The Proceedings of the International Conference on Creationism

Volume 3
Print Reference: Pages 95-102

Article 11

1994

An Update on the Courts, Academic Freedom and Creationists: The Peloza, Johnson, and Bishop Cases

Jerry Bergman

AN UPDATE ON THE COURTS, ACADEMIC FREEDOM AND CREATIONISTS: THE PELOZA JOHNSON, AND BISHOP CASES

JERRY BERGMAN, PH.D.
ARCHBOLD, OHIO

KEYWORDS

Academic freedom, teaching of creation, freedom of religion and speech, creation and the courts.

ABSTRACT

A review of the Peloza, Johnson, Bishop, and other cases involving creationists educators terminated or censored due to their objections to naturalistic evolution illustrates the current trend for the courts to rule against educators who are labeled not only creationists, but also Christians. These examples illustrate that the law and past Supreme Court rulings are commonly misapplied, abused, or judges openly prevaricate about the conclusions of current and previous cases. The focus on this review is on tying these cases together and outlining current trends.

INTRODUCTION

Since the 1987 supreme court creationism ruling, courts have in all of the important court cases, including Webster, Peloza, Johnson and Bishop, resoundingly ruled against creationists. These cases were all well documented religious discrimination cases in which the court, in essence, ruled that only the atheistic position of origins can legally be presented in public schools. This conclusion is well documented in the cases themselves, as well as those which were recently argued before the Supreme Court, which vividly reveal that its justices perceive the concerns discussed here.

The Bishop Case

Philip Bishop is an associate professor of physiology at the University of Alabama, director of the university's human performance laboratory. An 11th U.S. Circuit Court of Appeals three-judge panel upheld a 1987 demand by the university that he not mention his religious beliefs in or outside of class. He had began each class with a two-minute discussion of how his "personal religious bias" colored his perspective of physiology, namely that a study of physiology provided evidence for intelligent design, not naturalism [30, 15, p.2]. Bishop also included an optional unit titled *Evidence of God in Human Physiology* taught on his own time which the court "also ordered him to stop" [9, p.A23; 6, p.55].

The University endeavored to stop Bishop and *only* Bishop from mentioning, even briefly, his personal world view in the classroom, which he did to "help students in understanding and evaluating" his classroom presentations [4, p.7]. His brief argued that suppressing only certain philosophical perspectives would be intellectually dishonest. If only those with an atheistic or agnostic world view could freely express their views, students may learn the erroneous opinion that all professors share this world view. McFarland characterized the case as follows:

> The university administration ordered Dr. Bishop to discontinue his classroom speech as well as his optional on-campus-talk. No other faculty and no other topic have been similarly curtailed. Dr. Bishop obtained a federal court order protecting his free speech and academic freedom, but it was overruled in a disastrous opinion by the U.S. Court of Appeals, the 11th Court. The Court held that public university professors have no constitutional right of academic freedom and that their right of free speech in the lecture hall is subject to absolute control (censorship) by the University administration [15, p.2].

The U.S. Supreme Court rejected the petition for *centiorari*, thus the case ended.

Robert Boston, a spokesman for *Americans United For Separation of Church and State* noted that he believed this was the first time "a Federal Court had applied the secondary-school ruling to a public university," and that courts in the past have viewed college students as "more mature and better able to judge" whether a professor's statements implied institutional endorsement of religion [9, p.A23]. *Americans United* are well known for their opposition to any open support for theism in public schools, and generally advocate the presentation of only non-theistic views in schools.

The Bishop case was about the college's right to restrict "occasional in-class comments and an optional out-of-class lecture," that mentioned "the professor's personal views on the subject of his academic expertise." The Amici Curiae in this case,

> reveals that the problem presented here is reoccurring on campuses throughout the nation.... We are shocked at the breadth of speech rendered vulnerable by the court of appeals' decision.... the decision ... [gives] universities broad power to censor any comments that might 'produce more apprehension than comfort in students' (Pet. App. A1O). This view is completely anethetical to the premise underlying higher education--that students grow intellectually from confronting new or disturbing ideas, not from avoiding them..... [and the] petitioner was reprimanded for his expressions solely because of the religious viewpoint presented in it ... such discrimination is, unfortunately, typical. Religiously committed academics in public universities across the country face resistance when they attempt, however briefly, to discuss or even disclose their ideological perspective in the course of their teaching or scholarship [4, p.5-6].

