

The Liberal University and Its Perpetuation of Evangelical Anti-Intellectualism

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I. INTRODUCTION

There is a battle in our country. One side's ammunition consists of words like elitist, immoral, and secular; the other's: simple-minded, extreme, and illogical. This battle forced Barack Obama's campaign to downplay his professorship at a prestigious law school. It drives conservative Christians away from public universities,¹ pits academics against Evangelicals, and sets liberal college professors against Southern pastors. This Comment discusses the battle between the anti-intellectual religious right and the anti-evangelical² academic left. While this Comment attempts to explain this dichotomy in some detail, it focuses on how the dichotomy affects the goals of the liberal left and impedes the progress of American society, and it argues that American universities perpetuate, rather than reduce, evangelical anti-intellectualism.

Part II of this Comment discusses the history of anti-intellectualism and the factors that have led to the current state of anti-intellectualism among Evangelicals. Part III examines the significant role Evangelicals play in modern politics and the curtailing effects of anti-intellectualism on implementing the liberal agenda and on social progress generally. Part IV discusses liberal universities, liberal university faculty, and, by

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1. Mike S. Adams, *Forward This Column or Get Stuck on Stupid*, ONENEWSNOW, Apr. 9, 2008, <http://www.onenewsnw.com/Perspectives/Default.aspx?id=75211>.

2. In this Comment, I choose to use the term "anti-evangelical" as opposed to "anti-religious." As this Comment explains in Part IV, liberal university faculty members are often more tolerant of Judaism, Catholicism, and Islam, for example, than they are of Fundamental Christianity. Alan Cooperman, *Is There Disdain for Evangelicals in the Classroom?*, WASH. POST, May 5, 2007, available at http://www.washingtonpost.com/wp-dyn/content/article/2007/05/04/AR2007050401990_pf.html (citing a study conducted by the Institute for Jewish and Community Research).

examining *Association of Christian Schools International v. Stearns*,³ how liberal political attitudes impede Evangelical access to universities, perpetuating anti-intellectualism. Part V examines the ineffectiveness of constitutional remedies to cure this impeded access to universities and urges a shift in the mindset of university faculty. Finally, Part VI concludes this Comment by arguing that evangelical anti-intellectualism can be curtailed by improving Evangelical access to American universities.

It is important, first, to define anti-intellectualism. Richard Hofstadter⁴ stressed the distinction between intelligence and intellect. Intellect, he stated,

is the critical, creative, and contemplative side of mind. Whereas intelligence seeks to grasp, manipulate, re-order, adjust, intellect examines, ponders, wonders, theorizes, criticizes, imagines. Intelligence will seize the immediate meaning in a situation and evaluate it. Intellect evaluates evaluations, and looks for the meanings of situations as a whole. Intelligence can be praised as a quality in animals; intellect, being a unique manifestation of human dignity, is both praised and assailed as a quality in men. When the difference is so defined, it becomes easier to understand why we sometimes say that a mind of admittedly penetrating intelligence is relatively unintellectual; and why, by the same token, we see among minds that are unmistakably intellectual a considerable range of intelligence.⁵

Thus, intelligence is the capacity to understand, while intellect is the willingness to question that understanding.⁶ Anti-intellectualism is hostile towards the act of questioning one's understanding. As explained below, anti-intellectualism manifests itself as a mistrust of intellect, not intelligence. This mistrust is prevalent today in some sects of American society.

3. *Ass'n of Christian Sch. Int'l v. Stearns (Stearns I)*, No. CV 05-6343, 2008 WL 7396967 (C.D. Cal. Mar. 28, 2008) (order denying plaintiffs' motion for summary judgment and granting defendants' motion for partial summary judgment).

4. Richard Hofstadter is the author of the Pulitzer Prize winning book *Anti-Intellectualism in American Life*.

5. RICHARD HOFSTADTER, *ANTI-INTELLECTUALISM IN AMERICAN LIFE* 24–25 (1962).

6. *Id.* at 30.

Whatever the intellectual is too certain of, if he is healthily playful, he begins to find unsatisfactory. The meaning of his intellectual life lies not in the possession of truth but in the question for new uncertainties. Harold Rosenberg summed up this side of the life of the mind supremely well when he said that the intellectual is one who turns answers into questions.

Id. By adopting Hofstadter's distinction between intelligence and intellect, this Comment emphasizes the notion that anti-intellectualism is not a by-product of unintelligent people. As Hofstadter noted, intellectuals can be both intelligent and unintelligent. *Id.* at 25. The same is true for anti-intellectuals. *Id.*

II. EVANGELICAL CHRISTIANS AND ANTI-INTELLECTUALISM

Evangelical Christians⁷ are characterized not only by their Christian faith, but also by their literal interpretation of the Bible and rejection of the secular world. Known also as Christian Fundamentalists or Born-Again Christians, Evangelicals believe that Christianity is “the one true religion” and that whatever or whoever contradicts the Bible is wrong.⁸ They regard the Bible, Christian doctrine, and other Christian authority, as absolute, unchangeable guarantors of truth, a truth open to neither “criticism nor reduction.”⁹ Because of this belief, many Evangelicals seek an existence less influenced by the secular world. For example, Evangelicals often home school their children and limit exposure to outside media.¹⁰

While biblical literalism and rejection of the secular world provide the cornerstones of the evangelical anti-intellectual phenomena, multiple other factors have led to the culture of anti-intellectualism that exists today among Evangelicals.¹¹ Generally, evangelical anti-intellectualism is a result of four distinct yet related anti-intellectual influences. The first is what this Comment refers to as religious anti-intellectualism. Religious rejection of intellect, as it is defined above, stems from a fear that intellectualism leads to questioning the divine and adopting the scientific and secular.¹² This fear is not a new phenomenon among religious fundamentalists. Rejection of “human learning,” not related to spiritual development, emerged as early as the sixteenth century among radical religious circles.¹³ Puritans, for example, valued “experimental knowledge,” which came only through direct knowledge of God and would be hindered by human learning.¹⁴ Religious anti-intellectualism fosters skept-

7. While Evangelical Christians are not a homogenous group, this Comment will focus on prevalent views and political tendencies within the group. Clearly, there are exceptions within the Evangelical population. Likewise, there are exceptions within the academic community, the group discussed later in this Comment. *See infra* Part IV.

8. *See* Frederick Mark Gedicks, *Religions, Fragmentations, and Doctrinal Limits*, 15 WM. & MARY BILL RTS. J. 25, 29 (2006).

9. *Id.* (citing BRUCE B. LAWRENCE, *DEFENDERS OF GOD: THE FUNDAMENTALIST REVOLT AGAINST THE MODERN AGE* (1989)).

10. *See* NationMaster.com, *Christian Fundamentalism*, <http://www.nationmaster.com/encyclopedia/Christian-fundamentalism> (last visited Feb. 19, 2010).

11. *See* HOFSTADTER, *supra* note 5, at 131–36. Anti-intellectualism does not exist only within the Evangelical culture but is pervasive amongst conservatives as a whole. *Id.*

12. *See id.* at 125–29.

13. Assaf Likhovski, *Protestantism and the Rationalization of English Law: A Variation on a Theme by Weber*, 33 LAW & SOC'Y REV. 365, 371–72 (1999).

14. *Id.*

ticism and rejection of science as it did in the early twentieth century during the Scopes trial¹⁵ and can ultimately affect government policy.

