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**AN UNSUCCESSFUL ATTEMPT**  
**BY THE STATE of CALIFORNIA TO CLOSE A COLLEGE**

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**Summary of the Case**

The many debates over Darwinism in the early 1970s brought with it not only thousands of publications, new journals, debates, and speaking tours, but also the formation of the first graduate school dedicated to formal instruction in the theory and philosophy of “scientific creationism,” primarily as developed by Dr’s Henry Morris, Duane Gish, John Whitcomb, and many other scientists and college professors. Called the **Institute for Creation Research (ICR)** the school achieved authorization from the **State Board of Education (BOE)**, which was upgraded to “approval” in July of 1981.

During the next few years, anti-creationist scientists and groups launched a national propaganda campaign against ICR. In August of 1988 a BOE team of scientists came to ICR, and voted 3-2 for approval. In the fall of 1988, California school superintendent Bill Honig put pressure on one man in this team to change his vote, which he did. ICR's first knowledge of this came from a New York Times reporter. In January

1989 the State BOE notified ICR that they must remove all teaching of creation from their classes, and scheduled a “verification team” visit for August 1989 to confirm that they did so. The team turned out to be packed with open anticreationists and, in March of 1990, the BOE revoked ICR’s right to operate an educational institution.

This set the stage for ICR to file a lawsuit—the first in a State court (which ICR won), and a State Administrative Proceeding against the BOE. As a result, Honig was forced to reinstate ICR’s approval. Next ICR filed suit in Federal Court, alleging that Honig violated the schools’s rights of freedom of speech, religious freedom, academic freedom, and civil rights. In March 1991 the Federal Judge R. M. Brewster accepted the case.

On Jan.24, 1992 the Judge ruled in favor of ICR, and signed the settlement agreement as a Declaratory Judgment, which was applicable, in effect, to *all private Christian schools*. The State of California paid ICR \$225,000 to cover its legal costs. John Morris was quoted at a news conference as saying that “Our students probably know evolution better than any other school’s in the state,” and that “They know why it is scientifically bankrupt” (quoted in Cass, 1992, p. 11A).

### **The History of the Institute for Creation Research**

The Institute for Creation Research (ICR) was first established in 1970 and the first graduate courses were taught until the summer of 1981. A graduate school had been a goal of Henry Morris for years and, although four master’s degrees are currently offered, the goal is to eventually offer Ph.D.s in the sciences with a focus on developing creationist theory. The Institute’s new two-story building, located in the upper San Diego River Valley in Santee about twenty miles inland from the coast, was completed and occupied in late 1985. Its library of about 10,000 books is one of the largest collections

of creation and related theological books in the world. In addition, faculty libraries contain almost 4,000 volumes, the library subscribes to 275 different periodicals, and now has a specialized theological collection of over 3,500 volumes.

The approximately 21,000 square foot building also houses a creation and early Earth-history museum, four science labs, a modern computer center, faculty offices, a lounge, the business, arts, and word-processing center, a conference room, dark room, and various other facilities, plus classrooms. The school now has eleven resident faculty, all who have Ph.D. or M.D.s, and eleven adjunct faculty, all who have earned Ph.D.s except one.

Early in the school's history, Morris recognized that an institution that taught creationist philosophy "would have no chance of secular accreditation, even if it met all of the requirements." Consequently, it was decided that the ICR Graduate School would not work for Western Association of Schools and Colleges accreditation (Morris, 1984, p. 269). The school therefore decided to operate under the California approved category, which is very similar to a regular regional agency accreditation except that it does not consider a school's philosophy. ICR received this approved rating in June of 1981, and maintained a good standing until the 1988 conflicts that this article documents.

All degree-granting institutions in California *must* have authorization by the state board of education to legally operate. ICR's first authorization from the state board of education allowed them to offer master's of science degrees in four areas. The license to operate was upgraded to "approval" in July of 1981 and, until August of 1988, the required periodic reviews unanimously recertified the school, requiring only minor improvements. In 1988, largely at the urging of vociferous, openly anti-creationist groups, the state began to implement a program to "destroy the ICR graduate school" (Morris, 1989). The *Committees on Correspondence* and related groups at this time

launched a “vicious national propaganda campaign against ICR.” One result of this campaign was the department of education was “flooded” with anti-creation letters and articles against ICR, to the extent that their file consisted of, in the words of one state representative, “a two-foot-thick stack of outrage against them.” Much of it was vicious, and some of it could be only categorized as hate mail of the type produced in Nazi Germany.

In August of 1988, a five-person team both chosen and managed by the Private Post Secondary Education Division of the California State Department of Education visited ICR to evaluate its reapproval application. One well-known anti-creationist wrote to the state, asking to be on the evaluation team (and was placed on it in spite of his open opposition to the religious and philosophical views of ICR). One anti-creationist article states that the two creationists on the committee, George F. Howe and G. Edwin Miller, were “ringers” (Bennetta, 1989). Howe has a Ph.D. in botany from Ohio State University and was the chairman of *The Master’s College* science department in California for over twenty years. Bennetta then notes that two of the committee’s “legitimate” members were James Woodhead and Steward Hurlbert, both who openly opposed ICR even before they arrived at the school’s gate. Both sent separate reports to [then California Superintendent] William Honig, “telling the truth” about ICR. Howe, Miller, and Kovach voted in favor of renewal, Woodhead, and Hurlbert against. In spite of the favorable vote, Honig refused reapproval.

Honig next called a November meeting to reconvene those who had voted to try to persuade them to reverse their vote. At this meeting, Dr. Howe claims that he tried to help Honig understand his views. Unfortunately, instead of utilizing and assessing their input, Honig tried to convince the committee of his preconceived views. Dr. Howe claims that Honig was extremely unreasonable—and at times openly emotional—at this

meeting. Honig evidently argued that naturalistic evolution is a fact, and it was going to be taught as an unquestionable fact even in avowed Christian schools. Since the two members who had voted to approve the school were not at this meeting, Honig telephoned the two team members, Professor Kovach of Stanford and Dr. Miller of USIU, to attempt to convince them to reverse their vote (Gordon, 1989, p. 34).

