July 31, 2026

To: Eric Zinner
Editor-in-Chief
New York University Press
411 Lafayette St., 6th Floor,
New York, NY 10003
Email: [Redacted]

From: Casey Luskin, PhD
Associate Director, Center for Science and Culture, Discovery Institute
506 2nd Ave, Suite 1700
Seattle, WA 98104
Email: [Redacted]

Dear Mr. Zinner,

Last year, New York University Press published the book *Designer Science: A History of Intelligent Design in America* by C.W. Howell. On behalf of Discovery Institute, I want to notify you of a fabricated quotation that the book includes and falsely attributes to biochemist Michael Behe of Lehigh University. The fabricated quote damages the reputation of Discovery Institute and its Center for Science and Culture, where Dr. Behe is a longtime Senior Fellow. It also damages the scientific theory of intelligent design (ID) and the reputations of scientists like Professor Behe who support the theory.

Before making the public aware of your publication of this fabricated quote and possibly taking other actions, we want to give New York University Press an opportunity to rectify the situation. At this point, we trust that your publication of the fabricated quote was done carelessly by your company and Dr. Howell but not intentionally. We also trust that both of you value accuracy and that you will want to do the right thing and correct the record.

Discovery Institute therefore asks New York University Press to (1) issue a public statement acknowledging that the quotation in question is fabricated and apologizing for including the fake quote in your book; (2) post the acknowledgment and apology on the official web page for the book (https://nyupress.org/9781479827701/designer-science/); (3) include the acknowledgment and apology as part of the book's description on major retailer sites such as Amazon.com; (4) correct the EPUB and Kindle editions of the book as soon as possible; and (5) correct any future paperback or hardcover editions or printings to remove the fake quote.

We further request that you inform us by no later than the end of business on Monday, August 17, as to whether you intend to correct the record. If we do not hear from you by then, we may consider other actions.

Below we provide ample documentation that the quote you have published is fake.

As seen in Attachment A below, *Designer Science* states the following on page 132:

> 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 upon philosophical assumptions, on metaphysics, and on first principles. It therefore depended upon a prior commitment.

By putting the words in quotation marks, Dr. Howell and your company claim Behe literally said the "plausibility of the argument for ID depends upon the extent to which one believes in the existence of God." Your book also claims that Behe "confessed" these words on the witness "stand" during the Dover trial. None of this is true. From what we can tell, based upon the research we have done:

(1) Behe never said these words on the witness stand during the Dover trial.
(2) Behe has never written these words in any of his scholarly writings.
(3) Dr. Howell's characterization of Behe's position contradicts Behe's actual testimony at the Dover trial as well as his original 2001 article in *Biology and Philosophy*, submitted as evidence during that trial, upon which this false characterization of his testimony is purportedly based.

Below we will elaborate each point of these three points.

(1): Behe never said these words on the witness stand during the Dover trial.

Professor Behe testified during six sessions of the Dover trial, and his testimony can be found linked as six individual searchable PDFs here: https://www.discovery.org/a/kvd-sessions/

An alternate site (from an anti-ID perspective) which hosts the complete transcripts from the Dover trial can also be found here: https://talkorigins.org/faqs/dover/kitzmiller_v_dover.html

A search and careful review of those pages reveals that **Behe never said the words "plausibility of the argument for ID depends upon the extent to which one believes in the existence of God."** Nor was he asked about those exact words. Those exact words exist nowhere in the Dover trial transcript.

Nor is this some kind of a slight misquote, as there is no near-verbatim version of those words in the trial transcripts. **It is literally a fake and invented quotation of Professor Behe.**

(2): Behe has <u>never written these words</u> in any of his scholarly writings.

One is undoubtedly wondering how such a fake quote of Professor Behe ended up in Dr. Howell's scholarly book. Once we understand the history of how Judge Jones's ruling in the Dover trial was written, the answer quickly becomes clear.