Another concern in this case was the university's attempt to apply derogatory labels to the Bishop's view of origins, degrading them as "Bible belt" and therefore "inappropriate" at the university. Specifically Professor Westerfield said Bishop's beliefs "hurt the reputation" of the university [17, p.2]. The Bishop brief argued that the school officials "proceeded on the mistaken assumption that religious discussion must be 'kept out of the classroom' entirely, on account of the establishment clause" and that the establishment clause forbids not only open government endorsement of religion--but by government employees acting *as individuals*. The university argued that allowing professors to present their own views in class implies that the university endorses them, i.e., the university endorses "everything it does not censor" [4, p.10]. Bishop argued that occasional expressions of personal belief at a public university "cannot be construed as bearing the university's imprimatur, and thus are protected under the First Amendment when they are nondisruptive and noncoercive" [4, p.9]. It was "undisputed that petitioner covered the course material fully and that he was a well-regarded and successful teacher" [4, p.15].

The Bishop appeal stressed that the university restricted Dr. Bishop's speech "solely because of its religious content" and that "speech presenting a religious perspective is entitled to the same non-discriminatory treatment as other forms of speech" [4, p.13]. Contrary to extensive case law and the Constitution, the court of appeals' decision authorized "virtually limitless censorship of in-class or classroom-related speech by professors" if it can be construed as "religious," or even "religiously motivated" even "if the views expressed are clearly identified as personal"[4, p.9]. Strictly applied, it would be inappropriate for a professor to state that he is Jewish, goes to church, or believes in God [24]. Yet the same professor is allowed to state that he does not believe in God, and can lecture against "religious" values or beliefs [31, 12, 14].

The court of appeals ruled that the university had a "legitimate interest" in preventing religious bias" from "infecting" the students "because expression of a religious viewpoint 'no matter how carefully presented ... engenders anxiety in students... [4, p.15]. To suppress speech on these grounds is ludicrous--it would be close to impossible for instructors to teach courses in the behavioral sciences, political science, or philosophy if this rule were consistently applied. As Bishop's attorney argued "discomfort, anger, anxiety on the part of a student or two cannot authorize suppression of a viewpoint" [4, p.15]. The whole point of free speech laws is to protect speech specifically in cases where it engenders dispute, disagreement, discomfort, anger or anxiety. Speech that does not generate these emotions is never suppressed, and thus protection is not of concern [8].

The court of appeals recognized this, concluding the university *can* "restrict speech that falls short of an establishment violation" (Pet. App. A22). In other words, the court can convict one of a crime even if it rules the person did not commit the crime! This position is totally irreconcilable with the our total freedom of speech history . Although the courts have held that schools may restrict student or teacher speech which "substantially interferes" or clearly impinges upon "the rights of others" (Tinker, Supra 393 U.S. At. 509) the court's past rulings have required *overwhelming evidence* that such major effects have occurred, and not merely indications that such *may* have occurred, as they ruled in this case. This decision signifies a new trend: if there is even a *hint* of endorsement of theism, all other considerations, including the First Amendment, must be suppressed.

The university even alleged that expressing religious views--no matter how carefully presented--may cause students to accept a similar belief and change their beliefs (Pet. App. A22). Of course, *one of the very purposes of education is to change students' beliefs* -- the definition of learning is *behavior change*. In this case, the direction students' beliefs may change is likely the court's actual concern--if it is toward the direction of religious disbelief and atheism,

the professor is usually supported [18].

A good example of this is a study by Cornell Professor of biological sciences, William B. Provine. He first presents the theistic side, then for the remainder of the quarter endeavors to demolish the arguments for theism. He noted that at the beginning of his course, about 75% of the students were either creationists or believed in "purpose in evolution," i.e., believe that God directed evolution. Provine proudly notes that the percentage of theists dropped to 50% by the end of the course--this compares to about 95% in society as a whole [23, p.63]. He is obviously enormously successful in influencing his students to move toward the atheistic world view--and is very open about his success--yet the university and courts have not interfered even though he has openly "expressed his religious viewpoint" which the court ruled Bishop could not do.