As a result of this “unprecedented reconvening of the visitation team,” and subsequent phone calls, Kovach was convinced to change his vote (Morris, 1989). Honig used “creationism as his sole argument for doing this, thus making the vote 3 to 2 *against* reapproval. He then proceeded to notify the *New York Times* of his ‘intent to deny’ ICR’s application.” ICR’s first indication of this decision “was a call from a reporter from the *Times*” informing them of Honig’s intent (Looy, 1989, p.1). In January of 1989, ICR learned that the state ruled that *all* evidence in favor of *any* creation world view was to be censored from *all* of their science courses, and according to Morris, “the State of California Education Department has ruled that teaching the creation interpretation in science classes is *illegal* in California” (1990a).

ICR’s response to this report, offered in late December of 1988, was to increase each class by the percentage of time now devoted to creationist interpretations, and to use this extra time to cover evolution in more detail. The intent was to provide close to the same amount of time for evolution interpretations as allocated in secular schools. This proposal was rejected by Honig, and another verification team was sent in August of 1989 to evaluate the school’s compliance with the state’s demand to teach strictly naturalistic evolution. The purpose of this review then abruptly changed from verification of the demanded changes to an evaluation of whether the curriculum was “comparable” to other accredited institutions that offer master of science degrees in the

same areas. Ironically, ICR's stated purpose as a school was to reintroduce and support the creationist interpretation of science data. Yet, according to ICR,

we attempted to meet the state halfway and find a mutually agreeable position. These efforts met with failure at every turn. Furthermore, we have documented many violations of the law, as well as "dirty tricks" by the state, towards ICR. We became painfully aware that we are at the mercy of the personnel of a regulatory body, whose approval we needed to operate, but who had set themselves up as our adversaries (Morris, 1989).

A good example of the "dirty tricks" referred to here is a letter from Honig's office dated February 1, 1990, postmarked February 6, 1990, and received February 7, 1990, which said that ICR's response to the 50 page negative report was *due* in Honig's office on the same day! This was ICR's first *official* notification of the state's action. Obviously *a meaningful response* could not be produced and delivered the same day, but an airplane trip assured that an attempt was delivered, duly stamped and recorded on time. This is hardly an appropriate way to deal with relevant educational concerns.

A concern with this compromise was, as Bennetta expressed (1989, p.6), "did the ICR ever really intend to revise its 'science courses' and curriculum" to completely censor their interpretations from their degree programs? Bennetta concludes that they did not fully secularize the program, citing a number of documents published by ICR after the compromise that stated the school's purpose was "education, research, and publications in scientific and Biblical creationism." Furthermore, their literature described ICR (not the graduate school, but the Institute) as a "unique complex of evangelistic, missionary, and educational ministries." It then listed the ICR graduate school "of creation and science" as one of those ministries. Bennetta concludes "that the ICR—regardless of what its agreement with the department said, may actually have intended to continue...dispensing the same old stuff." Had Bennetta actually expected the

school to totally censor a creationist interpretation from *all areas* of their instruction and teach only atheistic evolution? If this was the case, ICR might as well have closed its doors, since it would no longer offer an alternative to secular science graduate schools, which was its purpose. This would also be true of all Christian schools if they were forced to conform to the predominantly anti-religious orientation common today in secular schools (Whitehead, et al., 1978; Looy, 1990d).

During the week of August 7-10, 1989, California's department of education sent a team of five scientists, four of whom were well known anti-creationists, to again "evaluate" ICR's graduate school and its M.S. program in the sciences, and "as the state obviously intended them to do, they recommended the 'death penalty'—that is that ICR's graduate teaching be forced to cease." This proposed ruling was "merely the latest in a pattern of governmental abuse of ICR for its stand on creation..." (Morris, 1989).

The members of the new committee were Christopher Wills, Richard Dickerson, Everet Olson, Lawrence Lerner, and Leroy Eimers, the latter a physics professor at Cedarville University, a Christian University in Ohio. Most of the committee that made this recommendation were hardly neutral—several members had expressed gross bias against the religious and philosophical views of the school staff, both in public lectures and in print. Dr. Wills had even once debated ICR's Dr. Gish. Only Eimers (Ph.D. in physics from Syracuse University) was sympathetic to the creation world view. Olson had had a long career of advocating atheistic evolution, and was involved in writing (or supporting) many documents openly opposing creationists and creation teaching. According to Bennetta (1989), Dickerson was a "scientific expert in two legal actions that arose from creationists' attacks on science, education and public schools," and Lerner was a member of the state panel that had recently drafted a new anti-creation

California public school science framework. The draft was strenuously opposed by creationists because of its strong emphasis on teaching evolution as fact.

### **Bennetta and Lerner's Hatred of a Creator God**

Lerner has published his views in, among other places, the April 1988 *Science Teacher*. This article was co-authored with William Bennetta, an arch-enemy of ICR who has played a major role in the state's abuse of ICR. It is ostensibly about the treatment of theory in textbooks, but it spends much time lambasting those who believe the creation world view (seemingly its real purpose), even blaming creationists for the "confusion" about the term *theory* in the textbooks he reviewed! He states,

The misuse of the term theory seems to have originated in creationism. The creationists long ago adopted the rhetorical tactic of disparaging and dismissing organic evolution by declaring that it is "only a theory"—a tactic that has promoted and exploited the popular perception that the word theory means "guess," and that it is an antonym of the word fact (1988, p. 37).

Lerner and Bennetta then bemoan the fact that most textbooks do not present naturalistic evolution as a verified historical event. The authors conclude that biology "stands on a central theory, the theory of organic evolution ... propounded by Darwin and Wallace in the middle of the 19th century." The authors state that when a theory is at the core of a field, it becomes impossible to do science without a full acceptance of it, and

if there were any astronomers who still believe, after the publication of Newton's famous *Principia*, that the sun revolved around the earth, they were no longer respectable scientists, but cranks. The geocentrists had nothing to say to the people who were doing real astronomy (1988, p. 37).

Presumably, the same is also true of those who still accept the view that an intelligent being has played a major role in the creation of life and the existence of the world as we know it.



