

# **Dover case sets strong precedent to keep ID out of science classes**

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In 1925, Tennessee biology teacher John T. Scopes was fined \$100 for violating a state law that prohibited teaching evolution. The Tennessee Supreme Court reversed his conviction on a technicality, and the law was repealed in 1967.

Eighty years after the Scopes Monkey Trial, the fight continues to evolve. In October 2004, the Dover Pennsylvania School Board instituted a policy mandating the teaching of intelligent design in ninth grade biology classes. Intelligent design, or ID, holds that the universe is so complex that it must have been created by a higher power.

Eight families from Dover sued their school board after it required biology teachers to inform students about intelligent design and state that Charles Darwin's theory is "not a fact," has inexplicable "gaps," and to refer students to the textbook "Of Pandas and People" for more information.

In December 2005, following a six-week trial, U.S. District Judge John E. Jones III ruled that "it is unconstitutional to teach ID as an alternative to evolution in a public school science classroom."

In a carefully reasoned and highly detailed opinion, Judge Jones concluded that intelligent design was not science, and therefore, science class was not the proper forum for this discussion. Even the supporters of ID admit that the very definition of science would have to be profoundly altered in order to include the concept of intelligent design.

Judge Jones wrote, "To be sure, Darwin's theory of evolution is imperfect. However, the fact that a scientific theory cannot yet render an explanation on every point should not be used as a pretext to thrust an untestable alternative hypothesis grounded in religion into the science classroom or to misrepresent well-established scientific propositions."

When questioned as to how to determine who the designer is, supporters of ID said that science on its own cannot answer that question, but must leave it up to religion and philosophy. Moreover, witnesses in favor of ID remarked that even though proponents of ID occasionally suggest that the designer could be a space alien or time-traveling cell biologist, no serious alternative to God as the designer has been proposed.

The contention that ID was being used to improve science education and encourage critical thinking was a sham in the eyes of the court. Nevertheless, Judge Jones expressed, "We do not question that many of the leading advocates of ID have bona fide and deeply held beliefs which drive their scholarly endeavors. Nor do we controvert that ID should continue to be studied, debated, and discussed. As stated, our conclusion today

is that it is unconstitutional to teach ID as an alternative to evolution in a public school science classroom.”

Much of Judge Jones’ decision was predicated on the 1987 Supreme Court case *Edwards v. Aguillard*, which maintains that biblical creationism cannot be taught as science in a public school. The decision did leave open the possibility for teaching a variety of scientific theories regarding human origins as long as they are implemented with a clear, secular intent. Judge Jones expressed his concern with the ID supporters who claimed that the book “*Of Pandas and People*” was a textbook about intelligent design and not a textbook about creationism. Judge Jones chronicled the history of ID and found that after the Supreme Court’s ruling in 1987, the authors of “*Of Pandas and People*” removed the words “creationism” from the textbook and inserted the words “intelligent design” in its place.

Judge Jones spoke about board members who had lied during depositions to hide how they had acquired money to purchase the “*Pandas*” textbooks for the school. He also found that the board members had very little knowledge about intelligent design and was extremely troubled that supporters of ID repeatedly lied under oath to cover their motives while professing religious beliefs.

Upset that individuals would bare false witness, Judge Jones wrote, “It is ironic that several of these individuals, who so staunchly and proudly touted their religious convictions in public, would time and again lie to cover their tracks and disguise the real purpose behind the ID policy.”

Far from a liberal activist judge, Jones is a lifelong Republican who was appointed to the federal bench by the current President Bush. Judge Jones avowed that the real activists in this case were ill-informed school board members, aided by a public interest law firm, the Thomas More Law Center.

Even Rick Santorum, a Republican Senator from Pennsylvania, told newspapers that he was troubled by the testimony of ID supporters. The day after Dover’s policy on ID was ruled unconstitutional, Santorum, who had earlier praised the school for its ID policy, stated he would withdraw his affiliation with the More Law Center.

While the decision is only legally binding on school districts in the middle district of Pennsylvania, the 139-page ruling may serve as a deterrent to other school boards considering the teaching of ID as an alternative scientific theory.

It is unlikely that the decision will be appealed. In November, voters came down hard on the school board members who backed ID and removed eight of the board members from office. The current school board members have stated that they would respect the decision of the Court and not seek an appeal.

In concluding the opinion, Judge Jones stated, “The breathtaking insanity of the board’s decision is evident when considered against the factual backdrop which has now been

fully revealed through this trial. The students, parents, and teachers of the Dover Area School District deserved better than to be dragged into this legal maelstrom, with its resulting utter waste of monetary and personal resources.”