The words which Dr. Howell attributed to Professor Behe originally came from Judge Jones in the Dover ruling. Yet as documented years ago, Judge Jones copied about 90 percent of his section on whether ID is science in a verbatim or near-verbatim fashion[1] from an ACLU brief, "Plaintiffs' Proposed Findings of Fact and Conclusions of Law,"[2] filed during the trial. As a result, Judge Jones also copied numerous errors from the ACLU, and his ruling is full of factual errors.

Here's what Judge Jones wrote in the Dover ruling, side-by-side with the ACLU's brief:

Judge Jones in the Dover Ruling[3]	**ACLU Brief**[4]
Professor Behe remarkably and unmistakably claims that the *plausibility of the argument for ID depends upon the extent to which one believes in the existence of God*. (P-718 at 705) (emphasis added). As no evidence in the record indicates that any other scientific proposition's validity rests on belief in God, nor is the Court aware of any such scientific propositions, Professor Behe's assertion constitutes substantial evidence that in his view, as is commensurate with other prominent ID leaders, ID is a religious and not a scientific proposition.	Most remarkably, Professor Behe claims that the plausibility of the argument for intelligent design depends on the extent to which one believes in the existence of God. P718, at 705. There is no evidence in the record that any other scientific proposition's validity rests on belief in God, and the Court is aware of none. This assertion constitutes substantial evidence that in Professor Behe's view, as with the intelligent-design leaders described above, intelligent design is a religious proposition, not a scientific one.

From this table one can deduce the chain of errors, from the ACLU to Judge Jones to Dr. Howell. Each party makes the error worse than the one before.

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[1] This was documented in: John West and David DeWolf, "A Comparison of Judge Jones' Opinion in *Kitzmiller v. Dover* with Plaintiffs' Proposed "Findings of Fact and Conclusions of Law," December 12, 2006, available at: https://www.discovery.org/m/securepdfs/2021/03/Comparing_Jones_and_ACLU-West-DeWolf.pdf

[2] The ACLU's original brief, "Plaintiffs' Proposed Findings of Fact and Conclusions of Law," available at the Pennsylvania ACLU website: https://www.aclupa.org/app/uploads/2019/06/dover_plaintiffs_proposed_findings_and_conclusions.pdf

[3] Judge John E. Jones, *Kitzmiller v. Dover*, 400 F. Supp. 2d 707, 720 (M.D. Pa. 2005).

[4] Page 6 of the ACLU's brief, "Plaintiffs' Proposed Findings of Fact and Conclusions of Law," available at: https://www.aclupa.org/app/uploads/2019/06/dover_plaintiffs_proposed_findings_and_conclusions.pdf

It starts with the ACLU which characterized Plaintiffs' exhibit 718, a 2001 scholarly article that Behe published in the journal *Biology and Philosophy*[5] as arguing: "the plausibility of the argument for intelligent design depends on the extent to which one believes in the existence of God." Note that the ACLU is not attributing those words to Behe, but they are simply purporting to summarize his argument. As we'll see in Part 3 below, the ACLU's words are not an accurate summary of Behe's argument, but for now it suffices to identify the original source of the words in the fake quote: they weren't Behe's words, they were from the ACLU's brief.

Judge Jones then copied those words into the Dover ruling, italicized them, and added the words "emphasis added" (see Attachment B). Because Judge Jones writes "emphasis added," one would most likely naturally assume that he is quoting Behe's exact words. After all, it's hard to imagine why one would say "emphasis added" unless you were quoting someone. Thus, Dr. Howell apparently assumed that Judge Jones's was simply quoting Behe. Dr. Howell then apparently added quotation marks to Behe's words and included them in his book without checking as if they were a direct quote from Behe.

Moreover, Dr. Howell added new mistakes that even Judge Jones did not make. If one examines the table above closely, one sees that neither Judge Jones nor the ACLU's brief are actually citing to Behe's Dover trial testimony for the fake Behe quote. Rather, they are citing to plaintiffs' exhibit P-718 at page 705, which is the aforementioned scholarly paper Behe published in *Biology and Philosophy* in 2001. Yet the quote does not exist in Behe's paper either (see Attachment C).

