

The Court should oppose any requests to define intelligent design as unscientific or to place it outside of the scope of science.

**III. AD HOMINEM ATTACKS ON SCIENTISTS SHOULD NOT BE THE BASIS FOR EXCLUDING THEIR SCIENTIFIC CLAIMS.**

As this litigation demonstrates, opponents of intelligent design frequently resort to ad hominem attacks, asserting that because some scientists hold religious views, their scientific work should be dismissed as merely “religious.”<sup>15</sup>

*Creationism’s Trojan Horse*, co-authored by Dr. Barbara Forrest (one of plaintiffs’ experts), epitomizes the argument that because many intelligent design theorists are devoutly religious, therefore intelligent design proponents intend to pass off religion as science and are not offering design as a scientific theory.<sup>16</sup>

Forrest’s book devotes little space to evaluating the science of intelligent design, but is full of documentation of irrelevant connections (sometimes concrete and sometimes highly tenuous) between intelligent design proponents and religious organizations. Such harping upon the religious affiliations of design proponents and their allegedly deceitful scholarship is bigoted as well as beside the point.

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<sup>14</sup> Richard Dawkins, *The Blind Watchmaker* 1 (New York: W.W. Norton & Company, 1986).

<sup>15</sup> See Barbara Forrest and Paul Gross, *Creationism’s Trojan Horse* (Oxford University Press, 2004).

<sup>16</sup> “A movement based on religion does not need the credibility afforded by scientific evidence.” *Id.* at 314.

This “*Trojan Horse*” method of critique encourages discrimination against intelligent design proponents by fostering a stereotype among academics that supporters of design are incompetent scientists who use deceitful methods to peddle religion as though it were science.<sup>17</sup> Such a prejudicial tactic would never be permitted if the alleged agenda of the accused group were, say, feminism or gay rights. Indeed, no other group of academics face attacks on their professional careers based primarily on their alleged personal beliefs.<sup>18</sup> Arguments employing such *ad hominem* attacks on the supposed religious beliefs of design theorists should be decisively rejected by this Court.

**a. Religious Motivations are Irrelevant to the Scientific Merits of a Hypothesis.**

The motivations and religious views of scientists have nothing to do with the scientific validity of their discoveries. For example, the eminent scientists Isaac Newton and Johannes Kepler were devoutly religious and believed God created a rationally comprehensible universe. Despite their religious motivations, their scientific investigations led to accurate explanations of motion which became the bedrock of physical mechanics. Amici thus assert that motivations for conducting scientific investigations have no bearing upon the empirical validity or scientific

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<sup>17</sup> See *infra* notes 45-51 and accompanying text for documentation of the discrimination leveled at Dr. Guillermo Gonzalez.

<sup>18</sup> See *infra*, notes and 35-56 and accompanying text, for a discussion of the discrimination faced by intelligent design sympathizers.

nature of the conclusions obtained therein.

Additionally, any religious affiliations or beliefs of intelligent design proponents are protected by their First Amendment rights of freedom of religion and association. Regardless of their associations or motivations, intelligent design theorists do not base their arguments on theological premises:

The design theorists' critique of Darwinism begins with Darwinism's failure as an empirically adequate scientific theory, not with its supposed incompatibility with some system of religious belief. This point is vital to keep in mind in assessing intelligent design's contribution to the creation - evolution controversy. Critiques of Darwinism by creationists have tended to conflate science and theology, making it unclear whether Darwinism fails strictly as a scientific theory or whether it must be rejected because it is theologically unacceptable. Design theorists refuse to make this a Bible-science controversy. Their critique of Darwinism is not based upon any supposed incompatibility between Christian revelation and Darwinism.<sup>19</sup>

Highly probative of this account is the fact that notable sympathizers of intelligent design are not religious. For example, the famous British atheist, Antony Flew, announced in 2004 that he had been persuaded by the empirical data supporting design. Although Flew continued to espouse no religious commitments after his intellectual shift, he stated “[i]t now seems to me that the findings of more than fifty years of DNA research have provided materials for a new and enormously

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<sup>19</sup> William A. Dembski, *Intelligent Design: The Bridge Between Science and Theology* 112 (InterVarsity Press, 1999).

powerful argument to design.”<sup>20</sup> This Court should rule that the motivations and religious beliefs of design proponents are irrelevant to the empirical validity or epistemological nature of design theory.

**b. Scientists and Advocates on All Sides of this Issue have Religious (or Anti-Religious) Motivations.**

Although Amici emphasize that the religious beliefs and motivations of scientists are irrelevant when evaluating the scientific nature of their arguments, Amici feel compelled to point out that leading opponents of intelligent design are not without their own religious (or anti-religious) motivations.

For example, Eugenie Scott, director of a leading activist organization opposing the teaching of design, the National Center for Science Education (“NCSE”), is a “Notable Signer” of the “Humanist Manifesto III.” The Manifesto makes broad theological (or “anti-theological”) claims that “[h]umans are ... the result of unguided evolutionary change. Humanists recognize nature as self-existing.”<sup>21</sup>

Another public opponent of intelligent design is Nobel Laureate Steven

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<sup>20</sup> See [biola.edu/antonyflew/page2.cfm](http://biola.edu/antonyflew/page2.cfm) (last visited September 10, 2005).

<sup>21</sup> Humanist Manifesto III Public Signers, [americanhumanist.org/3/HMsigners.htm](http://americanhumanist.org/3/HMsigners.htm) (last visited September 10, 2005); Humanism and its Aspirations, [americanhumanist.org/3/HumandItsAspirations.htm](http://americanhumanist.org/3/HumandItsAspirations.htm) (last visited September 10, 2005).