Peloza v. Capistrano Unified School District

A good example of the prevarication of courts is the Peloza case, a Mission Viejo biology teacher. Peloza was not teaching, or even arguing for the right to teach, any form of creationism, but rather was endeavoring to help students think critically about atheistic evolution in general [21]. His complaint argued only that it is improper for the school district to *require* him to teach atheistic evolution *as fact*, and his request was only for permission to critique evolution as a teacher would any other theory. As a result of this request, he was removed from biology classes and forced to teach physical education where the subject of biological origins would be less likely to surface [19,25]. District Judge David W. Williams concluded without a hearing that to "teach" creationism (a term he never defined) is "illegal," relying upon the Supreme Court case, *Edwards vs. Aguillard* which in fact stated that *to teach creation-science is legal:*

> It is equally clear that requiring schools to teach creation science with evolution does not advance academic freedom. The Act *does not grant teachers a flexibility that they did not already possess to supplant the present science curriculum* with the presentation of theories, besides evolution, about the origin of life.... The Act provides Louisiana school teachers with no new authority (No. 85-1513, Je 19, 1987, p.8, emphasis mine).

Judge Williams concluded that Peloza had no basis for claiming the school officials violated his rights by ordering him to follow the state-mandated science curriculum [31, p.658]. His decision gives free rein to the California Public School to force teachers to indoctrinate in naturalistic evolution, and that no higher intelligence was involved in this process. The decision precludes theistic evolution and requires "officially embraced atheism as its state religion" [33, p.2].

The case began on September 30, 1991 when Peloza filed a lawsuit against the San Juan Capistrano Unified School District for alleged civil rights violations. Peloza claimed that the school district was in violation of the establishment clause by requiring him to teach atheistic evolution as fact which "unlawfully establishes the religion of secular humanism and atheistic naturalism" [33, p.1]. Peloza also asked the court to declare that "he had the right to discuss his personal beliefs, including religious matters, with students during non-instructional time at the high school, such as during lunch, class-breaks, and before and after school hours" [33, p.1]. The Judge Williams ruling of January 16, 1992 forbid Peloza from discussing his personal beliefs *anytime, anywhere*, on school property, and that Peloza must teach only evolutionary naturalism.

The media characterized Peloza as endeavoring to teach creationism and also commonly quoted the judge's statement that Peloza was a "loose cannon" [31, p.658, 26, p.1]. This irresponsible comment hardly describes someone who simply wishes to talk about his personal beliefs with students during his free time--a right that atheistic and agnostic instructors have. Further, Peloza was not quibbling with the requirement that he teach evolution, only with teaching cc evolution as fact" [33, p.1].

The school district filed a motion endeavoring to be reimbursed for "attorney's fees," a motion granted by Judge Williams on April 14 for the whopping amount of $32,633.49. Peloza's attorney eloquently argued that this award can only be interpreted as punishment for Peloza endeavoring to defend his right to discuss his religious beliefs with students during his own time.

Ironically, even though he was required to teach evolution as fact, the California State Board of Education policy prohibits this: "science is limited by its tools--observable facts and testable hypotheses ... nothing in science or in any other field of knowledge shall be taught dogmatically. A dogma is a system of beliefs that is not subject to scientific tests and refutation." Hartwig and Nelson [7, p.v] describe this framework as "a political document aimed at marginalizing and disenfranchising those who disagree with the authors' philosophical and scientific viewpoint; namely, Darwinistic naturalism." Ironically, the framework itself proclaims that "science is never dogmatic; it is pragmatic--always subject to adjustment in the light of solid new observations ... or new, strong explanations of nature ..." [7, p.18]. If students question evolution, the framework suggests that they respond as follows:

> at times some students may insist that certain conclusions of science cannot be true because of certain religious or philosophical beliefs that they hold.... It is appropriate for the teacher to express in this regard, 'I understand that you may have personal reservations about accepting this scientific evidence, but it is scientific knowledge about which there is no reasonable doubt among scientists in their field, and it is my responsibility to teach it because it is part of our common intellectual heritage [7, p.20].

