



# INSTITUTE for CREATION RESEARCH

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October 4, 1994

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Dear Peter:

This letter concerns the Brown/Austin mediation agreement which was established on June 21. Specifically, this letter concerns three matters:

- (1) Endnote #40 and the content of the errata sheet.
- (2) The name of the lake, and
- (3) The "Joint Statement" to be issued by Brown and Austin.

## ENDNOTE #40

My understanding of your September 21 letter is that your letter settled the content of endnote #40. I will abide by that determination and will make the change in the second printing of the book. Because the revision you suggest adds four extra lines to the endnote, I will delete some or all of the second sentence of the endnote to avoid repagination of the book.

ICR intends to insert an errata sheet into remaining copies in our warehouse. The errata sheet will state that the original sentence concerning Walter Brown should be revised to read as you determined. Please state that this is your intention for us to do this because your September 21 letter does not mention an errata sheet. We will confirm that the errata sheet is inserted if you direct us to insert it.

I assume there is no need for me to respond to Walt Brown's objection to the revised endnote #40 as he expressed in his September 28 letter. The content of endnote, I assume has already been settled! If Brown wants to continue the dispute on endnote #40 it will delay the errata sheet.

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### THE NAME OF THE LAKE

The second to last paragraph of your September 21 letter says that Dr. Austin "should now continue using the title Grand Lake as a symbol of his commitment to reconcile with Dr. Brown..." and that this determination "extends to footnote 62 and the main text of his Grand Canyon guide book."

My understanding of the second to last paragraph is that this is your *recommendation*, not your *determination*. You use the words "should now continue using the title Grand Lake." Let me remind you that the "Mediation Agreement" concerns only endnote #40 on page 109. There was no agreement to revise endnote #62 or the text of the book. I heard no mention of endnote #62 at the June 21 meeting. I heard of no objections to the text. It seems like we are going back to the mediation table. I thought the matters to be performed were already decided!

To change the terminology of the book from "Canyonlands Lake" to "Grand Lake" would require eight changes:

Page 94	--	change illustration
Page 103	--	change illustration
Page 103	--	change text
Page 104	--	change text
Page 110	--	change endnote #62
Page 222	--	change text
Page 261	--	delete "Canyonlands Lake" from index
Page 266	--	add "Grand Lake" to index

The business office advises me that this would be very expensive and recommends that these changes *not* be made.

I find significant academic reasons for not wanting to change from "Canyonlands" to "Grand". First, there is the need to have informal terminology which does not lead to confusion. Brown's "Grand Lake", as he has defined it, has different location and elevation than my proposed "Canyonlands Lake". There is also the problem of the duplicate use of "Grand Lake". I mentioned all these matters in the attachment to my August 29th letter.

I believe that the "informal terminology" we use today should be adaptable to later elevation to "formal terminology". In this respect I find "Grand Lake" objectionable. The shorelines of ancient lakes occasionally are displayed on published maps and, because of this use, terminology should conform to national naming standards. My goal is "to get it right the first time", rather than to have to change terminology later because geographic naming codes require.

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Attachment A is "Principles, Policies, and Procedures: Domestic Geographic Names" published in 1989 by the U.S. Board of Geographic Names of the U.S. Geological Survey. Policy VIII (page 18) concerns duplicate names:

"Names proposed for unnamed geographic features that duplicate another name in the state or nearby in an adjoining State will not normally be approved by the U.S. Board on Geographic Names."

Thus, if we made application with the U.S. Board on Geographic Names for formal status of the name "Grand Lake" in Colorado, our name would be disqualified because there is already a "Grand Lake" in the upper Colorado River drainage basin. If we made application for formal status of the name "Canyonlands Lake", we would have no name duplication (see *National Geographic Names Data Base*). I recommend that we continue using the name "Canyonlands Lake" assuming that it will someday be elevated to formal status. Let's get it right the first time. I'm for careful use of terminology.