The authors are especially critical of a Prentice-Hall science book, partly because of how it discussed various origin-of-life views. One of their prime concerns relates to its author's noting that there exist "many theories, or ideas, as to how life began on the earth. The Greek myths and some American Indian legends discuss the possibility that life may have been created by a council of gods." They then single out one statement as especially objectionable, namely that "another theory believed by many people involves the presence of one, all-powerful being that created the life forms on the earth" (p. 38). The reviewers conclude that the "many people" who accept this view are "Jews, Muslims, and Christians."

This Prentice-Hall text then discusses the theory that life came from another planet, a view the authors object to being presented along with creationism. The reason is, they argue, a clear difference exists between them, namely the opinion that an "all-powerful being created life forms on the earth" is a *religious view*, whereas the view that, "life on the earth came from another planet in outer space differs markedly from religious accounts in that, it is actually a scientific statement." The authors then discuss the importance of *falsifiability*, stressing that a theory must be falsifiable to be science and, therefore, creationism is not science. Ironically, many creationists also stress this, concluding that neither the creation nor the evolution view of origins is falsifiable because *both* are non-repeatable, and only the possibility of origins occurring in the future can be falsified.

The authors also object to *any* use of the word *created*, even when it refers to atheistic evolution. For example, the Prentice-Hall text states, "one theory held by many scientists is that the first life forms were created from inorganic elements under certain conditions. It is believed that this may have happened during a time when the atmosphere of the earth was unlike the atmosphere of today." Lerner objects to this

statement because “the expression ‘were created’ gratuitously implies the action of a creator,” adding that, “in a science book—and especially in the present context—a neutral, active verb, such as *arose* would be better.” The term “*arose*” implies spontaneous, “it did it itself,” events, and *created* implies outside intelligence, something that these reviewers do not even want to hint at. They conclude that such “misnomers” are the result of “the effectiveness of the creationists’ efforts, and the way in which textbook writers have embraced the creationist’s misleading use of the word *theory*” (p. 40).

The attitudes of Lerner and Bennetta on creationism are also quite clear from their objection to page 39 of the teacher’s manual of the objectionable Prentice-Hall text, which states

Many scientists and others have offered theories about how life began on earth. But, no one really knows how life began. Why not find out what most people’s theories are? You can do this by taking a poll. Interview ten people. Ask your subjects how they believe life began and what their reasons are for this belief. Compare your results with the results of your classmates. Which theory about how life began on earth did most people believe in? What were their reasons for believing in this theory? (p.40)

The authors are absolutely horrified at this exercise, concluding that to survey one’s friends, and other “people who are uninformed or poorly informed,” is highly objectionable. The reason is that “in science, where ill-supported opinion is worthless, the kind of exercise that Prentice-Hall Life Series suggests to its readers is plainly irrelevant—absurd, in fact.” Presumably, the students should be told that the atheistic answer as to how life began is fact, and they should be discouraged from asking their parents, friends, or neighbors’ opinions about this topic since these people would be “uninformed, or poorly informed.” The likely *reason* that these reviewers do not want students to “interview ten people” is because they may not hear what the authors believe is the “correct” answer to the origins question.

Lerner and Bennetta also lambasted the teacher's edition of another text for suggesting that teachers have interested students to read about creationism as an alternate idea about the development of species. Presumably, the teacher is to make it clear that the origin of all life on Earth—and of the Earth itself as well—is totally the result of time, chance, and natural processes. Life is the child of natural selection, the process where the weakest are more often eaten or die in the struggle for life. Students are not to “ask other people what they think” or even “look into creationism as an alternate idea.” Expectedly, the reviewers concluded that California should not adopt the Prentice-Hall Life Science textbook “without requiring that it be changed in a significant way” (p. 41). And the senior author of this article was on the committee evaluating ICR, and claimed he was unbiased!

The “verification team” was “guided by two Honig representatives, plus one of his attorneys,” to insure they scrupulously avoid mentioning the topic of religion and creationism, evidently due to their fear that their attempts to close ICR down would not withstand court scrutiny. The “findings” that they produced “contained overstatements of all problems that they could find—many dating from ICR's earliest years...only two of the four majors were criticized at all. The main problem of the physics program was its name...the main problem cited in the biology program was the opinion of the two biologists on the team that it should have five full-time faculty” giving them a faculty/student ratio almost without equal in the nation! (Morris, 1989).

This reviewer concluded from talking to several individuals on the certification team that some real concerns were identified. One of the weak areas was that the school does not have adequate funds to purchase needed expensive laboratory equipment. The process of evaluation is such, though, that some problems are identified in virtually *all* schools; the *purpose* of these teams is to identify areas that need improvement and allow

the school time to ameliorate them. The purpose of the certification process is to help guide improvement. The recommendation to close a school is reserved *only* for schools that repeatedly and consistently refuse to meet basic requirements. This team, though, issued the death penalty on its *first visit* to the formerly fully approved school, with no recognition of any positive aspects of the program, and without allowing the any opportunity to grow and improve. The purpose was clearly to shut down the school and, not wanting to reveal the true reason for their conclusions, provided manifestly false reasons which, if consistently applied, would probably close down over half of the private schools in the state. As Morris notes “in this case the state makes the rules and bends the laws to fit their ends” (1990).

The writer’s own college recently went through this process, and a long list of documented problems was identified that was of such seriousness that the certification team is going to visit again soon to monitor our progress in the areas they cited. Not one threat was made to close the school, and guidelines (and much assistance) were given to help us meet the concerns identified. According to committee evaluation member Eimers, ICR had either responded, or had made good progress in responding, to *nearly all* of the concerns delineated by the first committee that visited just one year prior. And ICR’s accreditation was not the issue, but rather only their *license to operate in the state*.

