On January 5, 2017, I get a letter from the Attorney Grievance Committee saying,

Ms. Booth's actions on behalf of Columbia University, as demonstrated by the exhibits to your complaint, do not appear to constitute violations of the New York Rules of Professional Conduct.

On January 30, I filed a complaint against Ms. Booth and the Attorney Grievance Committee in the United States District Court for the Southern District of New York. Ms. Booth's attorney granted my request for a waiver of service and told me there was no cause of action because Ms. Booth was not a government official. I amended the complaint to include Mr. Bollinger and a process server delivered it on February 23.

On February 22, Ms. Booth's attorney told the court he represented Mr. Bollinger and asked the judge to dismiss the case. The judge did so on February 23. On February 24, I asked the judge to disqualify himself because of his past association with the Attorney Grievance Committee. On March 17, I filed a motion for a default judgment as to Mr. Bollinger on the grounds that Ms. Booth's attorney had no right to claim he represented Mr. Bollinger. On March 22, the judge declined to recuse himself, and on March 23, I appealed this refusal to the New York Court of Appeals for the Second Circuit (docket no. 17-818). I filed my brief on March 27, and Ms. Booth's two lawyers are promising an answer by June 26.

The knee-jerk reaction to this lawsuit is that it is frivolous because the Columbia University community does not need me to explain the Cosmological Argument. For example, they could read the 38-page entry in the Stanford Encyclopedia of Philosophy with this title. This entry, however, only explains the irrational arguments based on the Big Bang. Part of my lesson/lecture is to give a psychological explanation for why people think the Big Bang is evidence of God's existence.