

INTELLIGENT DESIGN & ACADEMIC FREEDOM

By John Hugh Gilmore *

As counsel for Baylor University's Distinguished Professor Robert J. Marks, II, I was amazed and discouraged by the controversy surrounding his rather routine yet scientifically exacting website that was shut down by the Dean of his Engineering Department after anonymous complaints but without an opportunity for him to respond beforehand. The crime? His research might have implicated what is commonly called intelligent design. This is how a serious university should behave?

Apparently so, to the opponents of ID. To its proponents, ID is nothing more than a sophisticated, comprehensive critique of the theoretical *and scientific* foundations of Darwinism and its progeny. In other words, the theory of evolution should be put to its test. Like Marx. Like Freud. Yet a dispassionate observer cannot help but note that Darwin has intellectual shock troops gathered around him that the prior two icons could only admire. Sadly, those troops not only disparage opposing ideas—a welcome fight, thank you—they seek to, and often do, destroy the careers of any academic sympathetic to ID. Almost universally secular liberals, these types would be shocked to be called McCarthyites. This is too forgiving: having represented academics sympathetic to ID for almost a decade, I would call them intellectual fascists. Cue the usual liberal outrage replete with the usual supine coverage in the old media: how could liberals be fascists?

Easier, apparently, than they think: shut down a website because of its content. In any other circumstance, this would be the very definition of viewpoint discrimination and a gross violation of academic freedom. Because it involves ID, however, the mob that demanded Marks's website be shut down thinks nothing of it. Many in this mob are,

doubtless, part of the *bien pensant* who approved of that dwarf from Tehran (to quote the late Oriana Fallaci) speaking recently at Columbia University. Academic freedom for a dictator; none for a Distinguished Professor of Engineering at Baylor.

In its public utterances, Baylor claims this is a dispute about process and procedure: if only Dr. Marks had filled out the right forms his website would be up and running. The evidence is against this pr offensive.

No other website has been shut down or assaulted after receipt of a few complaints (those complaints have not been made available to me or my client). We have no idea if they came from the Baylor community or, more likely, the praetorian guard of Darwinian orthodoxy, against which no ID question must be raised.

In any event, no procedures exist per se for establishing faculty websites and this is true generally across the county. When my client and I met with the administration in early August, we readily agreed to post a disclaimer on the website so that a casual visitor would not think my client's views were those of the institution. Baylor, like all institutions, deserves that basic fairness. Indeed, I consider it their legal right.

Unfortunately, ever since that meeting, the agreement has unraveled. Increasingly, more demands and restrictions were placed on my client and his website. We tried to accommodate many of them, even though they were never raised in our meeting. It became clear, however, that the real goal was to keep the website down and off of Baylor's servers.

Oddly, my client has two other websites on Baylor's servers currently. Neither of them went through the non-existent process and procedures the university publicly claims were necessary. Of course, neither of them deal with ID and so have not been selected for

special discrimination and persecution. Baylor's claim that Marks's website was not shut down because of its content is simply untrue.

In Minnesota, where I live, a well known biologist and faithful believer in evolution, Professor PZ Meyers, has followed what Baylor has done and called for it to reverse itself. Meyers loathes ID and its proponents and blogs about it, frequently with exceptional humor. It is more than telling—shameful perhaps?—that Meyers, a self-identified atheist, sees something amiss here that those in power at Baylor cannot or will not.

Apart from one quote early on, I have forbidden my client from speaking publicly and these words are mine alone. Marks was, it should be noted, earnestly recruited by Baylor after teaching at the University of Washington for more than a quarter century. His reputation is international in scope. He chose Baylor because of its Baptist mission and commitment to excellence. Now he finds his website placed on a digital bonfire and must suffer the university's insulting comments to the effect that it is his fault. Though tenured, he does not know what the future holds.

These intellectual pogroms by Darwinists take a frightening toll on the individuals upon which they are inflicted. Like so much else, it's just one more thing the evolutionary establishment doesn't want you to know.

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