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Web site sparks new intelligent design battle at BU

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By **Tim Woods**

Tribune-Herald staff writer

A Baylor University professor is fighting university officials to have the school restore his personal Web site in a battle some link to academic freedom and intelligent design.

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About a week after informing distinguished professor of electrical and computer engineering Robert Marks that his Evolutionary Informatics Lab site would need to be taken down, Benjamin Kelley, Baylor's dean of engineering, ordered the site be removed without Marks' permission, according to Marks' attorney, St. Paul, Minn.-based John Gilmore.

The site, which was on a university server, has been down since early August.

Papers posted on the site included collaborations with William Dembski, former director of the Michael Polanyi Center on the Baylor campus, the first center formed on the campus of a research university to study intelligent design. The Polanyi Center was open from 1999 to 2000 and was at the heart of much debate during that time. Intelligent design asserts that certain things in the universe can result only from an intelligent cause or God.

Evolutionary informatics is separate but "friendly" to intelligent design, Dembski said.

In taking the site down, Kelley "unilaterally shut down this venue of academic freedom," Gilmore wrote in a letter to Baylor general counsel Charles Beckenhauer on Thursday.

According to Gilmore, as well as a series of e-mails between Beckenhauer and Gilmore, Baylor said it took the site offline until sufficient disclaimers and minor changes were made to the site, which would make clear that the evolutionary informatics work is not endorsed by the university or supported by university resources.

Gilmore said that he and Marks have been amenable to Baylor's request for a disclaimer and that they believe the real issue is one of academic freedom.

"I don't think they wanted to take yes for an answer," Gilmore told the *Tribune-Herald* on Wednesday. "(The disclaimer) might not have satisfied the absolutists who don't want anyone at Baylor to think, even on their own time, about I.D. and its related issues. . . . Baylor has an obligation to defend Bob Marks' position. Unfortunately, they've been taking the position of his persecutors. . . . It's viewpoint discrimination."

'Somebody wants a crisis'

Gilmore also said Baylor might be causing themselves more trouble than they hoped for by dragging their feet in restoring Marks' Web site.

"Somebody wants a crisis," Gilmore said. "It's not us, but somebody wants a crisis and I can't, for the life of me, understand it. If the goal is not to draw attention to intelligent design at Baylor and keep it under the radar, this is having precisely the opposite effect."

Baylor vice president for marketing and communications John Barry said Baylor is working with Marks and Gilmore to resolve the matter and denied that the matter has been drawn out because the content is related to intelligent design.

"The entire discussion to date has dealt exclusively with by what means one may or may not associate themselves with Baylor," Barry said. "If it came to our attention that someone in the English department, history department, religion or anywhere else that we had pages out there and people were representing their work to be Baylor's and it wasn't, we would address it the exact same way."

Gilmore, however, says that Marks, who spent 27 years at the University of Washington before coming to Baylor three years ago, has never tried to represent his work as being Baylor-related. He says the parties agreed at an Aug. 9 meeting, attended by Beckenhauer, Gilmore, Marks, Kelley, provost Randall O'Brien and engineering department chair Kwang Lee that "a disclaimer would be put on the Web site and that it would then go back online as the provost had promised at the close of the meeting."

In an Aug. 30 e-mail to Gilmore, Beckenhauer denied that any such final agreement existed.

"You should disabuse yourself and your client that the meeting was a final agreement of any kind," Beckenhauer wrote. "For one thing, I expressly stated we would need to see the proposed fix of a Web site and that there were still indicators that the independent research was being held out as having direct support of Baylor."

Beckenhauer deferred comment to Barry, who said, "So far as he is concerned, this continues to be a matter between the university and Mr. Marks and his attorney. They have ongoing discussions and there is still hope that the parties can work this out to mutual satisfactions. . . . He doesn't want that discussion to take place in the public square; he wants to continue those discussions privately with Mr. Marks and his attorney. That's his position."

Dembski, who has collaborated with Marks on research projects and admits that he has become somewhat of a polarizing figure at Baylor, says he is convinced, despite Baylor's denials, that Marks' site was taken down because of its connection with intelligent design.

"It's not the university's place to put restrictions on it," Dembski said. "I've been at Notre Dame, Princeton, Cornell, the University of Chicago, MIT, and it's just unimaginable that they would mess with a distinguished professor about this. . . . It's just outrageous. If the full story comes to light on this, it's going to look terrible for Baylor. . . . I think what we're talking about here are restrictions on academic freedom."

The Discovery Institute, a conservative Seattle-based think tank known for its connection to intelligent design research, also joined the fray on Friday.

"Baylor University has proven yet again that academic freedom has been thrown off campus and academic persecution is the norm," spokesman Casey Luskin said. "It's simply unconscionable that a major university would so trample a scientist's right to freedom of scientific inquiry."

Barry said that "this is a sweeping statement in which they're trying to brush the entire university

community, and I just don't know on what grounds they make that claim."

Gilmore and Dembski, who was represented by Gilmore during the battle over the Polanyi Center, said they believe Baylor president John Lilley overruled what he says was an agreement after the Aug. 9 meeting to put Marks' site back online.

"The president is the only one who would have the authority to overrule the provost," said Dembski, who is a fellow at the Discovery Institute. "Why didn't it stick? I would have to say it's the president."

Barry said that Lilley would not comment on the matter, as "this is (Beckenhauer's) issue and the dean's issue dealing with a faculty member and Mr. Gilmore."

Regarding the allegation that Lilley overruled an Aug. 9 agreement, Barry said, "That seems to me to be highly subjective. I'm not sure on what grounds Mr. Gilmore (and Dembski) make that conclusion."

Dembski also said that he found at least five labs or groups set up by Baylor faculty that contained no disclaimers stating that the work is not related to Baylor in any way.

"Why is the rationale so different?" he said. "It's because this is intelligent design and intelligent design is so controversial."

Barry said that "to the best of our knowledge, every one of those centers and institutes have a direct connection to the academic program, to the research that has been vetted through the departments, approved by their peers and are endorsed within the schools and then the academic areas. So I don't think the comparisons he's trying to make there are apples to apples."

Barry also reiterated that the content is not the issue and that the two sides will work to come to agreement, at which time the site will be restored.

"We need to just get to a point where it's very clear that an individual is pursuing their own research interests on their own time in a way that it is not directly associated with Baylor in any way," Barry said.

twoods@wacotrib.com

757-5721

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