The major problem that all of these cases involve is:

> Prejudice ... because the leaders of science see themselves as locked in a desperate battle against religious fundamentalists, a label which they tend to apply broadly to anyone who believes in a Creator who plays an active role in worldly affairs. These fundamentalists are seen as a threat to liberal freedom, and especially as a threat to public support for scientific research. As the creation myth of scientific naturalism, Darwinism plays an indispensable ideological role in the war against fundamentalism. For that reason, the scientific organizations are devoted to protecting Darwinism rather than testing it, and the rules of scientific investigation have been shaped to help them succeed [10, p.153].

A major problem in this controversy is that key terms as creation and evolution are rarely defined, thus one hardly knows for certain what these cases were discussing, although one can infer this by reviewing the entire decision. Evolution, for example, can be defined simply as any biological change, such as the process of breeding the 200 modern dog types from a basic dog kind. On the other hand, evolution is more commonly defined as a naturalistic process in which life changes by natural law and chance into a different--and often better--form. The word literally means to *roll out*, such as rolling out a scroll to reveal more information. What is often insisted upon in the California Framework is not simply evolution, but naturalism or atheistic evolution as discussed by Provine above.

The Byron Johnson Case

Dr. Byron R. Johnson was an assistant professor of criminology at Memphis State University from 1986 until 1991 when his contract was terminated (*Johnson v. Carpenter et al.*, No. 91-2075, at 4-8, W.D. Tenn. Jan. 25, 1991). The background of the case is as follows:

> Beginning in 1987, Dr. Johnson was instrumental in organizing a Christian Faculty/Staff Fellowship at Memphis State. He did not, however, discuss his religious beliefs in class. Although Dr. Johnson published more and received higher teaching evaluations than any other assistant professor in his department, he received substantially smaller salary increases from 1988 through 1990 than other department members, and was eventually terminated. During discussions with Dr. Johnson, university officials told him he "did not fit in" and that "given his philosophical leanings, he should consider teaching at some smaller religious affiliated school." Dr. Johnson has sued the university in Federal District Court under Federal Civil rights laws ... and that lawsuit is now in pretrial discovery [4, p.4].

As of this writing, this case is still in the courts.

Center Moriches School District v. Lamb's Chapel Church

The anti-religious bias of certain segments of American society was vividly reflected in an exchange between the Supreme Court Justices and the Lamb's Chapel attorneys. The church had requested school space to show a film series by child psychologist Dr. James Dobson after school hours. The school censored the entire meeting because of the film's alleged "religious" content. When Justice White questioned why the school objected, school attorney John Hoefling stated the film had religious overtones and would "move toward entanglement" of government and religion, adding that, "It was too close to proselytizing" [16, p.1].

The case is so blatant an example of discrimination that even the *American Civil Liberties Union and Americans for Separation of Church and State* filed an amicus brief *in favor* of Lamb's Chapel, concluding that allowing the group to show the film is "unlikely to be perceived as a government endorsement of religion" [16, p.1]. The Chapel's brief concluded that since only non-school hours are involved, showing the film was denied "not because of the 'subject' it wanted to discuss-- 'the protecting and strengthening of family relationships'" -- but because it discussed that subject *from a religious perspective*.

Taking Justice Brennan's ruling that "once the government permits discussion of certain subject matter, it may not impose restrictions that discriminate among viewpoints on those subjects," justice Thomas asked the school's attorney, "what if there was to be a debate between a religious voter versus an atheist on the family?" [16, p.19]. Hoefling responded that the debate would be prohibited because an openly religious person is involved. Thomas then queried, "What if there were ten atheists debating one minister so the minister could not dominate the

situation?" Hoefling indicated that this too would be disallowed because the religious world view--and only the religious world view--is to be totally excluded from the public schools [16, p.19].

Lamb's Church attorney Jay Sekulow concluded that this position openly favors the nonreligious and discriminates against religious persons--and the Supreme Court agreed in their ruling. Justice O'Connor even asked if it was "neutral" to prohibit "only persons with a religious perspective"--while allowing the other side to present their views, asking, "But are anti-religious perspectives permitted?" Hoefling replied, "Yes" adding that the *only* view which was disallowed was that which is traditionally labeled religious. Sekulow then summarized the exchange in the august court, stating atheists, agnostics, and communists can be heard, only religious people are censored, and "only one side of the debate can be heard" [16, p.19].