I have reviewed the policy on duplicate names currently in use by the United States Geological Survey. That policy was approved by the Secretary of the Interior (April 20, 1981). Because our terms were introduced after 1981, I suggest we conform to the appropriate naming policy. "Owens Lake" in central California is formally recognized by the federal government; maps even show its shoreline. However, "Owens Lake" is a non-existent lake, having been drained many years ago by the City of Los Angeles. In the spirit of academic freedom, I find it unconvincing to require "Grand Lake" as a "symbol of commitment," when much more substantial naming policy exists.

#### THE "JOINT STATEMENT"

Attachment B is my recommended joint statement. Thank you for your model statement. It greatly helped my revision. I took two paragraphs from the Robinson version (September 21, 1994) and attempted to preserve the style and tone making a single shorter paragraph. My position is summarized in the single sentence, "Dr. Austin believes that Dr. Brown's summer 1988 field research on erosion of Grand Canyon was impacted by Brown's reading of Austin's April 1988 publication." Brown gets equal space for his summary, "Dr. Brown believes that Dr. Austin utilized information from Brown's 1988 radio interview and Brown's 1989 publication without proper attribution." Then follows are four, not three, points of dispute. You will notice that I have added the fourth point "whether Dr. Brown utilized any of Dr. Austin's contributions without attribution."

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As evidence that this fourth issue is real, I have included Attachment C, a copy of the letter from Dr. D. Russell Humphreys to Dr. Walter Brown (dated October 5, 1993). You will note on page 2 of this letter that Humphreys suggests that Brown may have an obligation of attribution to Austin. I bring this up to illustrate that the fourth issue involved other people, and that it is therefore an issue to be included in the "joint statement" You will also remember that endnote #40 originally read, "Later, after reading Austin's 1988 field guidebook, Walter T. Brown, Jr., offered specific details to the theory." I maintain there is no error in this statement, only a suggestion that Brown found offensive. For the purpose of mediation I will accept your revision, but do not ignore the issue it brings up.

Because I do not want to adopt the name "Grand Lake" in the book, the revision to the book only concerns endnote #40. Thus, my revised "joint statement" reads, "Dr. Austin would rewrite *an endnote* of his Grand Canyon guide book to reflect a greater appreciation for Dr. Brown's contribution in this matter."

Attachment D is my 1989 Grand Canyon guidebook (distributed in February 1989). You will note the lake map which I published before Dr. Brown published his lake map (August 1989). Attachment E is my 1988 Grand Canyon guidebook (distributed March 1988). Walter Brown has acknowledged reading my 1988 guidebook in April 1988, just one month after he started work on the erosion of Grand Canyon. Later, in the summer of 1988, he made his field observations. Would attribution be appropriate?

Let me comment briefly on Dr. Brown's (September 28) version of the "joint statement". I believe that Brown's "joint statement" contains many trivial details which are not needed in this statement. Why do we need a complete abstract of Brown's erosion model? It seems that any allegation that Brown offered at the mediation table (June 21) is appropriate for the "joint statement", even matters which we were told would be confidential. He even writes of mediation matters as if they were settled. There was no settlement.

I am aware of some problems in Brown's "joint statement". On the bottom of Brown's (September 28) attachment E, page 1, we find the statement:

"Did Dr. Austin use any of Dr. Brown's contributions without attribution? Dr. Austin admitted that he got the name Grand Lake from Dr. Brown. However, he denied getting the other details from Dr. Brown. Dr. Austin said his conclusions were based on the work of Dr. Holroyd and others. Dr. Austin has now acknowledged those contributions in a 1994 book."

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This statement implies that Brown did not receive attribution in any of Austin's writings before 1994. Evidently Brown is not familiar with the 1993 Grand Canyon guidebook (Attachment F) which says, "the name 'Grand Lake' was suggested by Walter Brown." (page 106). This statement was distributed by Austin in March 1993, before Brown's letter of June 18, 1993, first complaining to Dr. Austin about lack of attribution.

I am offended by the statement, "Dr. Morris also regretted inaccurate comments he published about Dr. Brown in 1984" (Brown's "Joint Statement", page 2). I did not hear any regret from Dr. Morris, and when he read the statement, he objected.

I will be leaving town on October 15 for two weeks, so I request that all of this proceeding be completed by October 14, not October 19, 1994. If a final determination on the name of the lake and the contents of endnote #40 can be made as soon as possible, we will immediately prepare the errata sheets and order corrections for a new printing.

