

ID ruling expected to impact other states: The reach of the Dover, Pennsylvania, decision

by [Religion News Service staff](#) in the [January 24, 2006](#) issue

Only days after the high-profile intelligent-design trial ended in the fall, Federal Judge John E. Jones III, relaxing in his chambers in Harrisburg, Pennsylvania, promised to weigh the evidence and “rule as I see fit.”

At that time, Jones would not comment on whether he would limit his ruling to the Dover Area School District’s policy or broaden his decision to take on the issue of whether intelligent design is science or a religious proposition.

But he hinted at where he was headed. Jones said he “welcomed the opportunity” to make a ruling in “one of the most important trials on the First Amendment and the establishment clause.”

In a sweeping 139-page opinion December 20, Jones saw fit to excoriate the intelligent-design movement and give evolutionary science the legal respect and status that leading scientists say it deserves. It was the nation’s first trial in regard to ID, and the ruling, though not binding nationwide, is expected to have an impact far beyond Dover.

“I think any school district around the country contemplating something like this would be well advised to carefully read the decision,” said Eugenie Scott, a physical anthropologist and executive director of the National Center for Science Education, a nonprofit organization that promotes and defends the teaching of evolution in public schools.

Added Scott: “He could have sunk the [Dover] policy without going into scientific issues. The fact that he did take the time to evaluate the scientific testimony speaks very highly of his sense of responsibility as a judge.”

In his ruling, Jones said former members of the Dover school board were religiously motivated and lied about their intentions when they adopted a policy requiring that ninth-grade students hear a statement that evolution is “not a fact” and intelligent design is an alternative theory. He said the statement was religiously motivated and violated the First Amendment’s establishment clause, which bars government from forming a religion or favoring one faith over another.

That alone would not have given the decision far-reaching implications. By taking on intelligent design—the proposition that aspects of life and the universe are so complex that they must be the work of an intelligent designer—Jones made certain that the impact of the Dover case would extend beyond his jurisdiction of central and northeastern Pennsylvania.

“After this searching and careful review of ID as espoused by its proponents, as elaborated upon in submissions to the court, and as scrutinized over a six-week trial, we find that ID is not science and cannot be adjudged a valid, accepted scientific theory as it has failed to publish in peer-reviewed journals, engage in research and testing, and gain acceptance in the scientific community,” Jones said in his ruling.

Intelligent design “is grounded in theology, not science,” and is “an old religious argument for the existence of God,” he wrote. Science, on the other hand, is “a discipline in which testability, rather than any ecclesiastical authority or philosophical coherence, has been the measure of a scientific idea’s worth.”

Some religious conservatives took exception to that analysis. “This is an appalling ruling by a judge showing unbelievable arrogance,” broadcaster Pat Robertson said on his *700 Club* TV show. David Martin, pastor at the Evangelical Free Church of Hershey, Pennsylvania, said he was saddened that Dover’s was the case that made it to federal court. “I think it was a weak case and presented in a way that was quite open to legal attack,” he said.

The Discovery Institute, a Seattle-based conservative think tank that supports ID and advocates the criticism of evolution in science classrooms, called Jones an “activist judge” whose ruling has “no legal effect” beyond his district.

Eric Rothschild, a lawyer who represented parents opposed to the Dover policy, agreed that Jones’s ruling is “not legally binding” outside Jones’s district, but warned that lawyers and school district officials who ignore the ruling do so at their peril. “This can and will be used in other cases,” he said.

Related battles over intelligent design and evolution are under way or pending in school boards, courtrooms and legislative bodies in Georgia, Kansas, Michigan, Ohio and New Mexico.

In Ohio, Americans United for Separation of Church and State, which helped bring the Dover lawsuit, has obtained boxes of records from the Ohio Department of Education for a possible challenge to the state school board's adoption of a controversial science lesson plan, "Critical Analysis of Evolution," which critics call warmed-over ID.

"We hope Ohio takes notice and cleans house," said Richard Katskee, Americans United's assistant legal director. "Whether there is a legal challenge really depends on what the Ohio Board of Education does."

Barbara Forrest, a Southeastern Louisiana University philosophy professor who testified in the Dover trial, said Jones "handed any lawyers who have to defend science a tremendous advantage." Her book *Creationism's Trojan Horse: The Wedge of Intelligent Design* was a focal point in the trial.

The fact that Jones is a churchgoing Republican appointed to the bench by President George W. Bush, who has favored the teaching of intelligent design, gives the ruling more weight, Forrest said. -*Religion News Service*