### **The Report of the Second Visit**

The report by the second visit was in clear contrast to the first. Evaluators scrutinized not only the normal review concerns, but also even conducted in-depth interviews with the students. The team quizzed them to “evaluate” their level of understanding in their majors, obviously looking for gaps in their knowledge (a reality that exists in even the most brilliant students). The report they produced uses most of the

tactics commonly employed by anti-creationist literature. An example is an anti-creationist volume edited by Stan Weinberg which reviews thirty-one creationist books. The reviews of *every one* of these books included very few good points about *not one of them*, concluding that the creationists works are all badly outdated, and are full of mistakes, out-of-context quotes, and misrepresentations of evolutionist views. In short, all of the books by science Ph.D.s except one (written by Davis Young against the arguments used to support the recent-creation view) are deemed so awful that even a high school student would not find them either useful or beneficial.

Consequently, the reviewers conclude that they should *not be made available* (one could read *censored* here) to high school students. A creationist book by Aw—a biochemist and head of the Department of Nuclear Medicine at Singapore General Hospital—and also visiting Associate Professor of the Department of Biochemistry at National University of Singapore—was reviewed by a high school teacher who concludes that it is a “misleading, out-of-context misrepresentation of the conventional view of evolutionists, and arguments against strawmen. ...[and that] the book [is] unacceptable for school use.” Another book by A.E. Wilder-Smith, holder of three earned doctorates in science, Kenneth Christiansen concludes, “is occasionally amusing [but] is science-trash. It does not belong in the science classroom.” If Dr. Wilder-Smith is so grossly incompetent, why did three different universities award him a doctorate? It is a rare book that is perfectly accurate in its entirety. Gaps exist in *everyone's* knowledge, but it may well be that, given normal space limitations, the author did not feel that other references were necessary.

The team criticized the master's theses they renewed on the grounds that “nearly all were works of advocacy rather than investigation. They set out, not to find something, but to prove something—one or another of the creationist tenants” (p. 35 of the

report). The reality is that *most* master's and doctoral theses, at least in the back of the researcher's mind, set out to demonstrate something. The researcher invariably has an idea of how it will come out, and then proceeds from this view. The major criticism of the master's thesis produced by ICR students was actually that they rejected the "accepted evolutionary framework" and were "seeking a preconceived explanation involving very short time scales and a primary role of sudden discontinuities" (p. 30).

A criticism that ICR levels against secular schools is that their students are *required* to support the evolution paradigm exclusively, and they *must* interpret all data and perform experiments *only* in accordance with its presuppositions to earn their degree. A bright, informed person can appear to tear *virtually any thesis* to shreds, and this was likewise attempted with the ICR master's theses. Most members of the state review committee clearly disagreed *philosophically* with the creationist theses, and for this reason took issue with many of their arguments. One would expect when a creationist used the second law of thermodynamics to show that naturalistic evolution is impossible, a committed evolutionist will criticize it (often with much name calling). Of the geology theses, the committee concluded that

all...were flawed... [and] either throughout the thesis, or in the introductions or conclusions, they attempted to refute many of the findings of years of scientific analysis and conclusions by reputable geologists, in order to come deliberately to catastrophic conclusions, or to conclusions that reject evolutionary explanations. This is clear in all four of the...theses selected as representative examples (committee report p. 38).

Fortunately, Galileo, Newton, Redi, Pasteur and Lavoisier did not accept the view that one should not attempt to "refute many of the findings of years of scientific analysis and conclusions...." Interestingly, the committee's critiques of these theses contain some of the *most positive* statements relative to creationist writings that this writer has ever seen in print! One could also severely question the knowledge of reviewers who, for example

(p. 9) claimed that “in the [Biology 505] syllabus, four of twelve days of actual lectures were devoted to vestigial organs in man, a subject of only minor anatomical importance.” Actually, this topic is of *no* anatomical importance, as the original concept of vestigial organs has now clearly been disproved (Bergman and Howe, 1990).

Although I have been involved in the accrediting efforts of several large universities and colleges, I have never seen such an in-depth scrutinization—and this report was *not* for accreditation, but merely “approval,” which essentially means a license to operate. In view of their overt bias, it is somewhat incredible that these men could in good conscience sign a “conflict of interest disclaimer,” agreeing that “they were personally able to remain free of bias and conduct a totally objective review” (p. 5, State Dept. Report, dated Jan., 12, 1990). This report also makes it very clear that, while most of the reviewers disagreed with the interpretation of ICR students, it was not theology that was being taught.

ICR believes that this attempt by the state was a test case in a move to insure that *all* science classes in California, both in religious and secular schools, teach *only* atheistic evolution (Looy 1990d). As expected, the press often gloated over this development. Under the subheading, “ICR Denied Approval To Grant Science Degrees,” one reviewer exclaimed,

The Institute for Creation Research (ICR)—one of the main promoters of creationist pseudoscience in the guise of science—has been denied approval by the state of California to grant science degrees...the battle isn't over, however. Considerable bureaucratic procedures and appeals are still ahead. Nevertheless, the outlook appears good that the ICR's current right to grant master's degrees in science education, astro-geophysics, biology, and geology will be repealed. With these degrees, recipients become eligible for certification as secondary science school teachers (Frazier, 1989, p. 345).

As Frazier admits, this occurred because Honig “is against the creationist tactics.” Honig's response to charges of religious bias is that

no one was stopping ICR from granting degrees in religion or creation, but they are holding their people out to have science degrees, which they don't. The vast bulk of what they learn is not science.... It's a consumer issue. If a person is going to get a degree in anything, the institution should be approved for the quality in that area (Frazier, 1989, p.346).

Honig thus now insisted that the school was offering degrees in religion, not science (Granberry 1988a, pp. 40-41). A perusal of ICR's courses and textbooks finds that the content is *strictly science*, although the *interpretation* is oriented at least partly toward the creation world view. The biology curriculum includes courses titled *Molecular Biology of Cells, Population Genetics and Speciation, Principles and Patterns of Paleontology, Biosystematics, Human Anatomy, Comparative Mammalian Anatomy Lab, Advanced Ecology, Medical Microbiology* and *Special Topics* courses. This is hardly the curriculum that one would expect for a master's degree in religion.