The second anti-intellectual influence, social anti-intellectualism, is pervasive in American culture. Social anti-intellectualism stems from what Hofstadter called “a categorical folkish dislike of the educated class and of anything respectable, established, pedigreed or cultivated.”¹⁶ Social anti-intellectualism is based on the resentment of intellect due to its connection to power and privilege.¹⁷ Even as early as the 1824 election between John Quincy Adams and Andrew Jackson, Americans started to show skepticism toward intellectuals in positions of power.¹⁸ Similar to the view that educated clergy members did not have unadulterated access to God, many Americans began to view educated politicians as “detached” and unable to relate to the general public.^{19,20} This attitude still pervades American politics and political campaigns in particular.²¹

15. See HOFSTADTER, *supra* note 5, at 126–29. John T. Scopes was a Tennessee school teacher who faced criminal charges in 1925 for teaching the theory of evolution to his class. *Id.*

When Clarence Darrow said at Scopes’s trial that “every child ought to be more intelligent than his parents,” he was raising the specter that frightened the fundamentalists most. This was precisely what they did *not* want, if being more intelligent meant that children were expected to abandon parental ideas and desert parental ways. “Why, my friend,” said William Jennings Bryan during trial, “if they believe [evolution], they go back to scoff at the religion of their parents. And the parents have a right to say that no teacher paid by their money shall rob their children of faith in God and send them back to their homes, skeptical, infidels, or agnostics, or atheists.”

Id. at 127 (citing BRYAN AND DARROW AT DAYTON 70 (Leslie H. Allen ed., 1925)) (edited from the trial record and other sources).

16. See HOFSTADTER, *supra* note 5, at 12.

17. *Id.* at 34.

18. *Id.* at 159.

19. *Id.* at 154–55.

As popular democracy gained strength and confidence, it reinforced the widespread belief in the superiority of inborn, intuitive, folkish wisdom over the cultivated, oversophisticated, and self-interested knowledge of the literati and the well-to-do. Just as the evangelicals repudiated a learned religion and formally constituted clergy in favor of the wisdom of the heart and direct access to God, so did advocates of egalitarian politics propose to dispense with trained leadership in favor of the native practical sense of the ordinary man with its direct access to truth. This preference for the wisdom of the common man flowered, in the most extreme statements of the democratic creed, into a kind of militant popular anti-intellectualism.

Id.

20. *Id.* Social anti-intellectualism and religious anti-intellectualism are not mutually exclusive. As early as the eighteenth century, the goal for Evangelical preachers was saving souls as quickly as possible. *Id.* at 97 (“The Methodist leaders were aware, as their critics often observed, that they appealed to the poor and the uneducated; and they proposed to make a virtue of it.”). Thus, Evangelical preachers rejected intellectualism both because of the religious principles discussed above and because of a desire to connect to the general, uneducated public for the purpose of converting individuals to Christianity. *Id.*

21. Nicholas D. Kristof, *Obama and the War on Brains*, N.Y. TIMES, Nov. 9, 2008, available at http://www.nytimes.com/2008/11/09/opinion/09kristof.html?_r=1&scp=6&sq=anti-intellectua

The third anti-intellectual influence, political anti-intellectualism, has influenced the evangelical culture and has been fostered by the connection between Evangelicals and the Republican Party.²² While not all Evangelicals are politically conservative, in the 2004 election, 78% of Evangelicals voted for George W. Bush.²³ In fact, studies have indicated that religion, second only to race, has become the most important social attribute determining vote choice in American elections since the first Clinton election.²⁴ The religious right, consisting in large part of Evangelicals, has essentially adopted the political agenda of the Republican Party.²⁵ As a result, the Republican Party is in a position to foster anti-intellectualism and to benefit from its prevalence. As explained above, intellectuals are characterized by their willingness, whether appropriate or not, to question the status quo. Republicans—namely those with political leanings stemming primarily from fiscal conservative values as opposed to a connection to a specific religious doctrine—are characterized by a desire to maintain the status quo.²⁶ Influential Republicans are often financially served by the status quo and by encouraging a social

ism&st=cse. Kristof identifies President Kennedy as the last president before President Obama to campaign openly as an intellectual, pointing to President Nixon's self-loathing, President Clinton's folksy disguise, and President Bush's "anti-intellectualism as administration policy" approach. *Id.*

22. HOFSTADTER, *supra* note 5, at 131.

[Evangelicals'] heightened sense of isolation and impotence helped to bring many of the dwindling but still numerically significant fundamentalists into the ranks of a fanatical right-wing opposition to the New Deal. The fundamentalism of the cross was now supplemented by a fundamentalism of the flag. Since the 1930s, fundamentalism has been a significant component in the extreme right in American politics, whose cast of thought often shows strong fundamentalist filiations.

Id.

23. Mark R. Thompson, *When God Collides with Race and Class: Working-Class America's Shift to Conservatism*, 68 U. PITT. L. REV. 243, 246 (2006).

24. Louis Bolce & Gerald De Maio, A "Prejudice" for the Thinking Classes: Media Framing of the New Religious Divide, Political Sophistication, and the Christian Fundamentalist 12 (Jan. 3, 2007) (unpublished manuscript on file with author), available at http://www.allacademic.com/meta/p_mla_apa_research_citation/1/4/3/7/1/pages143719/p143719-1.php.

25. See Thompson, *supra* note 23.

26. Merriam-Webster Online Dictionary, defines conservatism as follows:

1 [] a: the principles and policies of a Conservative party[,] b: the Conservative party[,] 2 a: disposition in politics to preserve what is established[,] b: a political philosophy based on tradition and social stability, stressing established institutions, and preferring gradual development to abrupt change; *specifically*: such a philosophy calling for lower taxes, limited government regulation of business and investing, a strong national defense, and individual financial responsibility for personal needs (as retirement income or health-care coverage)[;] 3: the tendency to prefer an existing or traditional situation to change).

Merriam-Webster Online Dictionary, <http://www.merriam-webster.com/dictionary/conservatism> (last visited Mar. 25, 2009).

structure where, for example, estate taxes do not exist,²⁷ climate change legislation cannot affect big business,²⁸ and the minimum wage is not increased.²⁹ From 2000 to 2008, the Bush Administration, in implementing its policy, stressed that an unquestioned loyalty to Republican leaders is a prerequisite for patriotism and Christianity.³⁰ This blind loyalty, combined with the Republican Party's resistance to increasing teacher salaries and school budgets, only perpetuates what some have called the "dumbing down"³¹ of American society. Through this dumbing down, Republicans have been able to maintain the support of many middle class conservatives, even when the Party's ideals work contrary to middle class interests.

The fourth anti-intellectual influence stems from the antagonistic relationship between evangelical students and the American university. Part IV will delve deeper into the liberal leanings of many American universities, the bias against evangelical students across campuses nationwide, and how those factors combine to perpetuate evangelical anti-intellectualism.

III. THE EFFECTS OF EVANGELICAL ANTI-INTELLECTUALISM ON SOCIETY

Part II discussed four influences that have led to the current state of evangelical anti-intellectualism. This Part explains the negative effects evangelical anti-intellectualism has on society in light of newfound evangelical political power. Subpart *A* discusses the importance of the evangelical political influence. Subparts *B* and *C* discuss how anti-intellectualism facilitates evangelical support of Republican ideals,

27. See generally Bruce Bartlett, *Republican Rigidity*, FORBES, Dec. 31, 2009, available at <http://www.forbes.com/2009/12/30/republican-voting-politics-government-opinions-columnists-bruce-bartlett.html>.

28. See Erika Lovely & Lisa Lerer, *Climate Change: GOP Turns on Business to Fight Measure*, POLITICO, May 19, 2009, available at <http://www.politico.com/news/stories/0509/22734.html>.

29. See Shailagh Murray, *Minimum Wage Increase Fails*, WASH. POST, June 22, 2006, available at <http://www.washingtonpost.com/wp-dyn/content/article/2006/06/21/AR2006062101069.html>.

30. See Amanda Harmon Cooley, *God and Country: The Dangerous Intersection of Religion and Patriotism in the First Term of the George W. Bush Administration*, 16 KAN. J.L. & PUB. POL'Y 157, 159 (2006–2007).

