

## AN OUNCE OF PREVENTION

Should kids wear chest protectors for sports? **E1**



## RARE BIRDS INDEED

Pheasant stocking to decrease 50% this season **C10**



# THE MORNING CALL

TUESDAY, OCTOBER 18, 2005 •

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50¢ 1



Partly cloudy  
70° | 43°  
Forecast, **B12**

## BRIEFING

**A LEHIGH UNIVERSITY PROFESSOR**, who is one of the nation's leading advocates of "intelligent design," testified Monday in a landmark court case that while students should learn about evolutionary theory, it can't explain all of life's complex functions. **A1**

**THE NATION'S MURDER RATE** declined last year, dropping to the lowest level in 40 years, and the rates for all seven major crimes were down, according to FBI reports. **A2**

**IRAQ'S ELECTORAL COMMISSION** said Monday it would delay announcing the results of the nation's constitutional referendum because of possible voting irregularities. **A4**

**MISSOURI OFFICIALS** must let a pregnant inmate have an abortion, the U.S. Supreme Court said Monday, rejecting an appeal by anti-abortion Gov. Matt Blunt. **A7**

**WILMA**, the record-tying 21st tropical storm of the season, formed in the Caribbean on Monday, and forecasters warned that it could become a powerful hurricane and hit the U.S. Gulf Coast as early as this weekend. **A8**

**REPUBLICAN BILL SCRANTON** formally announced his candidacy for governor Monday. **A10**

**CARBON COUNTY** plans to buy electronic touch-screen voting machines, which officials say will be economical and flexible. **B1**

**GENERAL MOTORS CORP.** on Monday announced a tentative agreement with the United Auto Workers to cut health care spending on workers and retirees. **D1**

TODAY  
in LOCAL



## Retailers hit jackpot with Powerball sales

The Powerball jackpot expanded to a record \$340 million, and with it the dreams of aspiring winners who kept business booming at local lottery retailers. **B1**

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NO. 41,288 ©2005  
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For home delivery,  
call 610-820-6601 or 800-666-5492  
THE MORNING CALL (ISSN 0884-5557) is published daily  
by The Morning Call Inc., 101 N. 6th St., Allentown, Pa.  
18101. Periodicals postage paid at Allentown, Pa.  
POSTMASTER: Send address changes to THE MORNING  
CALL, P.O. Box 1260, Allentown, Pa. 18105-1260.

# Evolution doesn't explain everything, Lehigh prof says

He testifies in support of 'intelligent design' concept. Critics call it creationism.

By John L. Micek  
Call Harrisburg Bureau

**HARRISBURG** | Students should learn about evolutionary theory, but it alone can't explain all of life's complex functions, said a Lehigh University professor who is one of the nation's leading advocates of "intelligent design."

Biochemistry professor Michael Behe on Monday was the first defense witness in a landmark federal court case here that could decide whether naturalist Charles Darwin's theory of evolution must share

classroom space with a concept that critics deride as a fancy-dress version of biblical creationism.

Behe, the author of a 1996 best-seller called "Darwin's Black Box," said students should still be taught evolution because it's part of modern science and any well-educated person should know it.

But in six hours of often mind-numbing testimony, the scientist laid out the case for why evolution cannot fully explain the vast array of life on Earth. It was a trip that took a federal judge, spectators and a global press corps through the finer points of bacterial flagella, blood clots and proteins.

Evolution's failure to account for what Behe often described as "the purposeful



Bradley C. Bower Associated Press  
**MICHAEL BEHE** speaks to reporters after testifying in federal court in Harrisburg.

"The more parts are arranged and the more intricately they react, is evidence of design."

**MICHAEL BEHE**  
Lehigh University biochemistry professor and a leading advocate of the concept of "intelligent design"

TRIAL PAGE A3



## Grandmothers arrested in protest of war in Iraq

A grandmother and her walker are put into a paddy wagon by New York City police after her arrest. She was one of 18 members of a coalition called Grandmothers Against the War who blocked a Times Square recruiting station to protest the Iraq conflict. The women ranged in age from 49 to 90. Coverage of Iraq election, upcoming Saddam trial, **A4**

Timothy A. Clary  
AFP / Getty Images



# Spotlight to be on Lehigh Valley College loans

Lawmaker will convene session to weigh high interest rates for students. Class-action suit is filed.

By Sam Kennedy  
Of The Morning Call

Dale Broadway accompanied his wife the day she enrolled at Lehigh Valley College. After a brief financial aid meeting, he recalled, neither had any idea she had signed up for a student loan with an interest rate higher than a credit card's.