Justice Scalia also perceptively noted the hypocrisy of this, stating that it was widely accepted that "a lack of religious institutions" would result in more social deviancy. In view of the dramatic crime increase--the United States now has the highest crime rate of any nation--Scalia asked, "How is this new regime working? Has it worked very well?" The audience vividly got the point--a society that has banished religious values from public life does not seem to have worked [16, p.19].

Academia Is Not Consistent Banishing Religion From Public Colleges

Although those advocating the creationists world view normally face censorship, much inconsistency exists in the handling of these cases:

> Dr. Henry F. Schaefer, III, is a chaired professor of chemistry at the University of Georgia and a multiple Nobel Prize nominee. During... 1987-88, Dr. Schaefer accepted the invitation of a student religious group to present five or six one-hour lectures on campus concerning science and Christianity. The lectures were strictly optional and unrelated to any course.... A dozen or more faculty members complained to administrators about a university employee discussing a religious topic on campus. However, on advice of counsel, university officials took no action against Dr. Schaefer. Instead, they simply requested that any advertisements state that his lectures were not university-sponsored and were not required for any course. Dr. Schaefer complied. In addition, during the first class meeting of each of his courses, Dr. Schaefer makes a fifteen-second statement disclosing his religious faith and the fact that it frames his analysis of and approach to science [4, p.2].

Often threats are made but not followed through, as in the case of Dr. Clinton H. Graves who:

> has for almost 40 years been a professor of plant pathology at Mississippi State University. Spurred by a recommendation at a faculty training seminar, Dr. Graves began a practice of introducing himself to his students at the beginning of a semester by ... distributing a one-page biographical sketch summarizing his own education, scholarship, and personal interests. At the bottom of this resume, among his personal interests, Dr. Graves typically stated simply that he was committed: to the lordship of Jesus Christ." In addition, he made occasional brief, non-proselytizing comments to students in class concerning his religious beliefs and their relation to issues in plant biology.
>
> In 1985, Dr. Graves received a letter from the American Civil Liberties Union of Mississippi demanding that he take steps to "remedy" the "possibility that you are introducing significant religious content into your regular classroom proceedings." ... Dr. Graves responded in writing that he ... was "not required to cease being what I am, a Christian, the moment I walk on campus." The ACLU never pursued the matter, nor did it seek to remedy any intimidation or other damage its letter might have caused Dr. Graves [4, pp.3-4].

The cases cited above are instructive as to how creationists now prevail in court. The courts have increasingly ruled against attempts to prevent sectarian religious ideas in the classroom in such as way that they are perceived as indoctrination, not education. If it is perceived that the instructor is functioning as an advocate for theism, and not objectively presenting the theist as well as the atheistic side, the likelihood of prevailing in the courts is less. Secondly, it is imperative to present the case in such a way that one can obtain, as Lamb's Chapel case did, groups such as the ALCU on one's side. Creationists must be aware of the law, and insure that their actions are within it, and this must be effectively documented by affidavits from students, and tape recordings of one's lectures that show one is endeavoring to present information, and not indoctrinate. Although it was clear in all of the cases evaluated here that the person was disliked *because* of his religious belief's, these suggestions will go a long way toward achieving at least a fair hearing should those who are opposed to theism attempt to challenge the integrity of a person who holds to a non-evolutionary naturalism world view.

Marsden argues that American culture in the past decade has advocated the merits of diversity, and the problem of intolerance of religious professors can be dealt with by "a broader conception of pluralism and diversity" [13,

p.12]. He notes that, "even in state schools there should be room for at least reviewing one's perspective in the classroom in the name of truth in advertising" and that "institutions that claim to serve the whole public and be internally diverse should be challenged to apply the principle of diversity by openly allowing responsible religious perspectives in the classroom." If not, Marsden concludes, catalogs should state honestly that "the school welcomes diverse perspectives, except, of course religious perspectives." Or where their catalogs or job ads talk about discrimination they "should have a sentence that reads; 'we do discriminate on the basis of religion'" [13, p.12].

