

December 29, 1994 Letter From Brown to Morris



## CENTER FOR SCIENTIFIC CREATION

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*Director*

Dr. Henry Morris  
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December 29, 1994

Dear Henry,

Your entire letter of 20 December is reproduced below. I will comment on each portion of it.

Morris: I have read your letter of December 14th to our ICR Board members. It was our understanding, when we sent you the names and addresses of our Board members, that you would be sending them only the joint statement by the Chairman of our mediation team, as a part of the 50 key people you desired to have this statement.

Brown: When you say "it was our understanding," the reader has the false impression that "our" refers to you and me, and therefore, I broke an agreement we had. Instead, you mean "you and Don Rohrer had that understanding." I never had that understanding, nor did I ever make such a commitment. On 5 October 1994, when I asked Don for the names and addresses of your board members, he refused. (Trying to keep information from your board members is a mistake, in my opinion.) I then wrote back and explained why I needed them. Peter Robinson asked me to provide him with preprinted labels by October 19th for up to 50 people who would receive Peter's letter. When Don finally faxed me the names and addresses, he attached a note saying, "It is requested that these names and addresses be used only for this purpose." I never agreed to that, although I had no plans then to communicate directly with your two boards. Only on December 11th did I make that decision.

Morris: Our agreement was, of course, that if the two sides could not agree on the content of this joint statement, then both sides would be bound by the compromise statement prepared by the chairman of the mediation team. The agreement stipulated that: "Peter Robinson will draft the final language, based on the input from Dr. Brown and Dr. Austin."

Brown: What you say is correct, but incomplete—and therefore misleading. Our mediation on June 21st ended with a good agreement for everyone. It had three parts:

1. An errata sheet would be placed in each unsold Grand Canyon book *if 1000 or more remained*. Peter would resolve any disagreement on what were and were not errors. The errors would not be repeated in future printings.
2. Neither side would attack the other's integrity.
3. A letter would be sent to up to 50 people I selected — people who had heard or inquired about this conflict or who had some need to know (such as board members). They would receive a letter stating what happened. As you said, Peter was to write the letter if Steve and I could not agree on its wording. No one outside our organizations would be told of the matter. If someone asked, they would be given a copy of that letter.

**Steve broke the agreement** by blocking #1 above. He continually evaded my frequent question, "How many books remained?" That question had to be answered before work on an errata sheet could begin. Steve delayed and misled for three months until the book inventory was almost zero.

Attachment A gives the chronology.

Morris: In any case, you have now chosen to make your accusations and threats to both our Board and our Technical Advisory Board. Because our full Board does not meet again until January 21, I will ask one of the local members of the Board to review the entire file in time to make recommendations to the Board at the meeting. The Technical Advisory Board never has meetings, and would not be involved in any decision.

Brown: I know your Technical Advisory Board has no meetings, but they are to give technical advice. I presume you are open to their technical advice, and they are willing to give it. Their names and function are prominently listed on ICR's stationary. I hope it's more than "window dressing." If not, it is misleading. (This reminds me of how ICR listed me in your graduate school catalog from 1981-1982 as a member of your graduate school faculty. I was not, nor was the subject ever raised with me. That too was misleading.)

I will be happy to delay my actions until after your 21 January board meeting. I hope ICR will acknowledge and correct the two problems that were the subject of our year-long correspondence: (1) false derogatory statements and (2) plagiarism. Maybe we can get back to the three elements of our June 21st agreement, listed above. After your local board member has studied *the entire file*, he might want to contact me by phone to verify that we are looking at the same evidence. Doing so before your board meeting might simplify matters. I must disengage from this controversy as soon as possible; it has taken way too much of my time. I was willing to devote the time and effort to it in hopes of resolving it quietly and privately, for the good of the creation movement.

Morris: I would strongly urge you not to carry out your threat to air this material before the enemies of the gospel. This would hurt not only ICR, but the cause of Christ and creationism in general. Has your Board authorized this threat? Do they really agree that it would be right for you to do such a thing?

Brown: As I wrote you in my letter of December 14th, "My board members unanimously agree with these steps."

Morris: Please remind your Board first of the "Mediation Agreement" which you endorsed on June 21 in the presence of six witnesses. This agreement includes the following commitments:

- "4. Communication regarding disputes between parties will not be circulated to anyone."
- "7. All parties agree not to make comments that will attack the other's integrity."

Brown: Again, Steve broke the agreement. Three times I wrote Peter and you or Steve, explaining why I considered the agreement broken. The letters were ignored. An appropriate response by you, Henry, would have been an apology with a promise to get things "back on track" or to make amends. I would have accepted either one.