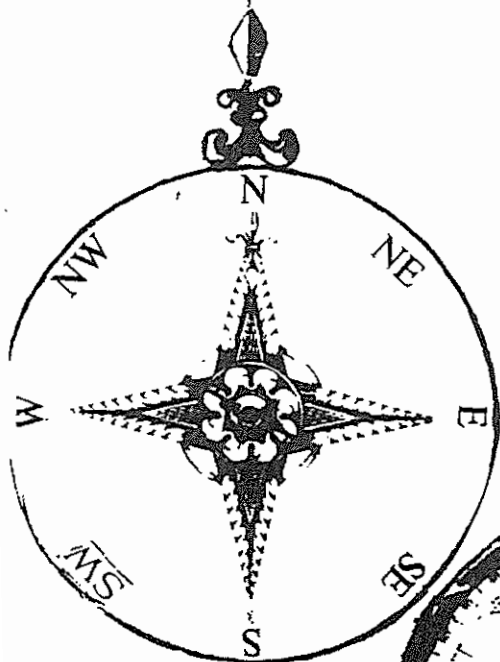
Sincerely,

Steven A. Austin

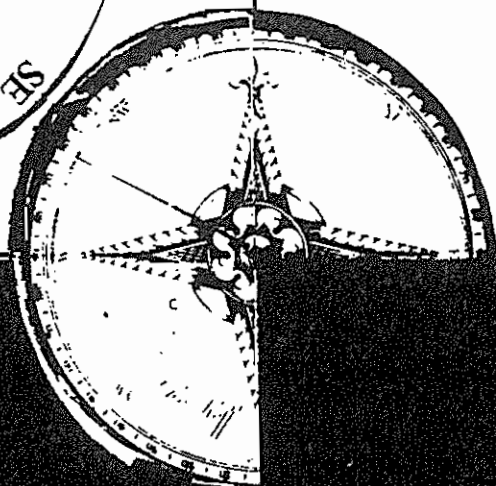
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Attachment A	--	"Principles, Policies and Procedures: Domestic Geographic Names", published 1989 by U.S. Board of Geographic Names
Attachment B	--	Austin's recommended revision to the "Joint Statement" (October 4, 1994)
Attachment C	--	Humphreys to Brown letter (October 5, 1993)
Attachment D	--	Austin's Grand Canyon guidebook (distributed February 1989)
Attachment E	--	Austin's Grand Canyon guidebook (distributed March 1988)
Attachment F	--	Austin's Grand Canyon guidebook (distributed March 1993)

# PRINCIPLES, POLICIES, AND PROCEDURES: Domestic Geographic Names



U.S. Board on Geographic Names



1989

# PEPPERDINE UNIVERSITY

SCHOOL OF LAW  
INSTITUTE FOR DISPUTE RESOLUTION  
Joint Statement

Dear \_\_\_\_\_:

This letter is to inform you about the resolution of the controversy involving Dr. Walter T. Brown and Dr. Steven A. Austin. You were selected to receive this letter as one of the people who was probably aware that a controversy had existed and one who would be interested in knowing of the resolution.

The controversy developed after both Dr. Austin and Dr. Brown published descriptions in 1989 of how Grand Canyon could have formed by breaching of a dam. Publications of Dr. Austin (February 1989) and Dr. Brown (August 1989) included lake maps. The similarity between these explanations initiated a controversy concerning who should be credited with the origin of ideas, whose nomenclature should be used, and whose contributions should receive attribution. Dr. Austin believes that Dr. Brown's summer 1988 field research on the erosion of Grand Canyon was impacted by Brown's reading of Austin's April 1988 publication. Dr. Brown believes that Dr. Austin utilized information from Brown's September 1988 radio interview and Brown's 1989 publication without proper attribution. Lectures and other activities by both scientists resulted in a controversy involving four issues. First, a difference regarding the correctness of Dr. Brown's hydroplate theories. Second, the specifics and significance of Dr. Brown's contributions to advance the "Grand Lake" theory. Third, the issue of whether Dr. Austin utilized any of Dr. Brown's contributions without attribution. And finally, the issue of whether Dr. Brown utilized any of Dr. Austin's contributions without attribution.]

