Court rules teaching of Intelligent Design unconstitutional in public schools

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A US district court in Pennsylvania ruled on Tuesday that the teaching of Intelligent Design is unconstitutional in public school science classrooms. In a strongly worded decision, Judge John Jones III found that ID is a religious conception, and that a pro-ID policy developed by the school board in Dover, Pennsylvania is a clear violation of the separation of church and state.

In his 139-page decision, Jones found that "ID cannot uncouple itself from its creationist, and thus religious antecedents." He therefore issued an order prohibiting the school district from maintaining its ID policy, and barring any school in the district "from requiring teachers to denigrate or disparage the scientific theory of evolution, and from requiring teachers to refer to a religious, alternative theory known as ID." ID proponents have sought to resurrect a centuries-old argument that certain aspects of the biological world are so complex that they could only be the work of an "intelligent designer."

The decision is a major legal defeat for the Intelligence Design Movement (IDM), a coalition of religious fundamentalists who have sought to undermine evolutionary theory by cloaking creationism in pseudo-scientific terminology and getting it taught in schools. The fact that Jones, himself a Republican and Bush appointee, issued the decision only underscores the blatantly unconstitutional and undemocratic character of the movement.

Jones refuted statements by ID advocates that the movement is not inherently religious in character. "The citizens of the Dover area were poorly served by the members of the Board who voted for the ID Policy," 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."

"The breathtaking inanity of the Board's decision is evident when considered against the backdrop which has now been fully revealed through this trial," he concluded.

The case, *Kitzmiller et al. v. Dover Area School District*,has its origins in an October 2004 decision by the Dover School Board to develop a science policy in which "students will be made aware of gaps/problems in Darwin's theory and of other theories of evolution including, but not limited to, intelligent design." This was followed by a requirement that biology teachers in the district read a statement saying, "Darwin's Theory is a theory" and that "the Theory is not a fact. Gaps exist in the Theory for which there is no evidence.... Intelligent Design is an explanation of the origin of life that differs from Darwin's view. The reference book, Of Pandas and People, is available for students who might be interested in gaining an understanding of what Intelligent Design actually involves."

A lawsuit was subsequently brought by parents of several students in the district to challenge the Board's policy.

Jones based his decision on the Establishment Clause of the First Amendment of the Constitution, which states that "Congress shall make no law respecting establishment of religion, or prohibiting the free exercise thereof." This clause is the constitutional foundation for the separation of church and state.

Jones found that by two tests elaborated in Supreme Court decisions, the endorsement test and the Lemon test, the Dover policy was in clear violation of the Establishment Clause. The endorsement test states that a government policy is unconstitutional if it shows religious favoritism or sponsorship. The Lemon test (named after the Supreme Court case of *Lemon v. Kurtzman*) states that a government-sponsored message violates the Establishment Clause if "(1) it does not have a secular purpose; (2) its principal or primary effect advances or inhibits religion; or (3) it creates an excessive entanglement of the government with religion."

The Dover policy constitutes an endorsement of religion with no secular purpose because the ID movement is clearly associated with religious conceptions. It is historically rooted in attempts by Christian fundamentalists to promote creationist arguments against science. The court relied on the precedent established in the 1987 Supreme Court case, *Edwards v. Arkansas*, which found that the teaching of "creation science," which claimed to find scientific evidence for the truth of Biblical events, in public schools was unconstitutional because the alleged science was merely religion in disguise.

In arguing that ID is likewise merely poorly disguised religion, Jones noted that the argument for Intelligent Design is merely a rehash of an old argument for the existence of God,

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going back at least to the writings of thirteenth century philosopher Thomas Aquinas. The argument from design, which was stated most succinctly by pre-Darwin naturalist William Paley, was undermined with the development of evolutionary theory, which provides a complete scientific explanation for the development of life.

Jones also traced the more immediate history of the Intelligent Design movement, which arose as a means of getting around the *Edwards* decision against "creation science." Public and direct references to God and Biblical stories were put aside by ID advocates, while all the essential features of the creationist argument remained. Jones noted that for "tactical reasons," the ID movement does not speak about God in public, but documents and statements prove that religious advocacy is its main goal. Among these is the so-called Wedge Document, a document put out by the pro-ID Discovery Institute, which states as its principal aim the attempt to "replace materialistic explanations with the theistic understanding that nature and human beings are created by God."

The attempts to cloak the religious designs of ID have been incredibly crude. Jones recorded that in earlier drafts of the book *Of Pandas and People*, the authors spoke of creation and creator; however, in later post-*Edwards* drafts, the words design and designer were put in their place, everything else remaining the same.

Jones spent some time refuting the scientific pretensions of ID, which has attempted to modify the definition of science to allow for supernatural, that is, religious explanations.

The ID movement is so devoid of scientific foundations, and teaching it in science classrooms is so blatantly unconstitutional, that in recent years its proponents have argued not that ID should be taught, but rather that the supposed failures of Darwinism should be emphasized in schools. The opinion states that this position of "teaching the controversy" "is at best disingenuous, and at worst a canard. The goal of the IDM is not to encourage critical thought, but to foment a revolution which would supplant evolutionary theory with ID," that is, with religion.

Further evidence of the religious character of the Dover Board's policy came in the form of statements from board members, who did not hide their religious motivations during board meetings that discussed the proposed changes. In arguing for the pro-ID policy, school board member William Buckingham declared, "This country wasn't founded on Muslim beliefs or evolution. This country was founded on Christianity and our students should be taught as such." Later he said, "Nowhere in the Constitution does it call for a separation of church and state."

The character of Jones's decision, his use of terms such as "inanity" and his correct characterization of ID advocates as liars, underscores the complicity of the media and the entire political establishment, which has generally characterized the ID movement as a legitimate counterargument to the science of evolution. Articles in publications such as the *Washington Post* and other media outlets have presented generally laudatory portraits of leaders of the ID movement, who have also been given prominent space on editorial pages to present their views.

A report in the *Columbia Journalism Review* in September 2005 noted that in television and print coverage of the ID case, the media has tended "to deemphasize the strong scientific case in favor of evolution and instead lend credence to the notion that a growing 'controversy' exists over evolutionary science."

The Dover trial, on the other hand, the first real legal test of the ID movement, has exposed it for what it really is: a group of charlatans and religious fundamentalists with a deeply undemocratic and unconstitutional agenda.

While ID has been given a legal defeat, the attack on science is by no means ended. The drive to undermine the separation of church and state has support within prominent sections of the political establishment. Earlier this year, President Bush declared himself in favor of teaching Intelligent Design alongside evolution in public schools.

There are numerous other legal cases in states around the country in which ID advocates and religious fundamentalists are seeking to undermine the teaching of science. Last month, the Kansas Board of Education voted for a second time to modify science guidelines for the state in a way designed to call into question evolutionary theory. The *Kitzmiller* case may itself be appealed to a higher court.

The attack on evolution and scientific thought in general is the product of much deeper political and social relations that have not ended with this trial. Christian fundamentalism and religious obscurantism receive a significant amount of support from within the political and media establishment because the promotion of these ideologies is a principal means by which the ruling elite is seeking to build a base of support for an antidemocratic, militarist and right-wing economic agenda. Only on the basis of a broader movement of working people against these underlying social relations will the defense of science be successful.

The complete text of the District Court decision can be found at http://www.pamd.uscourts.gov/kitzmiller/kitzmiller_342.pdf.

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