Thus, Dr. Howell has compounded the error by not only attributing those exact words to Behe, but by claiming they derived from Behe's actual Dover testimony—something that not even Judge Jones nor the ACLU asserted.

(3): Dr. Howell's characterization of Behe's position <u>contradicts Behe's actual testimony</u> at the Dover trial as well as his original 2001 article in *Biology and Philosophy*, submitted as evidence during that trial, upon which this false characterization of his testimony is purportedly based.

Behe was asked about his 2001 paper in *Biology and Philosophy* during cross-examination by plaintiffs' attorneys during the Dover trial. This exchange occurs on the afternoon session of Day 11 (Oct. 18, 2005) of the Dover trial on pages 103-105.[6] Below is what Behe was asked, and how he responded:

> **Mr. Rothschild [Plaintiffs' Attorney]:** And, Matt, if you could turn to page 705 of the article. If you could highlight the tvop paragraph, until the sixth line. And you write here, "What if the existence of God is in dispute or is denied? So far I have assumed the existence of God. But what if the existence of God is denied at the outset, or is in dispute? Is the plausibility of the argument to design affected? As a matter of my own experience the answer is clearly yes, the argument is

[5] Michael Behe, "Reply to My Critics: A Response to Reviews of *Darwin's Black Box: The Biochemical Challenge to Evolution*," *Biology and Philosophy*, 16: 683-707 (2001), https://doi.org/10.1023/A:1012268700496
[6] Behe's trial testimony from this day can be found here: https://www.discovery.org/a/kvd-sessions/

> less plausible to those for whom God's existence is in question, and is much less plausible for those who deny God's existence."
>
> It's a God-friendly theory, isn't it, Professor Behe?
>
> **Behe Answer:** Let me respond in a couple of ways to that. First, let me clarify for context that this is a journal called *Biology and Philosophy*. So not only am I speaking about scientific matters here, but I'm also talking about nonscientific matters here in an academic forum. Academics embraces more than just science. This is an academic forum which also embraces philosophy, and so I addressed philosophical issues as well.
>
> And again, my statement as written is certainly correct. And it's happened time — many times in science, and, again, I'll just refer back to John Maddox's article "Down With the Big Bang." He didn't like the Big Bang theory. And it wasn't because the data were inconsistent with it, it's because it was philosophically unacceptable. Walter Nernst hated the idea of a beginning to the universe. It was unscientific. So — and other people have said similar things. So it's clearly true that people make decisions even about a scientific theory, based not only on the science itself, but what they perceive as other ramifications of the theory.
>
> But I argue, I've argued a number of places, that it's the proper role of a scientist to leave aside those other considerations as much as possible and focus simply on the scientific data.

As can be seen, in no way did Behe "confess" that somehow, as Dr. Howell puts it, "there was something fundamentally nonempirical at the heart of ID, that it was based upon philosophical assumptions, on metaphysics, and on first principles" or that ID requires "a prior commitment." Instead, Behe clearly says that ID is "a scientific theory" but that sometimes for psychological reasons people reject scientific theories "based not only on the science itself, but what they perceive as other ramifications of the theory." Using examples of the Big Bang and others, Behe makes it clear that his statement is about sociology and psychology that applies to all science, and is not something peculiar to intelligent design.

Behe goes on to say that scientists should avoid this psychological tendency "as much as possible and focus simply on the scientific data." But nowhere does Behe even remotely concede that ID is not science or that ID is religion or that you must believe in God to accept ID. There's certainly no indication that Behe "confessed" anything like this on the "stand."[7]

In contrast, Behe's paper in *Biology and Philosophy* similarly affirms — in strong words — that ID is a scientific theory, and explicitly denies that there is something "fundamentally nonempirical" about ID:

[7] The ACLU's interpretation of Behe's quoted passage was also later explicitly refuted by another defense expert witness, Steve Fuller, a historian of science and sociologist at the University of Warwick. Fuller explicitly denied that Behe was saying that the "validity" of ID requires believing in God.