In fact, the school does not offer a *single theology course*, and *none* of its professors has any academic credentials in theology—all twenty-one faculty have doctorates in science, and all but one from secular institutions. (Two staff have Ph. D.'s from Harvard—one resident biology faculty, and one visiting paleontology faculty member). The only exception is visiting assistant professor of biology, Chris Osborne, who has a Ph. D. from Seventh-day Adventist Loma Linda University. As the state report for Mr. Honig itself concluded,

We commend the institution for having recruited faculty members who have demonstrated academic and research capabilities. We also recognize and support current administrative moves to acquire additional qualified instructors to work within the four existing majors (Steeves, 1988, p. 4).

The primary concern is, "Does the state have the power to dictate to private Christian colleges that they cannot teach Christian doctrine?" (Looy, 1989, p. 2) The ICR case will set a precedent that has frightening implications: any Christian high school or college may be the next target. The state could—and some claim eventually will—



invalidate *all* science courses in all Christian colleges that are taught from a creationist perspective. This will involve many Christian schools, some of which were set up specifically as a reaction to the atheistic evolution content in the public schools. As ICR asks,

Does the state have the power to tell a private Christian school such as ICR (which has never accepted a penny of state or federal money) that they cannot teach as their conscience dictates? Is this the beginning of the end of our cherished American freedoms? Will all Christian education soon come under similar attack if this precedent is allowed?...We hope that Christians everywhere will realize the serious implications of this precedent. It involves far more than the future of one small graduate school (Looy, 1989, p. 2).

Even assuming that the flaws that the team described actually exist, the concern should be directed toward *dealing* with them in an appropriate manner. The shortcomings that the report noted are actually *typical* of many colleges and universities throughout the United States—and tragically common, as those in education are aware. Many of the problems identified stem from the fact that students are often not adequately prepared by their four-year colleges for graduate-level work, thus much review is required in order to help them achieve at the graduate level. This is a problem *most all* graduate schools face, and is certainly not one for which ICR can be faulted, but is a shortcoming of the public college system. The report's criticism of the students must be understood in this light:

the preparation of the ...students attending the lectures was mixed; it was not clear that they were prepared to share in a course operated at a common graduate level...there was no lively interchange...students responded only to simple, direct questions of the type, "do you remember...on page three of your handout notes?" (p. 30)

If a comparable analysis were completed on this writer's graduate courses (four master's degrees and two doctorates), I wonder how many of them would look worse? The reviewers concluded that the course's depth was either far too superficial, *or* far too

extensive—*none* was just right. The report also noted many positive areas. One science education faculty member, who earned a Ph.D. at the University of Pittsburgh, was described as having a classroom presentation style that was “articulate, smooth, and well-adjusted to the ability and level of his students, for whom he clearly cares a great deal.” The report stated that it was evident that the faculty as a whole had “strong personal ties with students and care very much about their success.” The team also admitted that the graduate students interviewed:

were well-mannered, courteous, well-spoken and enthusiastic about their faculty members, if not always about the education that they were receiving. Interviews with geology students revealed them to be intelligent, and eager, with an intense interest in their work. These students appear to be familiar with the facts and principles in the areas covered by their core program. Students with field theses seemed well able to gather field data, organize them, and present them in writing, charts and maps. Their purely physical-geological analyses were satisfactory. The gathering of data did not seem to be strongly effected by the catastrophist bias which their training involved. (pp. 30-31)

Nonetheless, in this evaluation, religious discrimination was involved at all levels. The team wanted to locate some graduates, but ICR was, understandingly, “unwilling to expose them to possible embarrassment or harassment” by contacting them, and thus communicating their ICR college background to their employers. They noted that the employers were not always aware that the graduates were creationists, and contacting them for evaluations could cause problems (p. 34).

The report attempted to compare the students at this college with the typical creationist students at other schools, a comparison that is impossible, as the authors themselves noted. An open creationist is less likely to earn a degree from secular institutions in the sciences, especially at the master’s and doctorate level, *regardless* of his or her qualifications. Even if this obstacle is overcome, one must then surmount the problem of job discrimination (a major barrier). Unless we assume that persons who hold the design worldview are innately or biologically inferior—and thus as a whole

cannot measure up—one must conclude that an incredible level of intolerance exists in secular colleges against a theistic world view. This intolerance is not only condoned by the American government, but also is perpetuated as this case shows.

The committee concluded that “the deep-rooted and perhaps unremedial flaws of this M.S. program are ... its apologetic role; that is, its adherence to the goals of proving or validating a set of conclusions that were decided upon in advance, generally, the consequence of Biblical literalism...” (p. 46) Dr. Eimers stated that a concern that Drs. Dickerson, Wills, Olson, and Lerner all voiced was ICR’s requirement that a doctrinal statement must be signed indicating agreement with the basic theological position of the college. This is not unusual—many religious colleges, both Catholic and Protestant, require some sort of signed statement (or at least a verbal agreement to abide by certain rules or doctrinal position). The majority concluded on this basis alone that ICR faculty do not have academic freedom, and this entered into the recommendation to close the school.

The committee did not recognize the incredible irony of criticizing ICR’s requirement that each faculty member annually reaffirm adherence to a particular set of beliefs as a condition for continued employment, and the committee members’ recommendation to close the school based on their own world views. They concluded that ICR’s requirement violated the freedom of scientific investigation of the faculty, and raised the issue of scientific integrity in an unfettered intellectual inquiry. The fact is, a set of beliefs is likewise usually required for faculty members at secular colleges, namely that they must *not* openly hold to the set of beliefs to which ICR insists they adhere.

The objection to faculty bringing their own religious interpretation into science courses is clearly a serious infringement that potentially effects *all* religious institutions in America (Nutting and Nutting, 1989). The writer once taught at Spring Arbor College

(now University) in Michigan, a Free-Methodist institution. We *openly endeavored* to bring the Christian interpretation into *all* subject areas, although concerns in some areas were more salient than in others—in psychology, for instance, more than mathematics. Most Christian colleges openly advertise that the advantage of their school, as we stated at Spring Arbor, is that it offers “an integration of faith and learning.” Students are attracted to this school because they believe that they will receive a Christian perspective and philosophical view of life. As with all private schools, the church and state issue does not apply to them (Lincoln, 1975). The California Department of Education, though, claims that by approving a Christian school, the state is *supporting* a Christian philosophy in science. But if this is true, they in the same way support the religious philosophy of *all* religious schools in the state, and all of them are subject to being closed for this reason (Moore, 1983; Trombley, 1990).