CONCLUSIONS

Court rulings in cases involving creationists have been blatantly discriminatory and unconstitutional to the extreme. Indications exist that the Supreme Court is aware of this and may try to correct this problem. In the earlier cases involving creationists, the courts typically presented false reasons for dismissal or discrimination, such as incompetence or the erroneous claim that the faculty member falsified documents or other allegations which were clearly used to cover up the real reason, religious discrimination. The recent cases have been blatant about the termination reasons; consequently it is easier to litigate the actual issues in court. Cases are now fought openly on freedom of speech and First Amendment grounds: University of Chicago law professor Mike McConnell stated of the Bishop case, "This is principally a free speech case. It was litigated as a free speech case; it was decided as a free speech case" [17]. According to attorney Sam Erickson, "the practical impact [of these recent case decisions] is that universities will have to monitor *all* of the lectures, opinions, and off-the-cuff remarks of their faculty to determine whether there has been *anything* that smacks of religion. Nothing could be more repressive" [6, p.55]. In the Bishop case, Dr. Ray Mellichamp, a tenured faculty at the University of Alabama for twenty-three years, stated

> Here's [Bishop], who is a good teacher, doing a good job of research, and he makes one comment in class, that a student complains about, and the university goes into orbit. It has been a complete puzzle to me ... why they ever appealed the decision from the district court--it just doesn't make sense [17, p.1].

In all of these cases, it is not alleged that the teacher was anything less than fully competent: Peloza was acknowledged as an excellent teacher, and was a runner-up for biology teacher of the year [11]. Bishop openly labeled his beliefs as his personal bias, and no one has alleged that he engaged in prayer, Bible reading, or lectured on religious topics--the only concern was occasional comments which never exceeded a few minutes each semester [3]. According to Bishop, "the university had to scratch around to find two students who complained" and one of those later agreed to testify on Bishop's side [17, p.2].

Schools are no longer afraid to press the real issue, which is the instructor's personal religious beliefs and fear that the professor may influence students toward accepting, or positively evaluating, those beliefs. Conversely, no such fear is held in the case of professors who have expressed atheistic, Marxist, or ideas which are considered heretical by the scientific community [27]. Even if blatantly unpopular views are expressed in class, the courts have strictly defended the professor's academic freedom. Only in the case of creationists have they not prevailed in the courts. A search of published academic freedom cases by this writer found no exceptions to this generalization. As Johnson noted, "In the long run it will be hard for the authorities to say you can advocate all kinds of controversial opinions in the classroom, but not on this one subject" [17, p .2].

REFERENCES

[1] J. Bergman, **The Criterion**, Onesimus Publishing, Richfield, MN, 1987.

[2] ....., **Censorship in Secular Science: The Mims Case**, Perspectives on Science and Christian Faith, March, 45(1):37-45, 1993.

[3] Bishop, Philip, Letter to Jerry Bergman, Oct. 25, 1991.

[4] P. A. Bishop v. O.H. Delchamps, Jr., et al., Brief submitted to the Supreme Court of the Unitied States, October Term, 1991.

[5] Christian Legal Society, **CLS in the Supreme Court**, Center Updates column, Briefly, Sept. 1992:2.

[6] M. Hartwig, **Christian Professor Loses Free-Speech Case**, Academic Freedom column, Moody Monthly, June 24, 1991:55.

[7] M. Hartwig and P.A. Nelson, **Invitation to Conflict: A Retrospective Look at the California Science Framework**, Access Research Network, Colorado Springs, CO, 1992.

[8] K. Hudson, (Ed.), **Christian Biology Teacher John Peloza Loses First Round**, Education Newsline, April-May, 1992.

[9] S. Jaschik, **Academic Freedom Could Be Limited By Court Ruling: U.S. Appeals Panel Opposed Action By U. of Alabama Against Professor**, The Chronicle of Higher Education, Apr. 17, 1991:A23.

[10] P. Johnson, **Darwin on Trial**, Regnery Gateway, Washington, DC, 1991.