Minutes after our mediation session began, you asked who could be told what transpired at the mediation. I suggested that we address that question at the end of the mediation. Everyone agreed. When that time came, you said that people at ICR were aware of the conflict and would want to know what happened. You wanted to inform them. I concurred, and added that we have a responsibility to keep our board members informed as well. Any communication I have with your board members is therefore not a violation.

I have not communicated, either orally or in writing, anything about the mediation outside our

organizations. That will continue. References to what happened at the mediation will be removed from what is mailed out.

Morris: Once again, as we have often done before, we categorically deny all your charges.

Brown: If you and Steve have done nothing wrong, then my giving copies of the file to a few others will do you no harm. It could harm me. Even "an enemy of the gospel" would make a serious mistake if he accepted and repeated my charges without being able to back them up with what you and Steve wrote. Otherwise, you could cut their accusations to ribbons and discredit them when the charges were aired. But if you and Steve have done something wrong and will not acknowledge and correct it, then *your decision* to continue "stonewalling" will hurt our common causes. We both know that the three people who will receive the file will read it over very carefully.

The issues are ethics and integrity, not creation and evolution. I presume you are aware of the prominent cases of plagiarism that have made headlines in the scientific literature during the last several years. This is most serious.

Morris: We finally agreed, at your insistence, to go to the mediation group.

Brown: Not quite. I wanted our dispute arbitrated, not mediated. (Arbitration is binding and legally enforceable; mediation seeks compromise.) Only by having an independent, and hopefully diligent, person decide the truth of the matter, could we put it behind us. I was willing to live by an arbitrator's decision. My opposition to mediation was that many mediators seek harmony by "splitting the difference." They also tend to not push hard to get at the truth, because that could create disharmony. Peace at any price may be their objective.

After many months, you and Steve finally agreed to arbitration. While we were looking for a fair and thorough arbitrator, you both said you wanted mediation, not arbitration. Finally we compromised by agreeing to mediate first, and then arbitrate any unresolved matters. That was the understanding I and the conflict-resolution attorneys had for several months. Steve (and I believe you also) then retained a personal attorney. I was asked if Steve's could be present at the mediation-arbitration. I agreed. Then just two workdays before the process was to begin, you announced that you would not arbitrate under any condition. The conflict-resolution attorneys were as shocked by your announcement as I. I had one hour to decide whether to mediate and run the risk of not reaching an accurate, binding decision. The alternative was to break all communication with you and go public in some way. I chose to give mediation a try.

Morris: That hearing was supposed to be kept confidential, and I therefore cannot refer to any tape or transcript of the proceedings.

Brown: I hereby give you permission to tell anyone anything that transpired at the mediation. Will you and Steve be equally open?

Morris: However, it is not true that "Steve was caught lying", as you claimed.

Brown: Hours after the mediation, I began to make an accurate and detailed memorandum of what happened and who said what. The following exchange between us relates to whether or not "Steve was caught lying." (The words in brackets were not spoken at the mediation. They are included for clarity or amplification.)

I asked Austin if he had recently mailed a letter asking for criticism of me. Austin looked

puzzled and said he had not. I looked him in the eye, waited for a few seconds, and said that he had done so. A few more seconds of silence passed. "You even sent a draft of what you wanted said, but asked him to put it in his own words. You suggested it say 'Walter Brown had taken work belonging to others and some people were bothered by it.' Finally, you said, 'There was no need to contact Walter Brown.'" More silence [while I decided whether to mention my source of information]. "You sent such a letter to Xxx Xxxxxx." Austin then said that he had made a phone call to Xxx. I contradicted Austin saying, "No, you sent a letter, and that letter was read to me over the phone." I repeated the gist of his letter. Austin finally agreed that he had. I asked him why he had not contacted me first if he felt I had done something wrong. Austin did not answer. I told him doing so would be the Biblical approach, and he might have been surprised had he done so.

I then asked Morris, "Henry, were you aware that Steve was doing this?" Morris stammered, but didn't answer. [This spoke volumes.] I then said, "This is an example, Henry, of derogatory and damaging things from ICR being spread about me." Finally, with a puzzled look on his face, Morris seemed to recall hearing about some contact being made with Xxx Xxxxxx. Austin then told us what Xxxxxx said. Again, I had to contradict Austin. "Xxxxxx only declined to make a statement. I know, because Xxxxxx sent me a copy of his letter back to you." Austin was silent.