"I have two master's degrees and I still couldn't figure out what her repayment rate was," said the 51-year-old Bethlehem resident, whose story is among those that have prompted a state legislative hearing.

State Rep. Robert Flick, R-Chester, chairman of the House Consumer Affairs Committee, said Monday he will convene a Nov. 9 committee meeting in Nazareth on the high-interest loans of LVC students. The public hearing was requested by state Rep. Craig Dally, R-Northampton.

"College students and their families," Dally told Flick in a letter, "have contacted my office to express frustration and outrage with usurious lending rates."

The matter, which has already spurred an investigation by the Pennsylvania attorney general's office, has now become the subject of

## HEARING SCHEDULED

**What:** State House Consumer Affairs Committee hearing on high-interest loans  
**When:** 1 p.m. Nov. 9  
**Where:** Nazareth Area High School

LOANS PAGE A3

# Fetal custody fight on hold

Judge says convicted sex offender's wife can keep child until Oct. 27.

By Chris Parker  
Of The Morning Call

**SCRANTON** | Schuylkill County Children & Youth Services must wait at least 10 days before it can seek custody of an as-yet unborn child whose father is a convicted sex offender.

U.S. District Judge Thomas Vanaskie agreed Monday that

Melissa WolfHawk, 31, of Pottsville, who expects her son to be born via Caesarian section today, may keep the child at least until Oct. 27.

Vanaskie said he could rule as soon as next Tuesday on whether the agency can seek county court permission to take the boy without evidence he would be in danger.

The Schuylkill child-welfare officials argued that, besides her husband's criminal record, WolfHawk has poor parenting skills and might have used drugs and engaged in prostitution.

Vanaskie on Sept. 30 granted WolfHawk's request for a temporary restraining order.

Under the order, the agency couldn't contact her about her pregnancy, and she agreed to notify county officials within 24 hours of the child's birth.

Because the order expired Saturday, WolfHawk wanted a permanent injunction against the agency. Instead, Vanaskie extended the restraining order.

Both Gerard J. Campbell, the agency's executive

CUSTODY PAGE A3

## INSIDE SPORTS Down to the wire in NLCS Game 5



Sue Ogrocki Associated Press

St. Louis' Mark Grudzielanek watches his two-run single off Astros' pitcher Andy Pettitte in the third inning of Monday night's Game 5 of the National League Championship Series. St. Louis, which trailed 4-2 in the eighth inning, needed a victory to stay alive. For results, go to **mcall.com**.



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# Lehigh professor's testimony is scheduled to continue this morning

## TRIAL FROM PAGE A1

arrangement of parts" suggests the hand of an intelligent — though not necessarily supernatural — designer. Behe, a Roman Catholic, testified he believes the designer is God. "I conclude that based on theological, philosophical and historical factors," he said.

School officials in the Dover Area School District in York County are defending their decision a year ago to require students to hear a statement on intelligent design before their ninth-grade biology class.

The statement says that Darwin's

explanation for the diversity of life is a theory, not a fact. It also refers students to a book called "Of Pandas and People" for more information. Behe contributed to that book.

Eight families have sued the district over the edict, claiming it's little more than a back-door way of thrusting religion into the classroom. They want the statement removed from the district's biology curriculum.

According to Behe, however, the two concepts can exist comfortably side by side. That's because I.D., as some of its adherents refer to it, is a legitimate scientific pursuit that relies on the same sort of "evidence and logical inference" that mainstream scientists apply to their chosen fields

all the time, he said.

Most of the scientific community rejects that characterization, charging that intelligent design advocates are

## Behe says that evolution and intelligent design can coexist comfortably.

intent on attacking evolution, rather than providing hard evidence that design and the as-yet unknown designer exist.

In August, Behe's fellow Lehigh biologists sought to distance them-

selves from him by posting an online statement reaffirming their support for evolutionary theory.

To back up his claims, Behe pointed to the existence of tails on microscopic bacteria, which he said closely resemble the outboard boat motor designed by man. Such a "flagellum" is as well designed as any engine and serves the same purpose — to propel the bacteria through the microscopic goo.

"The more parts are arranged and the more intricately they react, is evidence of design," Behe said.

He also said the mainstream reception accorded to intelligent design is similar to the reception given to the "Big Bang" theory nearly a century

ago. Scientists then viewed the Big Bang as having "scientific and theological implications they did not like."

In fact, Behe said, the history of science is replete with theories that eventually were proved wrong — from the supposition that the Earth, not the sun, was the center of the universe to a 19th century contention that light waves traveled through an invisible and untouchable cosmic substance called the ether.