Henry

Dr. Brown, Dr. Austin and Dr. ~~William~~ Morris attended a meeting convened by the Center for Conflict Resolution, a Christian Conciliation Service ministry, in Orange County on June 21, and presided over by the Honorable Jack Crickert, a retired Los Angeles Superior Court Judge, Gregory Wood, a prominent intellectual property attorney, and Peter Robinson, the Associate Director for the Institute for Dispute Resolution and Assistant Professor at Pepperdine University School of Law. The objective of the meeting was to resolve these matters in a matter that would reflect the Christian devotion of both men and permit them to

labor side by side in the advancement of the creationist movement. An intense discussion was held for more than four hours and concluded with many questions unanswered and many issues unresolved between the parties. Even so, Dr. Brown and Dr. Austin agreed that the matter should be concluded on the following terms:

1. Dr. Brown would stop advancing his allegation that Dr. Austin had utilized material generated by Dr. Brown without attribution.
2. Dr. Austin would rewrite <sup>an endnote</sup> portions of his Grand Canyon guide book to reflect a greater appreciation for Dr. Brown's contributions in this matter.
3. That Dr. Brown and Dr. Austin would distribute this joint statement to the 50 leaders of the creationist movement that were aware of and may have been affected by knowledge of this controversy and to any other individual that would raise this matter with either Dr. Brown or Dr. Austin.
4. That Dr. Brown and Dr. Austin would personally cease to discuss the controversy arising over the specifics and significance of the Dr. Brown's contributions toward the Grand Lake theory and allegations of Dr. Austin's using Dr. Brown's material without attribution.
5. That Dr. Brown and Dr. Austin will maintain their professional disagreement regarding the hydroplate theory and explanations for various phenomenon but will promote a collegial and professional interpersonal relationship.

Both Dr. Austin and Dr. Brown respectfully request your prayers and support in their commitment to seek to implement this agreement. Your acceptance of this statement without additional investigation or discussion will be one of the ways that you can be of assistance.

Sincerely,

Dr. Peter Robinson  
Mediator/Arbitrator, Center for Conflict Resolution and  
Associate Director and Assistant Professor of Law  
Institute for Dispute Resolution  
Pepperdine University  
School of Law

Acknowledged by \_\_\_\_\_ and \_\_\_\_\_  
Dr. Steven A. Austin Dr. Walter T. Brown, Jr.



9301 Gutierrez N.E.  
Albuquerque, NM 87111  
October 5, 1993

Walter T. Brown, Ph.D.  
Center For Scientific Creation  
5612 N. 20th Place  
Phoenix, AZ 85016

Dear Walt:

I received the copy you sent me of your 8/19/93 letter to Steve Austin, along with a copy of your 7/6/93 manuscript, "Grand Lake and Breached-Dam Theories: Setting the Record Straight." There are several things concerning me in those two documents that I think you have misunderstood:

1. **I have never heard Steve Austin accuse you of plagiarism.** I have never heard anyone else say that he did so. In fact, I cannot recall him ever mentioning you before this July. Until then, you had never played a significant part in any of our discussions.
2. **I never said that you were "taking credit for Austin's ideas."** What I told Bob Gentry in his phone call to me last June was that *you should acknowledge Steve's work*. I thought it likely that you had thought of the dam-break idea *independently* of (and later than) Steve, and that when you later heard of his work you were simply too egotistic to acknowledge him as a fellow-worker in the field. This is quite distinct from the idea of your deliberately "taking credit" from Steve, an idea I never suggested to Bob or had in my mind. Bob can testify that I never used the word "plagiarism" in the phone call, and he says he told you so.
3. **I never "confirmed" the above to you.** Here are my notes on your 6/28/93 call:

[Brown] finally got in touch ~ 11:00 a.m. Asked me about accusations of "plagiarism." I said I'd asked Gentry if Brown had acknowledged Steve Austin's work. Gentry had said "no." I'd said he [Brown] should do so. [End of notes]

As I hope you can now see, this is not the same as saying that you were "taking credit" from Steve.