The irony is that this kind of widespread religious oppression in the United States is occurring at the same time that the old Soviet Union is rapidly progressing in supporting religious freedom. Dr. Dmitry Kuznetsov, a Russian creationist and member of the Moscow Baptist Church, stated in a recent visit to the Institute for Creation Research, that “It seems that scientists have more academic freedom these days in Moscow than they do in California” (Looy, 1990c, p. 2). During this same week, three Russian scientists visited ICR, each traveling independently. Livingston commented on this situation as follows:

After most meetings, we were besieged with people asking questions. During two weeks of teaching, I was asked at least ten times if we could teach creation in American schools like they now can in Latvia. Unfortunately, I had to answer each time, “No, America now is like Russia was!” (1993, p. 2).

Looy (1990c, p. 2) noted that “many scientists like Dr. Kuznetsov are [now] free to publicly challenge atheistic Marxist dogma,” whereas the legal repression in America

against those who challenge the “evolutionary atheist Darwinist dogma” has been steadily increasing. Incidentally, in 1983, Dr. Kuznetsov was awarded the coveted *Lenin Komsomol Prize*, an annual award given to the two most outstanding young Soviet scientists, and just three years later he was awarded the “Council of Ministries Prize” for his biochemistry accomplishments. Dr. Kuznetsov’s academic achievements include an M.D. in internal disease, a Ph.D. in biochemistry, and a doctorate of science (D.Sc.) in molecular biology. Head of the biochemistry lab for *LaserInvest*, a joint business venture between the Soviet Union, Great Britain, and India, at the young age of thirty-four he has published numerous articles in Soviet science journals and about forty articles in English.

Just one day before the news release on the above, Looy (1990b) released a news brief that stated, “a graduate school of science that refuses to teach evolution as a fact but as an unproved theory is rejecting the findings of an evaluation team sent by Bill Honig, California’s superintendent of public instruction. Honig’s panel has recommended that the state ‘approval’ be withdrawn...” shutting down the then nine-year-old college. This same news report states that Honig has been threatening to shut down the school unless “either the creationist content is removed from courses or the degrees issued by ICR be labeled as theological rather than scientific. Honig has maintained that science can be taught only in an evolution framework, even in private Christian institutions.” This precedent means that *virtually all* religious schools that teach science in a framework compatible with a theological orientation could be forced to close. On March 13, 1990, the California State Department of Education Review Committee voted 7 to 4 to recommend denial of ICR graduate school’s license to operate.

The American government has come a long way. First, they removed the religious content from state schools, and are now openly attempting to censor the religious content from Christian schools. The movement to a secular society is thus

furthered, and this is happening at the same time that the so-called Communist nations are clearly moving to bring religious influence *back* into their society, or at least more freely allowing its presence there. The state is presently prevented from closing most other Christian schools only because the present California law states that a school is under the state's oversight *only* if it is not accredited by an approved accrediting agency. ICR, aware of the bias against their religious orientation, did not even seek outside accreditation. Most Christian schools were founded many years ago when this issue was not a problem, and are now accredited only for this reason. Furthermore, although the biology and science departments of many colleges may be oriented toward creationism, they do not make it a central focus; and indeed, many offer few science courses.

A major part of the problem is the California law which gives much of the regulating power to one person, in this case William Honig. Honig can arbitrarily and capriciously determine if a school is allowed to operate without being subject to qualified review. Ironically, the law that he utilized against ICR was originally designed to shut down operations such as "massage colleges" which were little more than fronts for brothels. Honig has approved a variety of bizarre schools, including some that teach topics such as homosexual encounter techniques. In this case, the reason for the forced closure was very openly talked about; eighteen-year veteran congressman, Lionel Van Deerlin, said that Honig's recent move to close down

a creationist "think tank," the Institute for Creation Research in Santee, from awarding graduate degrees in science...The superintendent is on target...Voodoo learning can be tough on the kids, of course; some may never know they have been shortchanged academically. But the state of California certifies graduate degrees and teacher credentials. That's where a responsible and conscientious superintendent must raise a red flag.

Whatever license we permit the creationists in calling their curricular quirks a "science," Honig doesn't intend letting them use the great seal of California to dignify offbeat teachings. There will be no state-certified master's degrees in

science conferred from the Institute for Creation Research, nor from any kindred cloisters of claptrap...the creationists have tended to warp all learning with their fear of facts. Honig's firmness against them could have an effect beyond the integrity of academic degrees. Teachers and school boards are entitled to protection from badgering busybodies who would foist centuries-old scripture as truth beyond challenge. Our libraries also must be off-limits to this new breed of book-burners. After nearly a century of their neo-Dark Ages nonsense, it's time to say enough is enough...

The story is told of an eager graduate hoping to land his first teaching job, somewhere in the South. His interview seemed to have gone well with the local school board, which was about to vote on hiring him, when the elderly chairman peered above a pair of granny glasses to ask: "By the way, young fella—do you teach the world to be round, or to be flat?" The applicant squirmed, reluctant to give an answer that might spoil his chance for employment. "Well, sir," he finally blurted, "I can teach it either way!" But not much longer, let's hope (1988, p. 1).

When evaluating a school's quality, one of the first items that should be evaluated is its graduates. Have there been any complaints by present and former ICR students relative to the quality of its instruction or related matters? Not one was identified in any of the state reports. Other factors that should be evaluated are: can their graduates obtain jobs, and what are the opinions of the employers relative to their training? This investigator found uniformly *positive* (and often glowing) comments from employers about the performance of ICR graduates. I did not locate a single employer who claimed that he/she had major concerns about lack of knowledge, skills, or the training of ICR graduates. Furthermore, their placement rate is close to 100% in their area of training—many in industry, especially the petroleum branches, which have found their training and skills to be particularly useful.