Behe's testimony is expected to continue this morning.

john.micke@mcall.com  
717-783-7305

The Associated Press contributed to this story.

# Schuylkill agency plans to petition for child's custody

## CUSTODY FROM PAGE A1

director, and caseworker Greeta Kroh testified the agency will petition Schuylkill County Court for custody after the 10-day extension has elapsed. "Right at the moment, we would pursue that," he said.

The WolfHawks' lawyer, Mary Catherine Roper of the American Civil Liberties Union, said such a move would be unconstitutional if the agency can't prove the boy would be harmed in Melissa WolfHawk's care. Melissa and her husband, DaiShin, have been married for three years and have lived apart since March 2004.

If child-welfare officials get custody court permission to take the boy, the WolfHawks could contest that in a hearing.

Melissa WolfHawk's two other children, an 8-year-old boy by a man other than DaiShin and a 21-month-old girl by DaiShin, are in foster care.

Both were taken from her because of the agency's concerns about her husband, who pleaded guilty in 1983 to rape, attempted rape, sodomy and attempted sodomy in a case involving three girls. He served 10 years in New York prisons.

DaiShin WolfHawk denied committing the assaults, testifying he pleaded guilty because that's what his lawyer instructed him to do.

"I don't touch kids," said DaiShin, 53, adding he did not know he was pleading guilty to assaulting more than two girls.

"I understand what he copped out to," Melissa WolfHawk said. "I have never, ever seen any inappropriate behavior."

According to court documents, DaiShin WolfHawk molested one of the children beginning when she was 4,

agency attorney Karen Rissmiller said.

Kroh, the caseworker, testified DaiShin told her in 2003 that his "identical twin" committed the crimes. On Monday, he denied saying that.

Both WolfHawks said they have agreed to continue living apart if that is a condition of Melissa regaining custody of her son and daughter and keeping the newborn.

Rissmiller contended the agency is concerned about how well Melissa WolfHawk would care for her baby because she has failed to follow through on recommendations concerning her son.

Rissmiller also argued that Melissa WolfHawk told an agency evaluator that she used crack cocaine, methamphetamine and other drugs, and engaged in prostitution.

WolfHawk denied the allegations, saying she was not clear on exactly what steps the agency wanted her to take and that the drug and prostitution accusations were made by the boy's father in the heat of a custody battle.

She said she doesn't recall telling anyone she used drugs or engaged in prostitution.

DaiShin WolfHawk testified he studied at a Buddhist seminary in Yonkers, N.Y., staying there for three or four years after being released from prison, and holds an associate degree in criminal justice.

WolfHawk changed his name from John Lentini in 1975 and describes himself as the chief of an American Indian tribe, the Unole e Quoni, which isn't recognized by state or federal governments.

He said physical disabilities prevent him from working full time, but hinted that he works undercover for local police departments. He also said he does social work and is a



MELISSA WOLFHAWK (center) walks with her husband, DaiShin, at the William J. Nealon Federal Building in Scranton after Melissa WolfHawk's hearing. She is scheduled to deliver the child at the center of the custody dispute with Schuylkill County today by Caesarean section.

Ed Koskey Jr. The Morning Call

volunteer chaplain.

Melissa WolfHawk lives with her ailing father in Pottsville, and her husband lives in Pine Grove, 17 miles away.

Repeated contacts from the agency have frightened her, she said. "It's very scary. It's like I'm being stalked."

The couple's 21-month-old daughter was taken from them in 2004 and is living with relatives in Maryland.

Kroh and Rissmiller said

the Schuylkill agency, concerned that DaiShin might sexually abuse Melissa's son, had been monitoring the family and planned to take custody of the girl when she was born.

In December 2003, Melissa moved from Schuylkill County to Lancaster County. Kroh testified that Melissa moved to avoid losing her daughter to the agency.

However, the Schuylkill

agency shared its concerns with its Lancaster counterpart, and Melissa WolfHawk then moved with her baby girl to Schenectady, N.Y.

Lancaster authorities found her there and took the girl, who was turned over to the relatives in Maryland.

Now, Melissa WolfHawk said she lives in fear that her newborn son will also be taken from her.

Campbell, director of the

Schuylkill agency, said after the four-hour hearing that his agency asks the court for permission to take children at birth "several times a year" for safety. This was the first time such a Schuylkill case has gone to federal court.

chris.parker@mcall.com  
610-379-3224

The Associated Press contributed to this story.