It appears that this struggle has crystallized into a question of whether it is the religious and/or patriotic duty of Americans to support all of the actions of the Administration in the war against terrorism. In other words, whether or not the "way ordinary citizens are supposed to exhibit religious nationalism when the nation-state gets ready for war—whether the war is wise or foolish, right or wrong, the American thing to do—the religious thing to do—is to support it?"

Id. (quoting Thomas L. Shaffer, *Nuclear Weapons, Lethal Injection, and American Catholics: Faith Confronting American Civil Religion*, 14 NOTRE DAME J.L. ETHICS & PUB. POL'Y 7, 11 (2000)).

31. See CHARLOTTE THOMSON ISERBYT, *THE DELIBERATE DUMBING DOWN OF AMERICA* (1991).

which may sometimes be contrary to evangelical religious doctrine and personal interests. Additionally, subparts *B* and *C* examine how evangelical support of the Republican Party negatively affects the liberal political agenda. Finally, subpart *D* discusses the large-scale effect of anti-intellectualism by evaluating its hindrance of social progress as a whole.

A. Evangelical Political Influence

The evangelical vote matters. Christian Evangelicals today make up a large majority of the religious right in America. Although the political influence of Evangelicals became evident during the prohibition movement in the early twentieth century,³² it was not until recent years that Evangelicals developed a political voice of great magnitude.³³ The National Association of Evangelicals has recognized this change. In an article calling Evangelicals to action, the Association stated that “never before has God given American [E]vangelicals such an awesome opportunity to shape public policy in ways that could contribute to the well-being of the entire world.”³⁴ Anti-intellectualism, however, is hindering the ability of Evangelicals to effectuate their own unique, Christian platform. Rather, Evangelicals have simply become a driving force behind the Republican Party despite the Party’s inattention to issues presumably important in Christian doctrine, such as combating poverty³⁵ and diminishing the use of violence and torture.³⁶

32. Jason S. Lantzer, *Dark Beverage of Hell: The Transformation of Hamilton County’s Dry Crusade, 1876-1936*, CORNER PRAIRIE, www.connerprairie.org/Learn-And-Do/Indiana-History/Exhibitions/Dark-History-Hell.aspx (last visited Mar. 27, 2009).

33. See John Copeland Nagle, *The Evangelical Debate Over Climate Change*, 5 U. ST. THOMAS L.J. 53, 54 (2008).

34. *Id.* (quoting NATIONAL ASSOCIATION OF EVANGELICALS, FOR THE HEALTH OF THE NATION: AN EVANGELICAL CALL TO CIVIL RESPONSIBILITY 1 (2004)).

35. *Leviticus* 25:35 (New International Version (“NIV”)) (“If one of your countrymen becomes poor and is unable to support himself among you, help him as you would an alien or a temporary resident, so he can continue to live among you.”); *Deuteronomy* 15:7 (NIV) (“If there is a poor man among your brothers in any of the towns of the land that the LORD your God is giving you, do not be hardhearted or tightfisted toward your poor brother.”); *Psalms* 82:3 (NIV) (“Defend the cause of the weak and fatherless; maintain the rights of the poor and oppressed.”); *Proverbs* 28:27 (NIV) (“He who gives to the poor will lack nothing, but he who closes his eyes to them receives many curses.”).

36. *Psalms* 11:5 (NIV) (“The LORD examines the righteous, but the wicked and those who love violence his soul hates.”); *Proverbs* 10:6 (NIV) (“Blessings crown the head of the righteous, but violence overwhelms the mouth of the wicked.”).

B. *The Republican Capture of Evangelicals*

The evangelical political agenda has not always mirrored that of the Republican Party.³⁷ The evangelical political agenda conventionally focuses on traditional values related to the Christian faith. For example, Evangelicals generally fight progressives on issues of traditional morality, such as gay marriage, abortion, and doctor-assisted suicide.³⁸ Additionally, evangelical activists have fought against a ban on school prayer, advocated teaching creationism in public schools, and opposed stem-cell research.³⁹

However, many issues that appear less related to evangelical religious beliefs, like global warming and gun rights, have crept their way into the evangelical political agenda.⁴⁰ In his article discussing the shift of America's working class to conservatism, Mark Thompson argues that this expansion of the evangelical platform has occurred because Republicans have shifted their focus from "the economy to issues of faith."⁴¹ Thompson asserts that George W. Bush has been the most influential president in advancing the agenda of the evangelical base,⁴² as evidenced by the increase of evangelical support of President Bush from 68% in 2000 to 78% in 2004.⁴³ In turn, Evangelicals have come to focus on the economy and other aspects of the Republican platform unrelated to Christian Doctrine.

C. *An Example: Anti-Intellectualism and Climate Change Legislation*

Religious, social, and political anti-intellectualism often come together in influential ways. Pressure from the Republican Party, in addition to the anti-intellectual disposition of Christian Fundamentalists, has been an especially powerful combination regarding global warming legislation. A poll conducted by the Barna Group in September 2007 indicated that, compared to other groups, Evangelicals are far less concerned about global warming than other groups in American society.⁴⁴ The poll

37. See Thompson, *supra* note 23, at 245–46. The Republican Party as the party of the Evangelicals is a relatively new phenomena. Robert J. Delahunty, *Changing Hearts, Changing Minds: A New Evangelical Politics?*, 47 J. CATH. LEGAL STUD. 271, 274 (2008). In fact, Jimmy Carter, a Democrat, was an open Evangelical Christian when he won the presidency in 1976. *Id.* at 277.

38. See Thompson, *supra* note 23, at 245.

39. See *id.*

40. *Id.*

41. *Id.* at 243.

42. *Id.* at 245 ("He has opposed same-sex marriage, favored restrictions on abortion and imposed limits on embryonic stem cell research. He has promoted vouchers for religious schools and shifted money for sex education and reproductive health programs to those that instead promote abstinence.").

43. *Id.* at 246.

44. Nagle, *supra* note 33, at 65.

showed that only 33% of Evangelicals considered climate change a major problem, whereas 59% of Catholics and mainline Protestants, and 69% of atheists and agnostics considered climate change a major problem.⁴⁵

What are the reasons for this discrepancy? John Copeland Nagle⁴⁶ proposes two main reasons for the predominant evangelical skepticism of global warming: Evangelicals' relationship with the Republican Party⁴⁷ and their distrust of science.⁴⁸ Nagle's first reason, the "capture" of Evangelicals by Republicans, is made possible in large part by his second reason, religious anti-intellectualism.

The Republican Party resists expanding the size of government.⁴⁹ With such resistance comes a fear of heavy regulation of business and increased taxes, which leads to a fear of placing limitations on the amount of carbon-dioxide companies and individuals can legally emit into the atmosphere.⁵⁰ Through their connection to the Republican Party, Evangelicals have adopted the same concern. This fear was not difficult to establish amongst Evangelicals—evangelical skepticism towards science had already laid the groundwork.

Evangelical anti-intellectualism, while it exists within other disciplines, is especially evident in the realm of science.⁵¹ evangelical religious anti-intellectualism facilitates Evangelicals' rejection of overwhelming scientific data that presents human action as the primary cause of global warming and discourages support of legislation that claims human action is the cause. Evangelicals reject claims that are contrary to the Bible or to other Christian doctrine.⁵² This is nowhere more evident than in the battle between evolutionists and creationists.⁵³ Evolution, a theory many Evangelicals view as contrary to biblical teachings of a God-created earth, has not aided in bridging the separation of church and scientific scholarship.⁵⁴ Richard Cizik⁵⁵ puts it plainly: "[H]istorically,

45. *Id.*

46. John Copeland Nagle is the John N. Matthews Professor of Law at Notre Dame University.

47. *See id.* at 54.