Weinberg.<sup>22</sup> Weinberg explains his scientific career is motivated by a desire to disprove religion:

I personally feel that the teaching of modern science is corrosive of religious belief, and I'm all for that! One of the things that in fact has driven me in my life, is the feeling that this is one of the great social functions of science—to free people from superstition.<sup>23</sup>

Lest there be any doubt about Weinberg's meaning, he expresses his hope that “this progression of priests and ministers and rabbis and ulamas and imams and bonzes and bodhisattvas will come to an end, that we'll see no more of them. I hope that this is something to which science can contribute and if it is, then I think it may be the most important contribution that we can make.”<sup>24</sup>

Plaintiff's expert Barbara Forrest is on the Board of Directors of the New Orleans Secular Humanist Association (NOSHA).<sup>25</sup> NOSHA is also an affiliate of the Council for Secular Humanism which it describes as “North America's leading organization for non-religious people.”<sup>26</sup> NOSHA's links page boasts “The Secular Web,” whose “mission is to defend and promote metaphysical naturalism,

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<sup>22</sup> Dr. Weinberg testified in support of teaching only the evidence for evolution before the Texas State Board of Education. See Forrest Wilder, “Academics need to get more involved,” Opinion, *The Daily Texan*, October 2, 2003. [dailytexanonline.com/media/paper410/news/2003/10/02/Opinion/Academics.Need.To.Get.More.Involved-510574.shtml](http://dailytexanonline.com/media/paper410/news/2003/10/02/Opinion/Academics.Need.To.Get.More.Involved-510574.shtml) (last visited September 15, 2005).

<sup>23</sup> “Free People from Superstition,” [ffrf.org/fttoday/2000/april2000/weinberg.html](http://ffrf.org/fttoday/2000/april2000/weinberg.html) (last visited September 15, 2005).

<sup>24</sup> *Id.*

<sup>25</sup> NOSHA Who's Who, [nosha.secularhumanism.net/whoswho.html](http://nosha.secularhumanism.net/whoswho.html) (last visited September 10, 2005).

the view that our natural world is all that there is, a closed system in no need of an explanation and sufficient unto itself.”<sup>27</sup> Most notably, NOSHA is an associate member of the American Humanist Association,<sup>28</sup> which publishes the Humanist Manifesto III.<sup>29</sup> In 1996, this American Humanist Association named Richard Dawkins as its “Humanist of the Year.”<sup>30</sup> To help underscore the anti-religious mindset of these humanist organizations, in his acceptance speech for the award before the American Humanist Association, Dawkins stated that “faith is one of the world’s great evils, comparable to the smallpox virus but harder to eradicate.”<sup>31</sup>

Even the eminent National Academy of Sciences, which has issued various booklets against teaching intelligent design,<sup>32</sup> has a membership of biologists who (according to surveys) are 95% atheists or agnostics.<sup>33</sup> Amici detail these affiliations not because religious (or anti-religious) beliefs are relevant to a

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<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> See [americanhumanist.org/3/HumandItsAspirations.htm](http://americanhumanist.org/3/HumandItsAspirations.htm) (last visited September 10, 2005).

<sup>30</sup> See [thehumanist.org/humanist/articles/dawkins.html](http://thehumanist.org/humanist/articles/dawkins.html) (last accessed Sept 10, 2005).

<sup>31</sup> *Id.*

<sup>32</sup> See National Academy of Sciences, *Teaching about Evolution and the Nature of Science and Science and Creationism: A view from the National Academy of Sciences* (National Academy Press, 1998); National Academy of Sciences, *Science and Creationism: A View from the National Academy of Sciences* (2nd edit. National Academy Press, 1999).

<sup>33</sup> Edward J. Larson and Larry Witham, “Scientists and Religion in America,” *Scientific American* 281:88-93, September, 1999.

scientific argument, but to demonstrate that the legal rule proposed by the plaintiffs would jeopardize the scientific contributions of many critics of intelligent design just as much as the contributions of some intelligent design proponents. It would also inspire a never-ending succession of irrelevant *ad hominem* attacks. Amici urge the Court to reject such a deeply flawed rule that is so inimical to free inquiry.

#### **IV. EFFORTS TO DISCRIMINATE AGAINST INTELLIGENT DESIGN PROPONENTS HAVE ALREADY BEGUN.**

The concern that acceptance of the plaintiffs' claims could adversely affect the freedom of scientists to pursue the truth is hardly a remote contingency. The Court should be aware that opponents of intelligent design, including some of the witnesses testifying in this case, already have sought to hinder the careers and academic freedom of scientists who are sympathetic towards intelligent design. The following examples demonstrate the potential for the plaintiffs' requested relief to become the basis for further efforts to stifle the intelligent design viewpoint.<sup>34</sup>

Richard Sternberg is a trained evolutionary biologist,<sup>35</sup> and former editor of the peer-reviewed biology journal, *Proceedings of the Biological Society of*

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<sup>34</sup> For an account of modern-day persecution of scientists, See Gordon Moran, *Silencing Scientists and Scholars in Other Fields: Power, Paradigm Controls, Peer Review, and Scholarly Communication* (Greenwich, Connecticut: Ablex Publishing Corporation, 1998).

<sup>35</sup> Dr. Sternberg holds Ph.D.'s in molecular evolution and theoretical biology. See [rsternberg.net/CV.htm](http://rsternberg.net/CV.htm) (last visited September 9, 2005).