> The conclusion of intelligent design in biochemistry rests **exclusively on empirical evidence** – the structures and functions of the biochemical systems – plus principles of logic. **No particular tenet of faith is involved. Therefore, I consider design to be a scientific explanation** (whether ultimately correct or not). (emphases added, internal citations removed)

It would be hard to imagine Behe offering a stronger confirmation that his position is that ID is a "scientific explanation" based "exclusively on empirical evidence" that does not require any "tenet of faith" to accept. Yet this is from the source that ultimately led to the fake quote. This directly contradicts Dr. Howell's interpretation of Behe's testimony, and he has egregiously misrepresented Behe's position on the question of whether Behe agrees or ever admitted there is something "fundamentally nonempirical at the heart of ID," etc.

Conclusion

Your book *Designer Science*, published a fabricated quotation that you falsely attributed to Michael Behe. This is an objectively false claim of fact. Dr. Howell also misrepresents Dr. Behe's real views. These errors are substantively important to Dr. Howell's argument, because towards the end of his book he once again misrepresents what Behe "testified" on the witness stand:

> Toward the end of his testimony at Dover, Michael Behe testified that one's preconceptions and metaphysical stance may be the primary driver in one's scientific conclusions (and in his case, he was referring to his own reading of design onto nature). (*Designer Science*, p. 192).

Yet Behe never testified that "one's preconceptions and metaphysical stance may be the primary driver in one's scientific conclusions." And he never testified that his own personal "preconceptions and metaphysical stance" are what led him to conclude intelligent design. Behe is a practicing Catholic, and has said many times he has no particular religious objections to evolution. For example, Behe told EWTN, one of the largest Catholic news networks, "I never gave evolution a second thought, and certainly saw no conflict with Church teaching."[8] Or the National Catholic Reporter printed the following not long before the Dover trial in 2005:

> Behe is a Catholic … Yet Behe told me he believes a Catholic in good faith can accept the scientific mechanisms posited by evolutionary theory.
>
> "I'm a biochemist, not a theologian," he said. "But it seems to me that belief in mutation and natural selection is compatible with Catholicism, as long as the underlying premise is that God set it up that way. That seems to me an orthodox Catholic position."

[8] William Bole, "Of Biochemistry and Belief," EWTN (December 1, 1996 issue of *Our Sunday Visitor*), https://www.ewtn.com/catholicism/library/of-biochemistry-and-belief-10940 (accessed July 28, 2026).

> "I'm critical of evolutionary theory not because it's unorthodox," he said, "but because it can't do what it purports to do."[9]

Behe's conclusions about intelligent design and evolution are thus driven by what he believes is the scientific evidence, not his theological preconceptions. If we properly interpret the aforementioned passage from Dr. Howell on page 192, Behe never warned against "*his own* reading of design onto nature" (emphasis added), but instead was making a general warning against letting "one's preconceptions and metaphysical stance" determine your scientific conclusions — even as he acknowledged that as a sociological and psychological matter, obviously it happens.

Behe's actual statement on the witness stand was thus: "the proper role of a scientist to leave aside those other considerations as much as possible and focus simply on the scientific data." He affirmed that ID was science, and even writes in the paper from which the fake quote ultimately derives: "The conclusion of intelligent design in biochemistry rests exclusively on empirical evidence. … No particular tenet of faith is involved. Therefore, I consider design to be a scientific explanation." Dr. Howell has invented a quote from Dr. Behe, taken his words out of context, and severely misrepresented Behe's position in order to construct a false narrative where Behe somehow confesses that there is something "nonempirical at the heart of ID." But this never happened.

Many ID critics don't care about the truth, but we believe that you and Dr. Howell do, and as a result we are asking you to correct the book and correct the record.

We look forward to hearing your response by August 17. Thank you for your time and attention to this letter.

Sincerely,

Casey Luskin, PhD
Associate Director, Center for Science and Culture, Discovery Institute

Cc: C.W. Howell, Ilene Kalish, Jennifer Hammer, Clara Platter

[9] John L. Allen, "Schönborn and science vs. theology; Questions to an academician, an astrophysicist and a biochemist; CDF acts against a religious founder; Hard times at British embassy; In defense of Harry Potter," July 22, 2005, National Catholic Reporter, https://www.nationalcatholicreporter.org/word/pfw072205.htm (accessed July 28, 2026).

