



Written by [Dave Bohon](#) on January 20, 2011

“Potentially Evangelical” Professor Wins Lawsuit Against Kentucky U.

In 2007, Martin Gaskell, who now serves as a research fellow at the University of Texas-Austin, was one of two finalists in the University of Kentucky’s search for a founding director of its MacAdam Student Observatory.

Early in the search the committee had described Gaskell as “superbly qualified” and “breathtakingly above the other applicants,” and said that he had “already done everything we would want the observatory director to do.”

But when one of the search committee members noticed an article, entitled “Modern Astronomy, the Bible and Creation,” posted on Gaskell’s website, Gaskell was tagged as “potentially evangelical” and passed over in favor of a former student of the university.

In his ruling against the university, reported [Baptist Press News](#), U.S. District Judge Karl Forester wrote that “the head of the search committee admitted in an e-mail to the chair of the physics and astronomy department that ‘no objective observer could possibly believe that we excluded Martin on any basis other than religious.’”

In addition, the judge noted that the head of the physics and astronomy department had conceded that “the debate generated by Gaskell’s website and his religious beliefs was an ‘element’ in the decision not to hire Gaskell.” He added that the head of the search committee wrote that “other reasons will be given for the choice ... but the real reason we will not offer him the job is because of his religious beliefs in matters that are unrelated to astronomy or to any of the other duties specified for this position.”

One search committee member, astrophysics professor Moshe Elitzur, warned that hiring Gaskell would be a “huge public relations mistake,” according to the *Lexington Herald-Leader*, and an e-mail in the court records, written by one of the search committee members, reads, “Moshe predicts that he would not be here one month before the *Herald-Leader* headline would read: ‘UK hires creationist to direct new student observatory.’”

Ironically, Gaskell has stated that he is not a creationist and, as reported by BP News, “His website commentary includes regret that creationists ‘attack’ the science of evolutionists. While there are significant scientific problems in evolutionary theory, he said, the ‘real problem with humanistic evolution is the unwarranted atheistic assumptions and extrapolations.’”

The university agreed to pay \$125,000 to Gaskell, who was represented in the case by the American Center for Law and Justice (ACLJ).





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“In bringing this case and successfully resolving it we believe we have shed some light on a problem that is by no means limited to the University of Kentucky,” said Frank Manion, senior trial counsel for the ACLJ.

Gaskell’s lawsuit was predicated on the Civil Rights Act of 1964, which prohibits employers from using race, color, religion, sex, or national origin in hiring decisions.

Jay Sekulow, president and chief counsel for ACLJ, said that “the reaction of some of those involved in this hiring process to a scientist who dared to be open about his Christian faith is, unfortunately, fairly typical of academia generally.... We can only hope that this case will send a message throughout academia that religious intolerance is just as unlawful as other forms of prejudice and bias.”

But John F. McManus, president of the John Birch Society, notes that Sekulow’s comment demonstrates how far Americans are slipping in their understanding of what government should and shouldn’t do. “The fact that the University of Kentucky’s actions could be ruled ‘unlawful’ shows the problem that is inherent in the Civil Rights Act of 1964,” said McManus. “While the university might have been negligent in not hiring Gaskell, who was clearly the best candidate for the position, to make those actions criminal is absurd. Racial and ethnic bigotry, religious intolerance, and other hatreds are all wrong. But our Constitution never gave government the power to force people to do what is right. That kind of conduct can only come from within each person.”



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