48. *See id.* at 71.

49. GOP, *What We Believe*, http://www.gop.com/index.php/learn/what_we_believe/ ("Small government is a better government for the people. The Republican Party, like our nation's founders, believes that government must be limited so that it never becomes powerful enough to infringe on the rights of individuals.").

50. *See Administration Warns of 'Command-and-Control' Regulation Over Emissions*, FOXNEWS.COM, Dec. 9, 2009, <http://www.foxnews.com/politics/2009/12/09/administration-warns-command-control-regulation-emissions/>.

51. Nagle, *supra* note 33, at 71–76.

52. *See supra* Part II.

53. *See Nagle, supra* note 33, at 71–72.

54. *Id.*

[E]vangelicals have reasoned like this: Scientists believe in evolution. Scientists are telling us climate change is real. Therefore, I won't believe what scientists are saying."⁵⁶

For evangelical global-warming cynics,⁵⁷ faith also plays a role in this rejection of climate-change science. When combined with Christian worldviews, scientific data takes on a different meaning. For Evangelicals, the earth's goodness makes it capable of withstanding climate change and pollution.⁵⁸ According to religious author E. Calvin Beisner, "irreversible, catastrophic damage is rare to nonexistent in the world's history" because "the wise Creator has built multiple self-protecting and self-correcting layers into His world."⁵⁹ Moreover, belief that God is all powerful hinders evangelical recognition of global warming as an effect of human action. For some Evangelicals, the idea that man could make such an impact on the earth is inconsistent with an all powerful, all loving God.

D. *The Effects of Anti-Intellectualism on a Larger Scale*

The same adoption of the conservative political agenda has occurred in more areas than just global warming. For example, evangelical support of the Iraq war and advocacy to abolish the estate tax—areas not related to the Christian doctrine, and possibly against the interest of the majority of Evangelicals—demonstrates the evangelical adoption of the conservative political agenda.⁶⁰ The purpose of this Comment, however, is not to focus only on specific social struggles like global warming and

55. Richard Cizik was at one point the Vice President for Governmental Affairs of the National Association of Evangelicals (NAE). Sarah Pulliam, *Richard Cizik Resigns from the National Association of Evangelicals*, CHRISTIANITY TODAY, Dec. 11, 2008, <http://www.christianitytoday.com/ct/2008/decemberweb-only/150-42.0.html>.

56. Nagle, *supra* note 33, at 72 (quoting *CNN Presents: God's Christian Warriors* (CNN television broadcast Aug. 23, 2007)).

57. There is a movement within the Evangelical church calling Christians to act against global warming, regardless of the causes. *Id.* at 53. Leaders of the movement encourage Evangelicals to see global warming as a moral issue. *Id.* at 54. They hope Christians see protection of the environment as protection of God's creation. *Id.* at 67. While this movement is growing and even being led by prominent Evangelical leaders, three of four Evangelicals who testified at a congressional hearing in June 2007 called for caution and prudence, as opposed to immediate action, in response to climate change. *Id.* at 56.

58. *Id.* at 69.

59. *Id.* (quoting E. Calvin Beisner, *Biblical Principles for Environmental Stewardship*, in AN EXAMINATION OF THE SCIENTIFIC, ETHICAL AND THEOLOGICAL IMPLICATIONS OF CLIMATE CHANGE POLICY, at 13 (2005), available at <http://www.cornwallalliance.org/docs/an-examination-of-the-scientific-ethical-and-theological-implications-of-climate-change-policy.pdf>).

60. This is not to say that the Democratic Party agenda is any more in line with Evangelical religious doctrine. However, many Evangelicals work against their own individual interests by adopting the entire Republican platform, rather than rejecting the portions that are contrary to either their religious or personal interests.

the Iraq war, but rather to examine the larger effects of anti-intellectualism on social progress.

Hofstadter emphasizes that the purpose of intellect is not merely status or to acquire an appreciation of music and the arts, but rather to question the current state of the world.⁶¹ “[T]he term intellectual itself,” he states, “is identified with the idea of political and moral protest.”⁶² Hofstadter further points out that it was intellectuals that instigated the Revolutions of 1848, the liberation of the Serfs in Russia, and the freeing of the slaves in America.⁶³ Thus, the danger of anti-intellectualism, especially among such a politically influential group as Evangelicals, is not that Liberals will not be politically successful, but rather that social reform will be hindered.⁶⁴ Movement toward the abolition of poverty and access to healthcare, both arguably Christian ideals, will not happen without a revolution of sorts and revolutions do not happen unless people are willing to question the current state of the world and ask “how can we make this better?”

IV. THE UNIVERSITY AND ANTI-EVANGELICALISM

The first half of this Comment sought to explain three already recognized influences on evangelical anti-intellectualism and how those influences interact to negatively affect the goals of the liberal agenda and impede social progress. This Part argues that there is a fourth factor contributing to the pervasive anti-intellectual mindset of Evangelicals—the anti-evangelical mindset of intellectuals, particularly within American universities. Subpart *A* discusses how the overwhelming liberal tendencies and developing anti-evangelical sentiments within universities may

61. See HOFSTADTER, *supra* note 5, at 24–27.

62. *Id.* at 38.

63. *Id.*

64. See Gedicks, *supra* note 8, at 34.

[T]he doctrines and traditions of these [fundamentalist] religions are often saddled with a host of illiberal practices and beliefs that make them unlikely vehicles for world unification—the exclusion of women from the priesthood and other governing councils of their churches, the condemnation of stem cell research that promises to cure heart-breaking disease, the insistence that marriage and even basic rights be confined to heterosexuals, the refusal to countenance the use of condoms even in the face of an epidemic of sexually transmitted diseases, and the restriction of abortion even when the pregnancy results from rape or incest or threatens the mother’s health.

Id. While I do not disagree with Professor Gedicks, I want to stress that many of the examples used within this quotation are examples of Christian doctrine that I do not expect to change by dissolving Evangelical anti-intellectualism. Some areas, like abortion and gay marriage, are, in many Christians’ viewpoints, connected to religious doctrine and are not a product of anti-intellectualism. I stress, however, that there is social progress to be made in the areas of poverty, environmental stewardship, and foreign policy that are at this time hindered by anti-intellectualism and a connection to the Republican Party, progress that will not require Evangelicals to rid themselves of their religious doctrine to provide support.

passively deter evangelical students from studying at non-religious institutions. Subpart *B* goes a step further and asserts that universities may be actively, although perhaps not purposefully, perpetuating evangelical anti-intellectualism through admission standards that make entrance into the universities more difficult for evangelical students. Deterring Evangelicals from attending non-religious universities exacerbates universities' anti-intellectual mindset by denying Evangelicals exposure to the positive attributes of intellectualism found in university culture.

A. Liberal College Professors and Their Views Toward Christian Evangelicals

You have heard it before: colleges are full of liberal professors waiting to impose their progressive agenda on unassuming eighteen-year-olds. Studies show, however, that this is more than just an urban legend. In a 2002 study, the American Enterprise Institute discovered incredible disparities between the number of liberal and conservative professors on college campuses.⁶⁵ The study showed that liberal professors often outnumber conservatives by as many as twenty to one on a single campus.⁶⁶ The disparities were most overwhelming, however, in the University of California (UC) system.⁶⁷ UCLA, at the time of the study, had only nine conservative professors compared to 141 liberal professors, and UC-Santa Barbara had one conservative professor among the seventy-three professors polled.⁶⁸ Moreover, there were only five conservative political science professors and ninety liberal political science professors in the UC system.⁶⁹

Not only do liberal professors far outweigh conservative professors on college campuses, but studies have also shown a bias against Evangel-

65. Christopher Chow, *New Study Reveals Extreme Partisan Bias Among Faculty*, ACCURACY IN ACADEMIA (2002) (on file with author), http://www.academia.org/campus_reports/2002/october_2002_5.html (quoting study by American Enterprise Institute). Professors registered with the Democratic Party, Green Party, or Working Family Party were classified as liberal. *Id.* ¶ 4. Professors were classified as conservative if registered with the Republican Party or Libertarian Party. *Id.*

66. *Id.* ¶ 2.