[11] D.C. Larsen, J. Wetheimer, Rutan & Tucker, John E. Peloza vs. Capistrano Unified School District, Board of Trustees of the Capistrano Unified School District ... Memorandum of Points an Authorities in Opposition to Defendants' Motion to Dismiss January 6, 1992.

[12] E.J. Larsen, **Trial and Error, The American Controversy Over Creation and Evolution**, Oxford University Press, New York, NY, 1985.

[13] G.J. Marsden, **Religious Professors Are the Last Taboo**, The Wall Street Journal, Dec., 22, 1993.

[14] S.T. McFarland, Letter to Jerry Bergman, Aug. 1, 1991.

[15] ....., **Free Speech and Academic Censorship**, On the Front Lines column, Briefly, Christian Legal Society, Apr. 1992:2.

[16] M. McManus, **Time For Common Sense on Church-State Issues**, Lodi News Sentinel, Feb. 27, 1993.

[17] J. Meyers (Ed.), **U.S. Supreme Court Denies Review of Bishop: Academic Freedom Stumbles in Wake of 11th Circuit Court Ruling**, The Real Issue, 11(3) Oct. 1992.

[18] ....., **Experts Respond to the Recent Restrictions on Faculty Freedoms: 11th Circuit Court Ruling Sparks Debate on Freedom of Expression**, The Real Issue, II (4) Dec. 1992a.

[19] K. Nahigian, **Evolutionists vs. Creationists**, The Sacramento Union, Sat., March 21, 1992.

[20] National and International Religion Report, The University of Alabama...., 6(5):3, July 13, 1992.

[21] J. Peloza, **Teacher Stands Up Against Censorship: John Peloza Fights To Teach Good Science**, Education Newsline, May/June, 1991.

[22] P.A. Bishop -vs- O.H. Delchamps Jr. et al, No. 91-286 in the Supreme Court of the U.S., October term 1991.

[23] W.R. Provine, **Response to Johnson Review**, Creation-Evolution, Issue No.32, Summer, 1993, pp.62-63.

[24] R.W. Robinson, **The Preachy Professor**, Letter to Editor, Perspective column, Liberty, Sept-Oct. 1991, p.28.

[25] Rutan, Tucker, David C. Larsen, Jeffrey Wertheimer, John E. Peloza vs. Capistrano Unified School District, Board of Trustees of the Capistrano Unified School District ... Memorandum of Points an Authorities in Support of Defendant's Motion to Dismiss, Dec., 16, 1991.

[26] E.C. Scott, **Peloza Lawsuit Dismissed by Federal Judge; Called "Loose Cannon" by Judge**. BASIS, Vol. 11, No. 3, March 1992.

[27] P. Smith, **Killing the Spirit: Higher Education in America**, Viking, New York, NY, 1990.

[28] U.S. District Court, John E. Peloza v. Capistrano Unified School District, et al., Memorandum No. CV 91-5268-DWW (Bx), Jan 16, 1992.

[29] U.S. District Court, John E. Peloza v. Capistrano Unified School District, et al., Order Granting Attorneys' Fees and Costs to Prevailing Party, No. CV 91-5268-DWW (Bx), Apr. 14, 1992.

[30] Wolf, Larry W., **The Preachy Professor**, Letter to Editor, Perspective column, Liberty, Nov-Dec. 1991, p.30.

[31] J.E. Wood, Jr., **Notes on Church-States Affairs**, Journal of Church and State, Autumn, Vol. 34(4), 1992.

[32] C. Zal, **Summary of the John Peloza Case**, Unpublished manuscript, 1992.

[33] ....., John E. Peloza vs. Capistrano Unified School District, Board of Trustees of the Capistrano Unified School Distfict... Opening Brief For Appellant Case No. 92-552228 Appeal.

[34] ....., John E. Peloza vs. Capistrano Unified School District, Board of Trustees of the Capistrano Unified School District ... Memorandum of Points an Authorities in Opposition To Defendants' Motion for Attorneys' Fees, April 6, 1992.

[35] ....., John E. Peloza vs. Capistrano Unified School District, Board of Trustees of the Capistrano Unified School District...Memorandum of Points an Authorities in Opposition to Defendants' Motion to Dismiss January 6, 1992.