# High-interest Lehigh Valley College loans now subject of class-action suit

## LOANS FROM PAGE A1

a class-action lawsuit, as well. The Palmer Township law firm Cohen & Feeley, in collaboration with a Lansdale firm, filed the suit in Lehigh County Court, alleging LVC broke Pennsylvania's consumer protection law by intentionally misleading students about the terms of their loans.

Scott Levine, a lawyer for LVC's parent company, Career Education Corp., said in a written statement, "We believe the complaint to be entirely without merit."

LVC, formerly known as Allentown Business School, and Sallie Mae, the company that processed and owns the loans in question, say they welcome the opportunity to tell their side of the story at the hearing. Both say they provide access to education for people who otherwise would not be able to go to college.

LVC, which has roughly 1,200 students at its Center Valley campus, offers training in a variety of subjects, from massage therapy to computer networking. It charges \$30,400 to \$37,500 for an associate degree.

The Morning Call reported in May that LVC steered some students toward high-interest loans that left them with overwhelming debt. Some are on track to pay back more than \$100,000 — roughly three times what they borrowed —

"I have two master's degrees and I still couldn't figure out what her repayment rate was."

DALE BROADWAY  
on his wife's student loan at Lehigh Valley College



for 1½ years of study.

Alerted to high interest rates by the newspaper article, Broadway's wife was able to cancel her 15.9 percent Sallie Mae loan and replace it with a 5.5 percent loan from Wachovia Bank, saving thousand of dollars, he told Dally in a letter. Others weren't so lucky.

One student, Adam Schaus, 23, of New Tripoli, is filing for bankruptcy and has put off marriage plans.

Another student, Jesse Passwaters, 26, of Dover, Del., who is scheduled to repay Sallie Mae \$106,784.91, consulted a bankruptcy lawyer but couldn't bring himself to file. "I guess I won't have any kids or buy a house for a while," Passwaters said. "I already have a house payment,"

he said, referring to his \$750 monthly Sallie Mae bill. "I just don't have a house."

The House Consumer Affairs Committee hearing will be the first of its kind, putting the nation's No. 1 student loan provider and the No. 2 for-profit education company, Career Education, under the same spotlight.

The lawsuit, meanwhile, adds to Career Education's list of legal woes. The Hoffman Estates, Ill., company faces a dozen other lawsuits, and it is under investigation by the U.S. Department of Education and the Securities and Exchange Commission.

LVC denied any wrongdoing. School President Virginia Carpenter said in a written statement on Monday, "LVC provides students with

information on a variety of financial aid options, with the goal of developing the best package based on each individual student's financial situation.

"We meet this goal by presenting students with available loan options, encouraging students to first use grants and all lower-interest options, and providing full disclosure on all loan packages," she said.

Sallie Mae spokesman Tom Joyce, meanwhile, characterized his company as a friend to the poor and disenfranchised. Created by the federal government in 1972, Sallie Mae became a private company, SLM Corp., last year.

If some of the company's loans have higher-than-usual interest, that's because it lends to people who have poor credit ratings and would otherwise be unable to come up with tuition money, he said. "We are proud of the access that we provide to thousands of Pennsylvania students."

The Consumer Affairs Committee hearing — at 1 p.m. Nov. 9 in Nazareth Area High School — will focus on loans and lenders, Flick said Monday.

"We want to hear about the process," he said. "We want to deal with how decisions are made by lending institutions."

Other details, such as the agenda and who will be asked to speak, have yet to be finalized, he said.

Chris Borick, director of the Muhlenberg College Institute of Public Opinion, said local hearings help

legislators assess the need for, and come up with ideas for, corrective legislation. But their purpose also is symbolic, he said.

"It's a sign by the government that this is an issue that merits significant attention," Borick said. "It puts a spotlight on it by having government say it's formally on our agenda."

As for the lawsuit, it seeks triple damages on behalf of two students in particular "and all others similarly situated." First, a judge must review whether the suit is even appropriate for class status — that is, whether one large class-action suit is preferable to individual suits filed by affected people.

The two students cited in the suit are Lisa Baran McCarten and I-iesha Leon, both of Bethlehem. The Morning Call reported Leon's story in its May article.

Leon was 19 in late 2002 when an LVC recruiter persuaded her, after repeated calls, to enroll at the school. She said it wasn't until after graduation that she learned of the magnitude of her student loan debt.

She was on track to pay \$92,910.47 — seven student loans totaling \$37,514, plus \$55,396.47 in interest.

In a letter to Sallie Mae last month, Dally wrote that, if necessary, he would seek a subpoena forcing it to appear at the Consumer Affairs hearing. Sallie Mae spokesman Joyce said Monday that would not be necessary.

sam.kennedy@mcall.com  
610-820-6517