Liberals outnumber conservatives eighteen to one at Brown University. At Cornell University, the number is even higher, with liberals outnumbering conservatives more than twenty-six times. Penn State displayed a bit more balance, with the ratio of liberals to conservatives being six to one. Even the smallest, disparity, at the University of Houston, had a ratio of three liberals to one conservative. Of the 166 professors examined at Cornell University, only six were conservatives, with no conservatives at all in the fields of history and sociology. There were likewise no conservatives in these fields at Brown University.

Id. ¶¶ 9–10.

67. *Id.* ¶ 10.

68. *Id.*

69. *Id.*

ical Christians among college faculty.⁷⁰ A study conducted by the Institute for Jewish and Community Research (IJCR) found that of the 1,200 college and university faculty members polled across the nation, 53% have “unfavorable” feelings toward Evangelical Christians.⁷¹ Pollster Gary A. Tobin stated that the purpose of the study was to gauge anti-Semitism among professors, but the study showed that professors held positive feelings toward Judaism, Buddhism, Roman Catholicism, and the majority of other religions. The religions garnering negative responses were Evangelical Christianity and Mormonism.⁷² Professors were two and a half times more likely to view Evangelical Christian students unfavorably as they were to view Muslim students unfavorably.⁷³

According to Professors Louis Bolce and Gerald De Maio, “anti-Christian fundamentalism has become a very fashionable prejudice of the sophisticated class.”⁷⁴ In their exploration of this bias, Bolce and De Maio specifically discuss the tendency of college professors to view religion unfavorably. They reference a study sponsored by the Carnegie Endowments, which showed that since the first survey in 1969, levels of religiosity among political science professors decreased, reaching its lowest levels during periods of great growth of the Christian right.⁷⁵ Moreover, the faculties found to be most hostile or indifferent toward religion were associated with the most prestigious and scholastically productive universities.⁷⁶

Although both the IJCR study and the Carnegie Endowment study do not purport to reveal anything but the opinions of the polled professors, Tobin of the IJCR acknowledged that the high levels of disapproval among faculty toward Evangelical Christian students raises questions about how the students are treated on campus.⁷⁷ When Berkeley Political Science Professor A. James Gregor was asked about the liberal and conservative dichotomy on campus, he stated that “[c]onservatives are exposed to [prejudice] because we are a minority. And as a minority you

70. Cooperman, *supra* note 2.

71. *Id.* ¶ 7.

72. *Id.* ¶¶ 8–9.

73. Adams, *supra* note 1, ¶ 3 (citing Institute for Jewish and Community Research study). Twenty-two percent of polled professors viewed Muslim students unfavorably as compared to the fifty-eight percent who viewed Evangelical Christian students unfavorably. *Id.* This is a somewhat surprising statistic given the rising popular sentiment against Muslims in the wake of the War on Terror.

74. Louis Bolce & Gerald De Maio, *A Prejudice for the Thinking Classes: Media Exposure, Political Sophistication, and the Anti-Christian Fundamentalist*, 36 AM. POLITICS RESEARCH 155, 178 (2008), available at <http://apr.sagepub.com/cgi/content/abstract/36/2/155> (emphasis removed).

75. Bolce & De Maio, *supra* note 24 (unpublished manuscript at 47 n.27).

76. *Id.*

77. Cooperman, *supra* note 2, ¶ 16.

just have to be prepared to defend yourself.”⁷⁸ While Professor Gregor does not speak to how evangelical students, specifically, are treated on college campuses, he does imply that conservatives, including the majority of Evangelicals, must be on the defensive in the classroom.

Because of the fear that Evangelical Christians are becoming targets for discrimination on college campuses, some outspoken Evangelicals responded publicly to the IJCR study. Professor of criminology at the University of North Carolina-Wilmington, and Evangelical Christian, Mike Adams called Evangelicals to act in response to the findings of bias against evangelical students and in response to the imbalance of liberal and conservative faculty in universities.⁷⁹ Adams views college campuses as a breeding ground for liberal ideas and anti-religiosity. His column begins:

If your kid comes home from college one day and tells you that your Christian faith is stupid, welcome to the world in which I live. The college environment does that to our kids. It makes good Christian students stupid. By that I mean it turns them into liberals, atheists, or both. Three out of four Christian kids (that's 75% for those of you who attend UNC-Wilmington) abandon the church when they go to college and only about a third of them return by age 30. In other words, most stay stuck on stupid.⁸⁰

While not all Evangelicals are necessarily as fearful of American universities as Professor Adams, his assertions are an alarming indicator of how some Evangelicals, even college professors like Adams, view higher education in this country.

These views affect the education of evangelical youth and further perpetuate anti-intellectualism. For example, scholars have hypothesized that the pervading liberalism and secularism among scientists has done nothing but widen the gap between science and religion.⁸¹ Thus, it seems fair to infer that pervasive liberalism in universities across the nation has reinforced evangelical anti-intellectualism and caution toward scholarship in non-religious universities.⁸² Hofstadter emphasizes the attitude that one must choose either religion or education when he quotes politician, devout Christian, and anti-Darwinist William Jennings Bryan: “If

78. Chow, *supra* note 65, ¶ 12.

79. See Adams, *supra* note 1.

80. *Id.* ¶ 1.

81. See Nagle, *supra* note 33, at 72.

82. See HOFSTADTER, *supra* note 5, at 99 (quoting La Roy Sunderland, *Essay on a Theological Education*, METHODIST MAGAZINE AND QUARTERLY REVIEW, October 1834, at 429) (“Had not the Methodists opened their own academies, colleges, even their university? ‘All young men may not be educated, without having their morals endangered by corrupt and infidel teachers; and without having their Methodism ridiculed out of them, by professors or presidents.’”).

we have to give up either religion or education, we should give up education.”⁸³ This sentiment is unfortunate, not because individuals should choose education over religion, but rather because our university culture is such that Evangelicals feel they must choose between the two. If university culture is deterring Evangelicals from entering universities—places of questions and critical thinking—intellectuals are only perpetuating the very evangelical anti-intellectualism they loathe.

B. Liberal Bias in Practice: Association of Christian Schools International v. Roman Stearns

Not only is liberal university culture affecting the evangelical outlook on institutions of higher learning, but anti-evangelicalism may also be manifesting itself in some university admissions standards, thereby affecting university accessibility even for those Evangelicals in search of higher education at non-religious universities.

The admission practices of the UC system have recently been challenged as discriminatory against Christian schools. While the California district court upheld the UC policies as constitutional,⁸⁴ a closer look reveals tendencies of anti-evangelicalism. On March 28, 2008, in the case of *ASCI v. Stearns*, the United States District Court for the Central District of California granted partial summary judgment⁸⁵ in favor of the UC employees responsible for developing and implementing the university admissions policies.⁸⁶ In 2006, plaintiffs—Calvary Chapel Christian School (Calvary), five Calvary students rejected by the UC, and the Association of Christian Schools International (ACSI)⁸⁷—sued the UC employees claiming that the UC admission policies were unconstitutional under the Free Speech Clause, the Free Exercise Clause, the Establishment Clause, and the Equal Protection Clause of the Constitution.⁸⁸

83. HOFSTADTER, *supra* note 5, at 129 (quoting RAY GINGER, SIX DAYS OR FOREVER? 88 (1958)).

84. Ass’n of Christian Sch. Int’l v. Stearns (*Stearns I*), No. CV 05-6343 SJO, 2008 WL 7396967 (C.D. Cal. Mar. 28, 2008).

