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[Home](#) > FTE seeks to intervene in Dover

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[FTE seeks to intervene in Dover](#) [3]

The case of *Kitzmiller et al. v. Dover Area School Board* took a twist during a hearing on July 14, 2005, when lawyers for the Foundation for Thought and Ethics (FTE) sought to intervene in the case. A successful intervention would make FTE a co-defendant with the Dover Area School Board, able to bring in its own lawyers and expert witnesses. FTE served in effect as the institutional headquarters of "intelligent design" before the Discovery Institute's Center for the Renewal of Science and Culture was founded in 1996, and was responsible for publishing [Of Pandas and People](#) [4] (first edition 1989; second edition 1993), which popularized "intelligent design" as a supposed alternative to evolution.

Pandas is at the heart of the case in Dover. It was implicated in [the controversy](#) [5] early, when Dover Area School Board member William Buckingham attempted to have it adopted as a supplementary textbook. After he was unsuccessful, fifty-eight copies of the book -- two classroom sets -- were anonymously donated to the district. The board subsequently required a statement to be read to Dover biology students suggesting "intelligent design" as a credible scientific alternative to evolution, and concluding "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."

According to the [York Dispatch](#) [6] **[Link broken]**, Jon Buell, the president of the Foundation for Thought and Ethics, told the court that FTE is "not at all" a religious organization, and that he "doesn't want the book to be synonymous with the school board" because "judging from what he has read, [the board] wanted intelligent design in its biology classes for religious reasons." Buell said that a ruling that "intelligent design" was religious would make the *Pandas* textbook "radioactive" in public schools, and would be "catastrophic" for the marketability of both the present (second) edition of *Pandas* and the forthcoming third edition (to be retitled *The Design of Life*), citing possible losses in the neighborhood of half a million dollars.

On cross-examination, Eric Rothschild, of the Philadelphia law firm Pepper Hamilton, produced a copy of FTE's tax return, on which its primary purpose is described as "promoting and publishing textbooks presenting a Christian perspective," and a copy of its articles of incorporation, according to which its purposes include "making known the Christian gospel and understanding of the Bible." Buell blamed the phrases on the accountant and attorney who prepared the documents. Rothschild also produced a copy of an early draft of *Pandas* that used the term "creationism" regularly, and pointed out that the term "creation" in the draft of *Pandas* was replaced with "intelligent design" in the published version. Buell claimed that "creation" was a "placeholder term" and was devoid of religious connotations when the drafts were written.

The judge is expected to issue a decision on FTE's motion to intervene in the case shortly. In other news from Dover, William Buckingham, the school board member who was instrumental in fomenting the controversy, is [moving](#) [7] **[Link broken]** to Mount Airy, North Carolina, for health reasons; the Thomas More Law Center, representing the defendants in *Kitzmiller*, filed a motion for summary judgment in the case, which is not expected to be successful; and the court is currently considering [the question](#) [8] **[Link broken]** of whether reporters for the local newspapers -- the *York Daily Record* and the *York Dispatch* -- will be required to be deposed, amid accusations from the defense of their inaccuracy and bias. The trial is presently scheduled to begin in late September.

[Anti-Evolution](#) [9]

[2005](#) [10]

[Pennsylvania](#) [11]

[+ read](#) [3]

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[2] <https://ncse.com/users/ncse-staff>

[3] <https://ncse.com/news/2005/07/fte-seeks-to-intervene-dover-00665>

[4] <http://www.ncseweb.org/article.asp?category=21>

[5] <http://www.ncseweb.org/pressroom.asp?state=PA>

[6] <http://www.yorkdispatch.com/Stories/0,1413,138~10021~2966761,00.html>

[7] <http://www.ydr.com/story/doverbiology/76939/>

[8] <http://www.ydr.com/story/doverbiology/77383/>

[9] <https://ncse.com/news/anti-evolution>

[10] <https://ncse.com/news/2005>

[11] <https://ncse.com/news/pennsylvania>