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John E. Jones III

Judge John E. Jones III, who presided over the [Kitzmiller v. Dover](#) [4] trial, was [interviewed](#) [5] by Jane Gitschier for *PLoS Genetics*. After recounting his legal career and sketching the legal history of the creationism/evolution controversy, Jones talked about the trial itself. Describing the expert testimony he heard, Jones commented, "I will always remember Ken Miller's testimony in the sense that he did A-Z evolution. And then got into intelligent design. And having laid the foundation with the description of evolution, got into why intelligent design doesn't work as science, to the point where it is predominantly a religious concept." He added, "But Ken Miller went into the immune system, the blood clotting cascade, and the bacterial flagellum — all three are held out by intelligent design proponents as irreducibly complex, and in effect, having no precursors. He [Miller] knocked that down, I thought, quite effectively — so comprehensively and so well. By the time Miller was done testifying, over the span of a couple of days, the defendants were really already in the hole."

The expert witnesses for the defense were less impressive to Jones: "Another remarkable moment on the science side was Michael Behe, who was the lead witness for the defendants, and a very amiable fellow, as was Ken Miller, but unlike Miller, in my view, Professor Behe did not distinguish himself. He did not hold up well on cross-examination." And the school board witnesses for the defense, whom Jones lambasted in his [decision](#) [6] (PDF), he described as "dreadful witnesses ... hence the description

'breathtaking inanity' and 'mendacity.' In my view, they clearly lied under oath. They made a very poor account of themselves. They could not explain why they did what they did. They really didn't even know what intelligent design was. It was quite clear to me that they viewed intelligent design as a method to get creationism into the public school classroom. They were unfortunate and troublesome witnesses. Simply remarkable, in that sense."

Noting that the plaintiffs and defendants both asked for a ruling on the question of whether "intelligent design" constitutes science, Jones said, "if you're going to measure the effect of a particular policy, in this case juxtaposing intelligent design with evolution, on the intended recipients, you have to delve into what the policy is about. What was it about? It was about intelligent design. And to try to determine the effect on the recipients you have to determine what does that concept or phrase stand for? Hence, we got into a search and examination of what exactly does ID say, what is its basis, what are its scientific bona fides or lack thereof. That opens the door for a determination of whether ID is in fact science. And that is what that part of the opinion was. ... I wrote about whether ID, as presented to me, in that courtroom from September to November of 2005, was science, and I said it was not. That it was the progeny, the successor to creationism and creation science. That it was dressed-up creationism."

Looking forward, Jones expressed uncertainty about the long-term effect of the *Kitzmiller* decision, commenting, "This is speculation on my part -- I don't think that the concept of ID itself has a lot of vitality going forward. The Dover trial discredited that thing that is ID. To the extent that I follow it — I'm curious about it, but it doesn't go any further than that — the likely tack going forward is something like teach the controversy, talk about the alleged flaws and gaps in the theory of evolution and go to that place first." He noted that creationists in both [Texas](#) [7] and [Louisiana](#) [8] seem to be taking such a tack. And, he noted, there is no prospect of the creationism/evolution controversy subsiding any time soon: "They gave me the last word in '[Judgment Day](#)' [9] [a NOVA program on the trial] and I said this is not something that will be settled in my time or even in my grandchildren's lifetimes. It's an enduring, quintessentially American, dispute."

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