85. In August of 2008, the district court granted summary judgment for the defendants as to plaintiff’s as-applied claims. Ass’n of Christian Sch. Int’l v. Stearns (*Stearns II*), No. CV 05-06247 SJO, 2008 WL 7390633 (C.D. Cal. Aug. 8, 2008). The order for partial summary judgment discussed above was based on plaintiff’s facial claims. *Id.*

86. *Stearns I*, 2008 WL 7396967.

87. Calvary Chapel Christian School brought suit based on rejection of several of its courses. *See Stearns II*, 2008 WL 7390633, at *6. ASCI brought suit representing Calvary Baptist School, a school not associated with Calvary Chapel but within the ASCI. *See id.* at *11. ASCI was denied standing for the as-applied claims because associational standing was not appropriate based on the relief requested and the individualized nature of the claims. *Id.* at *4.

88. *Stearns I*, 2008 WL 7396967, at *2.

UC requires that applicants demonstrate proficiency in a number of subjects before admission to a university in the system.⁸⁹ To assure that such proficiency is met, UC requires that applicants take a minimum number of UC-approved high school courses.⁹⁰ For courses to be approved, the high school must submit a course description of approximately three to five pages in length.⁹¹ Approval is based on whether the course “challenges students academically, involves substantial reading and writing, teaches critical thinking skills, emphasizes both analytical thinking and factual content, and develops students’ oral and listening skills,”⁹² and generally, whether it sufficiently prepares students for study at the university.⁹³

Plaintiffs based their three primary claims not only on UC’s admission guidelines, known as the A-G Guidelines, but also on well-established UC admission practices that are not written into the UC by-laws.⁹⁴ The California court referred to these contended policies as the “Single Religious Viewpoint Policy,” the “History and Social Science Policy,” and the “Science Policy.”⁹⁵

Plaintiffs claimed that UC had a policy of rejecting courses that add a single religious viewpoint to standard educational content.⁹⁶ The court, however, found that UC only disapproved of courses that present a single perspective and fail to acknowledge or give credence to other viewpoints.⁹⁷ Similarly, plaintiffs’ “History and Social Science Policy” and “Science Policy” claims asserted that UC rejected courses that add Christian points of view.⁹⁸ Plaintiffs claimed that UC rejects history and social science courses that “add a Christian god” or that are “limited to one denomination or viewpoint.”⁹⁹ Moreover, they claimed that biology courses are rejected if, in addition to evolution, the schools teach theistic evolution, intelligent design, creationism, or the weaknesses of evolution in those courses.¹⁰⁰ The court determined, as to both the social science and science claims, that UC only rejected courses that failed to encourage critical thinking and analysis or that failed to teach subjects in ade-

89. *See id.* at *2 (noting that there are four paths to admission to UC).

90. *Id.*

91. *Id.* at *3.

92. *Id.* (internal citations omitted).

93. *Id.*

94. *Id.*

95. *Id.* at *5–*10.

96. *Id.* at *5.

97. *Id.* at *6.

98. *Id.* at *7–*8.

99. *Id.* at *7.

100. *Id.* at *8.

quate depth.¹⁰¹ According to the defendants, courses that failed in these areas did not adequately prepare students for study at UC.¹⁰²

The court determined that anti-religious policies were not part of UC's general admission practices and that the A-G Guidelines, on their face, were not unconstitutionally discriminatory.¹⁰³ To come to this determination, the court pointed to declarations made by religious school administrators who had not experienced such discrimination by UC. It specifically quoted administrators from a Jesuit school and a Jewish high school who asserted their schools had been able to meet A-G Guidelines despite religious content in their textbooks and course curricula.¹⁰⁴ Further, the court pointed to expert testimony asserting the need for analytical thinking skills and developed subject matter understanding in order to succeed in academic study.¹⁰⁵

In evaluating the plaintiffs' constitutional claims, the court used rational basis review as the standard of scrutiny.¹⁰⁶ To meet this standard, UC needed to show only that the A-G Guidelines were rationally related to UC's educational goal of admitting qualified students. The court determined that the A-G Guidelines met this standard.¹⁰⁷ It stated that

[u]nder the deferential rational basis standard "courts are compelled . . . to accept [the government's] generalizations even when there is an imperfect fit between means and ends." The government may act if there is 'a rational basis for doing so . . . , even if it "is proba-

101. *See id.* at *6–*7.

102. *Id.* at *6.

103. *Id.* at *32.

104. *Id.* at *6.

Defendants provide declarations from religious school administrators who have not perceived the discrimination about which Plaintiffs complain. For example, the Assistant Principal for Curriculum at Loyola High School of Los Angeles, a self-described "Jesuit College Preparatory" school, does not believe that "UC discriminates against Catholic high schools by denying [A-G Course approval] for courses that otherwise meet UC's academic standards but that add religious content or a religious viewpoint." Also, the Director of College Guidance at New Community Jewish High School notes that "[i]n [his] experience, UC has treated New Community and its students fairly and in a non-discriminatory manner."

Id. (internal citations omitted).

105. *Id.* at *10, *11. Dr. Derek Keenan, another of plaintiffs' education experts, testified that "critical thinking and analysis skills are legitimate concerns of [UC] in evaluating student preparation." *Id.* at *14. According to Dr. Keenan, "it's educationally appropriate for [UC] to set standards for the content and skills that need to be mastered for students to attend," and "high school course content is an important factor in student preparation for college work." *Id.* at *10 (internal citations omitted).

106. *See id.* at *11. Plaintiffs were unable to show that there was a discriminatory purpose behind the admissions standards, and the discriminatory impact alone was not enough to raise the standard of review to strict scrutiny. *Id.* at *9–*11.

107. *Id.* at *15.

bly not true” that those reasons are not valid in the majority of cases.¹⁰⁸

The court reasoned, however, that although it cannot be shown that high school course curriculum is a foolproof indicator of college academic success, the court is deferential to the policies of the government when there is at least a rational reason for the policy.¹⁰⁹ The court then pointed out that the parties did not dispute that UC could reasonably reject courses that either failed to teach topics with sufficient accuracy and depth or failed to teach critical thinking skills.¹¹⁰ Thus, UC’s admission policies, on their face, were constitutional under rational basis review.

Next, the court, in response to plaintiffs’ claim of symbolic hostility toward religion and hostility burdening plaintiffs’ ability to practice religion, conducted Establishment Clause and Free Exercise Clause analyses.¹¹¹ It determined, however, that UC admissions policies did not violate the Constitution in either respect.¹¹² The plaintiffs presented what they considered to be symbolic hostility toward religion. The following are UC actions and statements that plaintiffs claimed symbolically disapproved of their religion:

- (1) “[UC] reviewers spoke sarcastically of ‘our favorite, Bob Jones University Press,’ and of ‘our favorite books,’ and laughed at a creationist statement.”
- (2) “[UC reviewers] circulated an article about how ‘the Red States, on the other hand, now have to cope with . . . 100% of all Televangelists, . . . Bob Jones University, . . . and [things generally viewed as disfavorable, such as mosquitoes]. A small price to pay for controlling the presidency.’”
- (3) “[A UC] reviewer told the review coordinator that a ‘Christian Lifestyles’ course was ‘weird stuff.’”
- (4) “The faculty reviewer of the Christian school science texts believes that theistic evolution is illogical, the later faculty reviewer has ‘antipathy’ toward creation”
- (5) “The senior reviewer is Buddhist, and the reviewer who handled religious school science courses and drafted most policies is Jewish”

108. *Id.* at *14 (internal citations omitted).

109. *Id.*

110. *Id.*

111. *Id.* at *21.