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 instead 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.

New Challenger Approaching!
The New Atheism

"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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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]

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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.

New Challenger Approaching!

Footnote 76 ×

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

Attachment B:

Screenshot of the relevant passage from page 720 of the published version of the *Kitzmiller v. Dover* ruling where Judge Jones strongly implies that Professor Behe said the words "plausibility of the argument for ID depends upon the extent to which one believes in the existence of God" during the trial:

> rest); P–386; P–390). Moreover, in turning to Defendants' lead expert, Professor Behe, his testimony at trial indicated that ID is only a scientific, as opposed to a religious, project for him; however, considerable evidence was introduced to refute this claim. Consider, to illustrate, that Professor Behe remarkably and unmistakably claims that the *plausibility of the argument for ID depends upon the extent to which one believes in the existence of God.* (P–718 at 705) (emphasis added). As no evidence in the record indicates that any other scientific proposition's validity rests on belief in God, nor is the Court aware of any such scientific propositions, Professor Behe's assertion constitutes substantial evidence that in his view, as is commensurate with other prominent ID leaders, ID is a religious and not a scientific proposition.

See: *Kitzmiller v. Dover*, 400 F. Supp. 2d 707, 720 (M.D. Pa. 2005).

Attachment C:

Screenshot of page 705 from Professor Behe's 2001 paper, "Reply to My Critics: A Response to Reviews of *Darwin's Black Box: The Biochemical Challenge to Evolution*," *Biology and Philosophy*, 16: 683-707, https://doi.org/10.1023/A:1012268700496, from which Judge Jones purported to take the fake quote. The fake quote does not exist on this page nor anywhere else in this paper.

What if the existence of God is in dispute or is denied? So far I have assumed the existence of God. But what if the existence of God is denied at the outset, or is in dispute? Is the plausibility of the argument to design affected? As a matter of my own experience the answer is clearly yes, the argument is less plausible to those for whom God's existence is in question, and is much less plausible for those who deny God's existence. People I speak with who already believe in God generally agree with the idea of design in biology (although there are certainly exceptions), those who are in doubt are interested in the argument but often are skeptical, and as a rule those who actively deny God's existence are either very skeptical or wholly disbelieving (Apparently, the idea of a natural intelligent designer of terrestrial life is not entertained by a large percentage of people).

Without becoming entangled in philosophical or religious arguments about the existence of God, what are we to make of these various reactions? I think that one can simply view them as arising from different estimations of the strengths of competing hypotheses. As an analogy, imagine that a shipwreck marooned you on a desert island. If you see a few rocks strewn about, you might think nothing of it. But if you see some rocks on the island in a circle, then if you also think some other person may have escaped the wreck and ended up on the island, you may surmise the rocks were arranged by that other survivor, even if you have not yet encountered her face-to-face. On the other hand, if no one else was on the sunken boat and you have no reason to think another person is on the island, then you might shrug off the circle of stones as a peculiar coincidence. However, as the example becomes more and more insistent (say, instead of a circle of stones one sees a stone chimney, or stones spelling out the message "hi" vs "hello" vs "welcome, survivor") then the hypothesis of intelligent design becomes more and more plausible. It might even reach the point where, if a natural designer were nowhere to be seen, a person would judge it more likely that God was arranging the stones than that it was a coincidence.[13]

To many theists such as myself, the state of the biological evidence is such that the hypothesis of design is more compelling than that unintelligent processes produced the irreducibly complex systems seen in the cell, like the shipwreck survivor who thought someone else might be on the island. However, like the survivor of the shipwreck who thinks no one else is on the island, many (although not all) agnostics and nontheists draw the line differently, and reach the opposite conclusion. This is unsurprising; it is frequently the case in science that when new theories are proposed people judge the evidence differently. The only unusual (but not unprecedented) feature here is that a person's judgment on the existence of God enters into the balance.