Many went into industry or to teach at Christian schools, both areas in which one would expect little discrimination against them because of their creationist orientation. Industry is usually more concerned with performance than with one's personal beliefs, and many Christian schools obviously value the ICR graduate's creationist perspective. It is also apparent from the report that the reviewers, if they were

aware of this, ignored it. This is irresponsible, and hardly makes for a balanced evaluation of a college.

The graduates were very appreciative of the fact that, as a small school, ICR could provide a great deal of personal attention. They valued the informality of the small classes and the fact that the personal attention and concern was far beyond that which most had received for their undergraduate work. Even the August State Department report completed for Honig admitted,

Team members sensed a high level of academic vitality, creativity, and candidness of expression among the students we interviewed. Students and alumni who were interviewed were most positive about their education received at ICR... (1989, p. 5).

### **Community Backlash to the Closure**

As the closure of a religious school by the State Department of Education on the basis of its religious content became known, many individuals and organizations have voiced their support for ICR. One such expression of support came from the California Republican Assembly, which issued a resolution calling for an investigation of these actions by several state and federal agencies. This totally unsolicited resolution is as follows:

#### **Opposition to Denial of Private Education's Right To Academic Freedom**

Whereas: Both Evolution and Creation are unobservable, unfalsifiable, untestable, and unprovable reconstructions of the past (and therefore not strictly scientific theories) , and

WHEREAS: Superintendent of Public Instruction for California, Bill Honig, called an unprecedented reconvening, of a visiting team sent to evaluate the Institute for Creation Research (I.C.R.), and coerced a change from their original "Approval" vote to that of "non-approval" for their curriculum and insisted that all creation interpretations be taken out of I.C.R.'s graduate science courses if they desired to continue offering master of science degrees (which I.C.R. has done since 1981) and

WHEREAS: Superintendent Honig has for several years publicly endorsed and promoted exclusive evolution teaching and has openly opposed the teaching of



creation in California's public school science classes, and has now publicly slated his intention to deny I.C.R. their academic and religious freedom to include their interpretation of scientific data in their graduate level science classes by rescinding their license to operate, and

WHEREAS: ICR has never accepted a penny of federal and/or state money and to allow termination of I.C.R.'s "approval" would set a dangerous precedent resulting in the State's ability to define and mandate curricula in all private institutions which will result in a clear violation of freedom of speech and civil rights when the State is given power to exclude scientific curricula content on philosophical grounds, therefore be it

RESOLVED: that the California Republican Assembly at their October 8, 1989 Quarterly Board Meeting in Palm Springs, opposes any action taken by the State Department of Education which would deny a private institution its rights to practice academic and religious freedom, and be it further

Resolved: that the CRA call for an investigation of the California Department of Education and Superintendent Honig's actions by the U.S. Civil Rights Commission, the U.S. Attorney General's office, the California Attorney General's office and the U.S. Department of Education.

Support has even come from other nations. Russian scientist Dmitry Kuznetsov wrote the following to Mr. Honig:

In my country, "glasnost" has enabled many scientists like myself to speak up and challenge long-held views of science, including the bankrupt theory of evolution. Perhaps that is why I feel bold enough to write this letter. Ironically, I seem to have more scientific freedom today in Moscow than I would in California, where, I'm told, scientists and students are threatened with the loss of academic freedom by Bill Honig, Superintendent of Public Instruction.

While I rejoice in greater opportunities in my country, I am dismayed to learn that the graduate school of science at the Institute for Creation Research in Santee, California, is in danger of imminent closure as a result of questionable actions by Mr. Honig. He also has seen to it that science guidelines were passed to mandate that evolution be treated as a "law of science" to the exclusion of any other theory of origins in California's public schools and is now doing the same thing in private schools. If you would allow me as a visitor to say so, such discriminatory actions seem strange in a democratic society.... Creation is as legitimate as evolution as a scientific explanation of origins. Furthermore, both creation and evolution are equally religious (in the Soviet Union, my evolutionism and atheism were interchangeable), for both deal with a topic (origins) that is outside the domain of experimental science. There were no human observers of the origin of life or the origin of any basic type of living thing. Nevertheless, there is a tremendous amount of scientific evidence (including my own scientific research) to make me conclude, that a new, slightly changed gene has no chance whatever

of being expressed into a protein. This fact precludes any macro-evolutionary development (1990b).

Only more responses such as the above can control this state-sponsored repression. And, unfortunately, the secular media have almost totally suppressed information about this struggle. As Morris notes,

The fact that he is a creationist, doing research in Russia partly sponsored by ICR, should have been a newsworthy item, but our news release on the subject (similar to the *Arts & Facts* article) sent to 125 California newspapers, was rejected by all of them, so far as we know. Neither was Dr. Kuznetsov's open letter to Bill Honig about the ICR Graduate School accepted by the *L.A. Times*, to which it was directed. All of which further confirms the almost universal and impenetrable bias of the news media against creationism and Biblical Christianity (1990c).

A major problem, as former Hillsdale College President George Roche concludes, is that evolution has become religion, and if you

cross a Darwinist...he becomes a thundering evangelist. Let the heathen 'creationist' even mention the word science, and his mask of cool scientific rationality gives way to rage. Such dogmatism has serious implications for the scientific community and for public policy. To question Darwinism in the academy is to risk excommunication from the body of Enlightened scholars, and possibly blacklisting. Stephen J. Gould has observed this: "We have persecuted dissenters, resorted to catechism, and tried to extend our authority to a moral sphere where it has no force." ...Such behavior is also the opposite of--and obviously hurtful--to scientific disinterestedness. It is just as obviously faith, not science, that glosses over the admitted "shortage of solid evidence" to insist on orthodoxy (1987, pp. 264-265).

Ironically, one of the chief justifications behind the German government's war on Jews and other "inferior races" was *the theory of evolution*. As has been well documented in scholarly works on this topic, the war on "inferior races" or "inferior peoples" probably would have never occurred if evolution had never been popularized (Proctor, 1988; Weiss, 1988). Aside from a few dissenting voices, the American courts have now largely sided, as did Nazi Germany, with atheistic evolution.