4. **Your non-acknowledgement was not the reason I declined Gentry's videotape offer.** Bob *assumed* that was the reason, but he was wrong. I was quite emphatic in your 6/30/93 phone call to me that the reason was *your consistent running away from peer review*, and that I did not want to be associated with that kind of creationism. Here are my complete notes on that conversation:

Today (6/30) Brown called me again ~ 3:00 p.m. Wanted more details. Then he asked me if I'd refused to go on Gentry's videotape because Brown was on it. I said, "yes" & explained why: Brown consistently avoids public peer review & thus does a disservice by peddling his views to an indiscriminating lay public. I spoke very strongly but did not stoop to insult. Nonetheless, I think I've heard the last from Brown. He did not want to accept this view of himself & abruptly terminated the conversation.

You stated on page 12 of your 7/6/93 manuscript, concerning Bob Gentry's phone call to me, that:

Humphreys recent charges, which I personally verified, were not vague.

What "charges"? I made a strong recommendation, that *you should acknowledge Steve*. But it was your own mind which amplified that into "charges." It was that interpretation of your mind which you "personally verified," not any words or intent of mine. Neither Gentry or myself supplied the word "plagiarism"; that, too, was the invention of your mind. Your garbled reporting of my own words makes me wonder how accurate the rest of your account is. I hope, in the interest of truth, you will at least correct your account of my three phone conversations.

### So Where's the Beef?

I don't understand what your beef is with Steve. On page 5 of the manuscript, you say that you began thinking of a breached-dam hypothesis in March 1988. But at the bottom of the same page, you admit that in April 1988 you were reading Steve's description of a breached-dam hypothesis in the 1988 Guidebook, which you know had to be written more than a month previously. *So by your own account, Steve had the breached-dam idea before you did.*

You say on page 6 that in the 1989 Guidebook Steve did not properly credit Ed Holroyd for the map of Grand Lake. That would depend on what Steve and Ed communicated to one another previous to that time. But at the top of page 5 you say that you knew nothing of Holroyd's work until this summer, and apparently you contributed nothing to Holroyd before that time. So the matter of the map is entirely between Steve and Ed Holroyd, and it does not concern you at all.

In your 8/19/93 letter you insist that Steve admit "making false accusations" and "committing plagiarism." As to "plagiarism," you've already admitted that Steve had the essential idea before you, so you cannot be the offended party. So why are you butting in? If Ed Holroyd feels offended, let him come forward and speak for himself.

As for "false accusations," I've already explained that Steve has never accused you of plagiarism in my hearing, and that whatever you make of what I said, I said it independently of Steve. That removes half your supposed evidence and leaves only what you allege (p. 1 of the manuscript) that the Blocks said Steve said, that you "had taken some of his material on the Grand Canyon." Since you admit that Steve had the idea before you, and since you had not been acknowledging him in your talks, it seems to me that if Steve said it, *he would have had some justification for saying so.* Thus if he made such a statement, it would not have been deliberately false.

Therefore I conclude that you personally have no real case against Steve.

### The Way of Robert Hooke

As I mentioned to you on June 30th, you wouldn't have encountered this trouble if you had simply acknowledged in your talks that Steve had also done some work on the same idea. Since 1983, thousands of people have heard Steve mention the dam-break idea in his talks, and when they hear you laying claim to the same idea years later, they are naturally more suspicious of you than him. This would cause justifiable grassroots murmuring, which is probably the only thing behind the vague accusations of "plagiarism" you say you have been receiving the last few years. Thus I think that you yourself are the cause of the rumors damaging your ministry.

Your behavior in this affair reminds me of Robert Hooke, a seventeenth-century scientist who spent a great deal of time and energy attacking Isaac Newton. Hooke claimed that he thought of gravitation first, and he delayed the publication of Newton's *Principia* for some time. Hooke was intelligent and creative, but because of his choleric attacks on other scientists, he never had time to follow up on his own ideas. Today, almost everybody has heard of Newton, but aside from a few freshmen studying elasticity, who remembers Hooke?

In Christ the Overseer of His Servants,

Russ Humphreys

cc: Steve Austin  
Robert Gentry  
Henry Morris