[Austin had just been caught lying. I didn't dwell on it, but everyone in the room heard it. I have always been impressed with how sincere Steve Austin sounds when denying any wrongdoing. Even with the evidence of his false statements in front of me, his denials have sounded so convincing that I wondered if somehow the evidence was wrong, or if he had fooled himself. It is always best to follow the evidence.]

Henry, if you and Steve have a different recollection of what was said, please spell it out in some detail. Then we can discuss it in depth. I asked for such a response from Steve and Peter on 6 September but have heard nothing. In a phone call I had with Steve on 4 August, I brought up the "lying" episode. Steve's only response was, "I don't want to talk about it."

Morris: Neither is it true that he deliberately and deceitfully broke our mediation agreement." If your are referring to the delay in getting an errata sheet inserted in the first printing of the Grand Canyon book, the delay was at least as much your fault as Steve's.

Brown: Completely wrong. Attachment A lays out the chronology of Steve's delaying and misleading tactics. Since I sent you a copy of it on 18 November, you know exactly what I am referring to. On 5 July, I mailed Steve seven pages detailing the errors in his book that related to our controversy. They included a suggested wording of the errata sheet. On 25 July, he wrote back saying he was "extremely busy," and that "The first printing of *Grand Canyon: Monument to Catastrophe* will soon be exhausted." In other words, he was implying there was no need for an errata sheet. The "stonewalling" continued for months. Although Peter Robinson was sent copies of all our correspondence, he said and did nothing. When Peter finally wrote Steve and me on 21 September, no mention was made of an errata sheet, even though that was the key element of our mediation agreement.

Morris: We could not prepare an errata sheet until the two of you could agree as to what "errors" were to be corrected, and this agreement was never achieved. In fact, it finally had to await Peter Robinson's compromise statement, because you and Steve never could agree on what it should say.

Brown: The "ball was always in Steve's court," as I outlined above. He maintained for months that an errata sheet was not needed, because the books were almost gone. When Peter first mentioned the errata sheet on 14 November, it was too late. By then, Steve was saying only 144 books remained.

Morris: Have you considered the possibility that you yourself breached the June 21 Mediation Agreement? Why was your board member Bill Ball making statements in July to Dr. Russell Humphreys and Robert Walsh concerning these mediation discussions?

Brown: I explained this in detail to Steve and the mediators in a letter dated 1 August 1994. Many at the conference were aware of and talking about our controversy. A friend from a foreign country even wrote me about it after the conference. I don't know who started talking about it, since I was not there. But I do know that ICR's representation at that conference was at least ten times CSC's. Presumably, the ICR people all knew ICR's version of the controversy. Bill Ball said that Russ Humphreys expressed the opinion that I had taken material from Steve. Since Bill knew what had happened, this distortion angered him and resulted in him saying a little of what he knew. Both Bill and I regret his comments, as I stated in my 1 August letter.

Morris: Your letter of December 14th to the ICR Board and Technical Advisory Board now both threatens to disavow its decision, and also attacks our integrity.

Brown: You're right; our integrity is at issue: yours, Steve's, and mine. I am willing to place all details "on the table" so anyone can make a judgement. Are you?

Morris: Walter, once again, I would urge you and your board to let this matter rest. That is what you agreed to do at the June 21 meeting. Regardless of who is at fault--and each of us seems convinced it is the "other side"--it can only harm the cause to which we both are dedicated, to let this argument go on.

Brown: You and Steve have made five or six major miscalculations. Each made it harder for you to deal with the problem. Please don't add one more to the list by trying to "sweep the problem under a rug." The first miscalculation was in March of 1991 when I wrote and asked you to stop the false and derogatory comments about me coming from ICR. You personally started it, Henry in 1984, as I explained to you in a detailed letter. In that letter I said if it continued, I would need to respond in a broader way. I also offered to meet with you privately to discuss other details. You ignored my offer.

The second miscalculation came in June of 1993 when I wrote Steve and asked if he had been telling others that I had taken his material. He denied it. Nevertheless, two very credible people, willing to testify, heard it directly from Steve after a speaking engagement he gave on 3 November 1990 in Beloit, Wisconsin. They were shocked. While Steve might have forgotten what he said, he certainly would not have forgotten how he felt. But when I asked him if he ever felt that I had taken his material, there was a long, awkward pause, and finally a not-very-convincing denial. If this was just a misunderstanding, the first thing one would expect Steve to do would be to talk it over with the two witnesses I named. Steve has yet to do this.