112. *Id.* at *21–*24. “In the Ninth Circuit, both the Establishment Clause and Free Exercise Clause govern claims of hostility to religion, depending on the nature of the hostility. Claims of hostility in the form of symbolic disapproval of religion are evaluated under the Establishment Clause.” *Id.* at *21.

(6) “The new chair of [the UC review board] testified the ‘subtext’ of BOARS discussion in adopting the science Position Statement was ‘antagonism toward the Christian schools,’ and their ‘right wing perspectives were highly objectionable.’”

(7) “[UC] reviewers segregated the Christian school courses into a separate list.”

(8) “UC ordered copies of a number of BJU Press texts, and created a ‘Bibliography of Christian Books Reviewed,’ even though UC does not normally review textbooks (just course outlines), to reject them.”

(9) “[UC] created form ‘letters that [UC] sent to Christian schools when [UC] denied some of their courses.’”¹¹³

The court rejected these statements as evidence of unconstitutional hostility toward religion.¹¹⁴ It stated, “[p]laintiffs have discovered inappropriate and hostile remarks made by UC employees at the expense of religion. However distasteful those statements may have been, they are not fairly characterized as government action even if told in the work environment.”¹¹⁵ Additionally, the court found “[p]laintiffs have not demonstrated that these beliefs affect the way that Defendants review courses, an issue that would require evaluation under the Free Exercise Clause.”¹¹⁶ The California court thus determined that, based on the low standard of rational basis review, the UC system’s A-G Guidelines were, on their face, constitutional. In August 2008, the California district court evaluated UC’s rejection of individual Calvary courses and, in turn, granted summary judgment on plaintiffs’ claims that the A-G Guidelines were unconstitutional as applied to the plaintiffs.¹¹⁷

In January 2010, the Ninth Circuit Court of Appeals affirmed the California district court’s dismissal of the plaintiffs’ facial and as-applied constitutional claims, agreeing that UC’s admission guidelines serve a legitimate purpose—assuring its students are prepared for study at its universities—and that UC’s rejection of the Calvary courses was reasonable to achieve its goals.¹¹⁸

The anti-evangelical culture on college campuses and university admission standards that require high school courses to teach multiple

113. *Id.* at *29.

114. *Id.* at *29–*30.

115. *Id.* at *29.

116. *Id.*

117. *Ass’n of Christian Sch. Int’l v. Stearns (Stearns II)*, No. CV 05-06247 SJO, 2008 WL 7390633, at *12 (C.D. Cal. Aug. 8, 2008).

118. *Ass’n of Christian Sch. Int’l v. Stearns (Stearns III)*, No. 08-56320, 2010 WL 107035, at *1 (9th Cir. Jan. 12, 2010).

perspectives combine to discourage evangelical students from higher education at non-religious institutions and, as explored in more detail below, perpetuate anti-intellectualism among Evangelicals.

V. THE ROLE OF UNIVERSITIES IN LIGHT OF *ACSI v. STEARNS*

This Comment analyzes *ACSI v. Stearns* for two purposes: first, to demonstrate anti-evangelicalism is at work in deterring and excluding evangelical students, and second, to recognize that leaving this issue to constitutional claims in court will not alleviate the perpetuation of anti-intellectualism caused by liberal-university bias and discriminatory admissions standards.

A. *ACSI v. Stearns as an Example of Anti-Evangelicalism at Work*

ACSI v. Stearns is a great example of university perpetuation of evangelical anti-intellectualism for two reasons. First, it exemplifies how curriculum standards requiring high schools to teach multiple perspectives disproportionately affect fundamentalist schools that do not teach other perspectives because the practice would be contrary to their religious beliefs. Second, this case shows that, even if requiring courses to explore multiple viewpoints is a legitimate standard, the bias against Evangelicals in universities could lead UC reviewers to be stricter towards, and more critical of, evangelical school courses.

1. The Disproportionate Effect of UC Course Standards on Evangelicals

In *ACSI v. Stearns*, Calvary, an Evangelical Christian school struggled to meet UC course requirements due to its provision of courses teaching only one perspective—the Christian perspective—and rejecting all other perspectives contrary to the Bible. However, the UC system, a system proven to be one of the most liberal in the nation, rejected all high school courses that failed to teach multiple perspectives. While it is accurate that UC accepted most religious school curricula, like those from Catholic and Jewish schools,¹¹⁹ the policy against accepting courses asserting one point of view most widely affected fundamentalist schools because of their rigid adherence to, in this case, Christianity as the only true religion. Thus, UC, by requiring multiple perspectives to be taught in high school education, effectively eliminated fundamentalist students from meeting course requirements because, if educated in a fundamentalist school, they were likely exposed only to a single perspective.

The Ninth Circuit essentially admitted this reality in its decision affirming the district court's dismissal of the plaintiff's claims. It stated

119. *Stearns I*, 2008 WL 7396967, at *6.

“As UC’s expert explained, UC’s policy is necessary because the ‘academic study of religion is multidisciplinary in nature’ and ‘[p]rivileging one tradition or point of view is considered unacceptable and counter-productive in the scholarly study of religion at UC and similar colleges and universities.’”¹²⁰

Because the UC policies requiring that multiple perspectives be taught in high school education may have the effect of excluding Evangelicals, these policies are seemingly in tension with UC policies against discrimination. Discrimination on the basis of religion is contrary to the UC Standards of Ethical Conduct,¹²¹ which state the following:

The University prohibits discrimination and harassment and provides equal opportunities for all community members and applicants regardless of race, color, national origin, religion, sex, gender identity, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), ancestry, marital status, age, sexual orientation, citizenship, or status as a covered veteran.¹²²

Although UC admissions standards do not discriminate against evangelical students on their face, the standards, when implemented, disproportionately affect Evangelicals. In their article titled *The New Racial Preference*, UCLA Law Professors Devon Carbado and Cheryl Harris argue that although California’s Proposition 209 requires that race not be taken into consideration in evaluating admissions criteria in the UC system, “excising race from admissions is far from simple.”¹²³ UC requires a “personal statement” as a part of admissions criteria.¹²⁴ If a student’s race is an essential part of his or her identity, which, for minorities, it often is, and therefore is referenced or alluded to in his or her personal statement, race automatically becomes a consideration.¹²⁵ A similar critique can be made in regards to the UC A-G Guidelines. Although the policy of the university system is to disregard religion in admissions de-

120. *Stearns III*, 2010 WL 107035, at *2.

121. THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, OFFICE OF ETHICS, COMPLIANCE, AND AUDIT SERVICES, UNIVERSITY OF CALIFORNIA STANDARDS OF ETHICAL CONDUCT (2005), available at <http://www.universityofcalifornia.edu/compaudit/ethicalconduct.html> [hereinafter STANDARDS OF ETHICAL CONDUCT].

122. *Id.*

123. Devon W. Carbado & Cheryl I. Harris, *The New Racial Preference*, 96 CAL. L. REV. 1139, 1146 (2008) [hereinafter *The New Racial Preference*].

124. University of California, *Admission Standards: Personal Statement*, http://www.universityofcalifornia.edu/admissions/undergrad_adm/apply/how_apply/personal_statement.html (last visited Feb. 19, 2009).

125. See Carbado & Harris, *supra* note 123, at 1144. A personal statement is read for the purpose of “ascertain[ing] whether applicants can distinguish themselves and demonstrate that their potential contributions to the school extend beyond the applicants’ numbers.” *Id.*

cisions,¹²⁶ religion is considered when fundamentalism precludes students from learning multiple perspectives in their religious high school courses and when such courses are then rejected as not meeting UC standards. While personal statements and course guidelines play legitimate roles in the admissions process, their possible discriminatory effects on certain subgroups should not be ignored.

