

Attachment A:

Kindle Screenshot of Page 132 of *Designer Science* showing the relevant passage, followed by screenshot of the relevant footnote:

creationism to the young-Earth variety, but for Jones, this was “only one form of creationism” and ID satisfied a broader definition of it.⁷¹

Denunciation from ID sympathizers was fierce. An ID rebuttal was published shortly after the case, *Traipsing into Evolution*, in which four Discovery Institute writers contended that Jones had overstepped his authority in ruling beyond the simple constitutionality of the Dover board policy and argued that Jones had “repeatedly misrepresented both the facts and the law in his opinion, sometimes egregiously.”⁷² John G. West responded only ninety minutes after the decision’s release that it was “an attempt by an activist federal judge to stop the spread of a scientific idea . . . and it won’t work.”⁷³ Jones had anticipated this, writing at the end of his opinion, “Those who disagree with our holding will likely mark it as the product of an activist judge. If so, they will have erred as this is manifestly not an activist Court.”⁷⁴ Crucially, the Dover board members behind the policy were all voted out of office (or were not up for reelection) right before the decision was levied, so Jones’s ruling could not be appealed because the new board wanted nothing to do with continuing the fight.⁷⁵ It was a total defeat for ID.

Would things have gone differently for ID were it not for a few key hurdles that could not be overcome? For one, what would have happened if the TMLC had not forced a case where the Discovery Institute was hesitant? What would have happened if the school board had followed the “teach the controversy” approach in-

stead of offering *Pandas* as an optional alternative? The way the case evolved was the worst-case scenario for ID: dragged into a battle by belligerently activist creationists and then publicly humiliated when their own experts struggled to articulate what exactly ID was. Ultimately, the most damning admission might have come from Behe’s mouth himself, when he confessed on the stand that the “plausibility of the argument for ID depends upon the extent to which one believes in the existence of God.”⁷⁶ At root, Behe’s admission showed that there was something fundamentally nonempirical at the heart of ID, that it was based on philosophical assumptions, on metaphysics, and on first principles. It therefore depended on a prior commitment. ID advocates had long claimed that evolution was spurious science for this exact reason, but after *Dover*, the shoe found itself on the other foot. Moreover, this question would also be the grounds for a new attack on ID, from a vituperative and politicized enemy that rose to meet it in public battle and take the fight directly to the heart of the matter: God’s existence.

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“I am attacking God,” wrote Richard Dawkins in his 2006 surprise best-seller *The God Delusion*, “all gods, anything and everything supernatural, wherever and whenever they have been or will be invented.”⁷⁷ Dawkins played an unwittingly pivotal role in the founding of intelligent design: it was his book *The Blind Watchmaker* that John-

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Footnote 76

⁷⁶ *Kitzmiller*, 400 F. Supp. 2d at 720.