Another miscalculation concerned things Steve put in his May 1994 book. While he was obviously trying to protect himself by the words he chose, a mutual friend of the three of us told me that Steve dug the hole he is in even deeper. One falsehood, which few would catch, is Steve's statement on page 109: "Post-Flood ponding of water east of Grand Canyon behind a tectonic upwarp was suggested as the cause leading to cutting the Canyon by Steven A. Austin and John H. Whitmore, .

.. 1986, p. 48." That hard-to-get document says nothing of the kind. As with Steve's backdating his 1989 Guidebook, this appears to be an attempt to predate what I published in 1989 and what I was saying in large forums during the fall of 1988. When I discussed this with Steve, all I got was irrelevant, and in some cases incorrect, geological jargon. Henry, you and your local board member ought to study that document carefully. But watch out for attempts to intimidate with geological jargon.

I will not list the other miscalculations. They are described in the file. Each involves an unwillingness to recognize and admit a problem, attempts to "sweep the matter under the rug," digging a deeper hole, failure to realize what would happen next, and underestimating my resolve.

Morris: In the meantime, I am enclosing a small personal end-of-the-year donation. Even though we disagree on details, I do appreciate the fine contribution your ministry is making to the vital truth of young-earth creationism. I trust you will have a good Christmas and New Year.

Brown: Thank you. I do appreciate ICR's unwavering stand for young-earth creation and a global flood. I also hope you and your family have a good New Year.

A good way to start the year is to have a board member, whose judgement you value, study this matter in great detail for at least a week. Then give him full authority to choose ICR's course of action out of this conflict. If he agrees with me that serious mistakes were made within ICR and corrective steps are needed, then he will find me easy to work with. Doing so face-to-face in my office would be best, since I have all the references at my fingertips and much supportive information. We could jointly complete several short writing efforts, quickly and simply. The solution might be similar to the three points from the 21 June mediation.

If that person does not feel that serious mistakes were made, then the conflict will be presented to a much larger audience within several weeks. I am not going to engage in other time-consuming correspondence on this. We have exchanged over forty letters without resolving this. That is enough.

Sincerely,

/S/

Walt Brown

cc: ICR and CSC Board Members

## Memorandum of Communication on the Book-Count Issue

21 June 1994

In the presence of the mediators, Austin asked if we could omit the errata sheet since a new printing will come out soon. Brown proposed that the errata sheet be omitted only if less than 1000 copies of his book remained. Everyone agreed.

5 July

Brown wrote Austin and asked, "Please let me know how many copies of your book were printed and how many remain."

25 July

Austin wrote, "The first printing of [my book] will soon be exhausted."

1 August

Brown faxed Austin a letter and said that his statement of 25 July did not answer the question. "Please let me know how many copies of your book were printed and how many remained on June 21st." He also asked how many books were printed and how many currently remained. Brown said he would call the next day for an answer.

4 August

Austin returned Brown's call. Austin said he did not know the answers, even the number of copies of his book that were printed. Brown asked Austin if he would ask Don Rohrer, ICR's business manager, how many books remained. Austin replied: Don doesn't know. He would have to go looking the warehouse. Why do we need an inventory? We should be working on the content. The books were not inventoried. We are running low.

5 August

Brown wrote Austin that since ICR was not reprinting the book now, it was safe to conclude that more than 1000 books remained on 21 June. Austin was to contact Brown if that was incorrect.

22 August

Austin called Brown and said that he just counted the number of books in the warehouse. Only 750 copies remained. He could not say how many remained on 21 June, how many were printed, or when they would reprint. Brown explained why the last two questions would allow us to estimate how many books remained on 21 June.

29 August

Austin wrote, "Less than 800 copies of [his book] remain. . . . thus we need to prepare for the second printing of the book almost immediately."

6 September

Brown wrote Peter Robinson, with a copy going to Austin, and discussed in detail the book-count issue. We needed to know how many books remained, not how many were in a warehouse. Many books are in packing and shipping areas. Brown explained that Don Rohrer most certainly had the answer at his fingertips. Robinson did not respond in any way to the problem.

27 September

Brown called Austin and ask if he would join Brown in a conference call to Don Rohrer and ask how many books remained. Austin was adamant, "I will not." Brown said that he would then call Don Rohrer himself. Austin said that Rohrer would tell Brown, "It's none of your business."

28 September

Brown called Don Rohrer and explained why he need to know how many copies remained. Rohrer said that **more than 1100 books remained in August**. An inventory is taken each month.