2. How Anti-Evangelicalism Affects UC Course Review

Anti-evangelicalism could affect the way UC course reviewers evaluate evangelical school courses. Fundamentalism exists in Judaism and Catholicism as well as in Evangelical Christianity. Thus, the evangelical fundamentalist perspective, which tends to teach a single perspective in the classroom, may not be the only factor affecting an evangelical school's ability to meet course requirements. In the study conducted by the IJCR,¹²⁷ university faculty members expressed positive feelings toward Judaism and Roman Catholicism.¹²⁸ One could therefore argue that the positive feelings towards Judaism and Roman Catholicism made it easier for Jewish and Catholic schools to meet UC course standards. Although the standards are, presumably, the same for all schools, it is possible that the dislike of evangelism, found by the study to be prevalent in universities, could affect the way UC evaluates evangelical school courses. UC reviewers may start the reviewing process already tainted by their preconceptions, thus being more critical of evangelical school courses.

B. *The Constitutional Claim as an Inadequate Remedy*

Evangelical students affected by school admission standards no doubt have standing to bring a constitutional claim. However, a constitutional claim in court is not an adequate remedy to address this phenomenon. Courts will recognize the importance of analytical thinking skills—the skills most lacking from curricula analyzed in *ACSI v. Stearns*—in education generally and in preparing students for study at a university.^{129,130} Thus, course requirements that oblige schools to foster such

126. STANDARDS OF ETHICAL CONDUCT, *supra* note 121.

127. *See supra* Part IV.A.

128. Cooperman, *supra* note 2, ¶ 8.

129. *See Ass'n of Christian Sch. Int'l v. Stearns (Stearns I)*, No. CV 05-6343 SJO, 2008 WL 7396967, at *10 (C.D. Cal. Mar. 28, 2008) (noting, based on expert Michael Kirst's report, the importance of course content and development of critical thinking in preparation for college).

130. The UC A-G Guidelines and reasoning behind the standards are undermined, however, in two ways. First, UC, for what it claims are purely administrative reasons, does not require out-of-state high schools to submit course descriptions. *Id.* at *3. Thus, one could argue that, although out-of-state students only compose less than 9% of UC admitted students, *id.*, UC is comfortable relying

skills are bound to meet rational basis review. Because the rational basis standard is so low, the courts cannot adequately address this issue. Consequently, the universities themselves are in the best position to reevaluate not only their admissions standards, but also the anti-evangelical culture fostered by overwhelming liberalism. Such reevaluation could serve to limit the university's contribution to perpetuating evangelical anti-intellectualism.

VI. CONCLUSION: THE IMPORTANCE OF EVANGELICAL ACCESS TO OUR UNIVERSITIES

Ideally, the purpose of a university is not only to prepare students for future professions, but also to serve as a forum for ideas, questions, and creativity.¹³¹ The university is a place where the type of intellectualism discussed throughout this Comment is often developed and nurtured. By making universities more open to evangelical students, universities have an opportunity to attack religious, social, and political anti-intellectualism by providing a culture of critical thinking. The goal is not to change the religious affiliation of Evangelicals, or even their social or moral views, but rather to show that religion need not exist separately from intellect¹³² and that Christianity is not bound within the confines of one political perspective.

Even in the absence of evangelical anti-intellectualism, Evangelicals, because of their adherence to Christian doctrine, may never come to support liberal views on abortion, gay marriage, or doctor assisted suicide.¹³³ But this does not mean that it is impossible for Evangelicals to

on other admissions criteria in evaluating out-of-state students and, therefore, should not hold in-state students to higher and possibly discriminatory standards. Second, because of the current emphasis on state standardized tests in schools across the nation, one could argue that high schools focus more on establishing a basis of factual knowledge and leave the development of critical thinking to universities, making it unreasonable to expect critical thinking skills to be developed at the high school level.

131. UNIVERSITY OF CALIFORNIA, UNIVERSITY OF CALIFORNIA MISSION STATEMENT, *available at* <http://www.universityofcalifornia.edu/aboutuc/missionstatement.html>.

The distinctive mission of the University is to serve society as a center of higher learning, providing long-term societal benefits through transmitting advanced knowledge, discovering new knowledge, and functioning as an active working repository of organized knowledge. That obligation, more specifically, includes undergraduate education, graduate and professional education, research, and other kinds of public service, which are shaped and bounded by the central pervasive mission of discovering and advancing knowledge.

132. Adams, *supra* note 1, ¶ 1. However, if Professor Adams is correct and 75% of college students who enter school as Christians do not stay Christians, *id.*, the effect may very well be a change in religious affiliation. But whether religion and academia can successfully coexist is beyond the scope of this Comment.

133. It is often argued that states that are generally "blue states" or democratic-voting states have, on average, citizens with higher IQs and more years of formal education. *See* David M. Smo-

come to support a number of traditionally progressive issues, especially issues in line with Christian doctrine, like the eradication of poverty, healthcare reform, and climate change legislation—issues that are of pressing concern and that would benefit from the support of such a politically powerful group. Nagle asserts that evangelical skepticism toward climate change, for example, has little to do with Christian theology or ethics.¹³⁴ He states that while disagreements about the weight to give scientific assertions plays a part, the root of the skepticism is primarily in the way Evangelicals view the nature of law and the political process.¹³⁵ Could this not also be so with other areas of political contention? Could this not also be a contributing factor to the fears of stem-cell research, the support of militaristic solutions to international disputes, or zealous Second Amendment protection?

The election of President Barack Obama has started a new era. New York Times columnist Nicholas Kristof stated that “Barack Obama’s election is a milestone in more than his pigmentation. The second most remarkable thing about this election is that American voters have just picked a president who is an open, out-of-the-closet, practicing intellectual.”¹³⁶ According to law professor Robert Delahunty, Evangelicals, like the larger nation, are ready for a political shift—making now the perfect time to welcome Evangelicals into the academic community.¹³⁷ From his perspective, Evangelicals are questioning their ties to the Republican Party

not only for the Party’s repeated failures to deliver on its promises, but for forward-looking reasons as well. Like millions of other Americans, they are concerned with the ever-widening gulf of inequality that separates the nation’s very richest citizens from the rest; with the degradation of the global environment; and with the

lin, *Religion, Education, and the Theoretically Liberal State: Contrasting Evangelical and Secularist Perspectives*, 44 J. CATH. LEGAL STUD. 99, 124 (2005).

In the context of the 2004 Presidential election, academics are overwhelmingly secular “blue-state” Americans who alternate between ignoring and feeling threatened by their more religious “red-state” counterparts. This is not to say, of course, that all theological-conservative Christians vote Republican—although a majority apparently have in recent years—but rather that the cultural gulf noted in the 2004 Presidential election mirrors in significant ways that between academics and the larger American society.

Id. This suggests that along with education comes an openness to science, different religions, and different sexual orientations. Thus, educated Evangelicals may very well come to support progressive ideas even if contrary to some biblical teachings.

134. Nagle, *supra* note 33, at 66.

135. *Id.* at 75.

136. Kristof, *supra* note 21, ¶ 1.

137. See Delahunty, *supra* note 37, at 280.

relief of disease, poverty, and famine both at home and in the underdeveloped world.¹³⁸

We have seen this awakening before.¹³⁹ Intellect—like religion and like art—comes in movements.¹⁴⁰ Perhaps we are witnessing the beginning of such change.

Evangelicals may be ready to attach to progressive ideas, and because of this, the liberal intellectual left must be ready to greet them with open arms and accessible universities. Only then can issues of evangelical anti-intellectualism be addressed, which, in turn, will generate a very influential and large evangelical base for many critical progressive ideas and spark great social movements.

138. *Id.* at 279.

139. See HOFSTADTER, *supra* note 5, at 73.

140. *Id.* at 74–75.