### **The Outcome of the Case**

While collecting depositions for the litigation, and gathering written publications by the individuals, involved in this decision, it became increasingly obvious to some civil rights organizations that Honig's religious bias was open and blatant. These civil rights organizations called in to evaluate religious bigotry soon concluded that it was overwhelming and documented in this case, and recommended that the state of California rescind its decision. Thus, on November 7, the State Department of Education notified ICR that it was "withdrawing" its final notice of denial of approval and that ICR would now be "a fully approved institution without restriction" (ICR press release, November 9, 1990). The state thus gave back ICR's license without a struggle. The bigotry was simply too blatant, too obvious, and too irrefutable. The fact that it could go as far as it did, though, is frightening. And, it is also a warning to others. In Beck and Hendon's words:

Education officials in California formally recognized the right of a private school to teach the biblical account of creation as factual, as long as teachers also provide information on evolution. This was part of a settlement between Bill Honig, state superintendent of public instruction, and the Institute for Creation Research [ICR] in Santee. It came from a declaratory judgment issued in U.S. District Court in San Diego. The Institute teaches science from a fundamentalist Christian perspective, and the judgment insures that the school can continue to operate without official interference....The program is currently accredited by the Transnational Association of Christian Schools.... In 1988 the California Department of Education moved to stop ICR from granting graduate degrees because of their stance on creationism. The Institute sued the state in 1990 when Honig notified the school that reapproval to operate had been denied because of its teaching on creationism. The judge awarded the Institute \$225,000 to pay court costs, and state officials acknowledge that they have no authority over the school's curriculum content except as specified by law. No state law requires the teaching of evolution or condemns the teaching of creationism (1992, pp. 651-659).

After noting the state agreed to pay ICR one quarter of a million dollars to cover legal fees, Plowman noted that creationists "scored a big victory for religious freedom." The California Department of Education agreed to a court approved settlement to allow ICR to satisfy state educational standards "even though it does not promote evolution in its classrooms," and the settlement ended the legal battle between

ICR and California's top educational official. The dispute, which began in 1988, because California

moved to bar the graduate school from granting degrees because ICR professors teach that God created the earth and all life. "This ruling should prevent the State from harassing other private schools that refuse to teach evolutionary dogma as fact," ICR president Henry Morris announced after the Jan. 28 settlement. The state ... also acknowledged that the content of courses taught at private colleges and K-12 schools are not subject to state regulation except as provided by law. Enrollment at ICR ... has suffered in the past three years, Morris said (Plowman, 1992 p.6).

This case has not ended, though, and the struggle still continues on for academic freedom.

### **Honig's Downfall**

The conflict between ICR and California School Superintendent Bill Honig received a great deal of newspaper publicity in the State. Many people, including some Republican legislators and Christian "fundamentalists," were angry and annoyed that Honig had begun to resemble a persecutor more than an education administrator. Even the State was chafed at Honig's activities, and hired attorneys from the *Pacific Legal Foundation* to file a lawsuit that would reduce Honig's authority. Although their jobs sounded similar on paper, there were conflicts between them.

Then, in April of 1991, California Attorney General Dan Lungren began an investigation that was the beginning of the end for Honig. It focused on the *Quality Education Project* (QEP), run by Honig's wife Nancy, who earned \$108,000 per year. This and other money used by QEP came mostly from a Federal Government grant (Saunders, 1992, p. 3A; Hayward, 1993, p. 11A). Armed with search warrants, on October 16, 1991 they entered the Honig home in San Francisco, and left with boxes of documents. In March 1992 a Grand Jury indicted Bill Honig on four felony counts of

violating a state ethics code that prohibits an elected official from receiving financial benefits from a contract his office oversees. He was accused of misusing \$337,509 in public funds to pay the salaries of four school district employees who worked for a consulting firm that had been headed by his wife (*Valley Times*, Jan. 30, 1993, p. 1A).

Honig tried to claim that he was under attack by Republicans, Creationists, and Christian fundamentalists who have opposed his stand on the dogmatic teaching of evolution and other controversial issues (Saunders, 1992, p. 3A). This was denied by Sam Rodriguez, an education consultant for the *Traditional Values Foundation*, who said, "I believe that people just want to clean up government. He got himself into trouble years ago with just about everything." Rodriguez said that Honig's 'biggest mistakes' were 'going after' the Institute for Creation Research in a failed effort to get the 'creationism school' to stop granting graduate science degrees, and getting into a power struggle with the conservative state school board (quoted in *Valley Times*, March 27, 1992, p. 1A).

Honig's trial involved eight days of testimony from 24 witnesses. There were many bitter exchanges between attorneys. Honig's side maintained that he was the victim of a political crusade by Attorney General Dan Lungren and other conservatives. In late January of 1993 he was convicted on all four counts.

Honig was immediately suspended from office, and was permanently barred from holding elective office in California. Although he faced up to five years in prison, on February 24, 1993 he was given four years probation, and ordered to pay more than \$348,000 in fines and restitution, but received no actual jail time. He was also sentenced to serve 1,000 hours of community service and pay a \$10,800 fine, and was given a suspended 1-year jail term (Hayward, 1993, p. 11A).

Honig protested his sentence, telling the judge, "I'm broke. I've got to work, ... this makes it very difficult to work ... I've got a real personal financial problem...." But Sacramento Superior Court Judge James Long gave a stern rebuttal, saying that Honig was seeking special treatment as a member of a privileged class. "If that be the case, then what do I tell the countless number of minorities, of immigrants, of poor people who are sentenced to jail, the penitentiary, and work furlough programs every day in this state? ... There cannot be two standards of justice. There cannot be one standard for the stashed, the affluent and powerful, and a standard for the not-powerful and not-affluent."

Newspaper editorials shortly after the sentencing praised Honig for his work on improving California schools. He was given credit especially for having "upgraded" the statement for science education to require the teaching of evolution as fact, and for increasing California emphasis on liberalizing the teaching of sexual diversity, abortion, and homosexuality (for example, see *Tri-Valley Herald*, Feb. 25, 1993, p. A-12; and March 27, 1992, and Geissinger, 1991, p. 12A). One editorial concluded that "his accomplishments will last for years." As an after note, a decade later, California school students are now near the bottom of the all the states.

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