

Why I Can Understand What Trump is Now Facing

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In the over 200 court cases in which I was a consultant, my experiences were mixed; some very good, some shocking. In one case, the *National Education Association* evaluated and concluded due process was not followed when a Bowling Green State University professor was terminated for illegal reasons, namely his religion, what they called fundamentalist Christianity. This professor was one of the most productive in his department. He had excellent student evaluations and, at that time, had published over 40 articles in peer-reviewed, scholarly literature and a textbook published by Houghton Mifflin Harcourt.

The university's concerns brought out in court included the fact that he had a list of allowable research paper topics which included religious issues. Another concern was that he had published articles in openly Christian journals, and some of his articles had raised questions about the orthodox evolutionary belief, namely molecules-to-man evolution. Further, although he taught evolution, his peers felt he did not teach it with enthusiasm and the personal commitment as a true believer in the theory.

The district court civil rights case was presided over by the late Judge Nicholas J. Walinski of Toledo, Ohio. It was obvious that the judge was intoxicated during the

trial and repeatedly made illogical statements, such as referring to the jury when it was a bench trial. At the time of the trial, Walinski was convicted by Judge Andrews in Toledo Municipal Court of his second drunken-driving conviction in fifteen months. The charges stemmed from a two-car injury accident that occurred near Judge Walinski's West Toledo, Ohio, home. Walinski was ordered to complete a twenty-eight-day detoxification and alcohol rehabilitation program. He died at age 72 on December 24, 1992, of acute myocardial infarction. A well-known risk factor for heart disease is heavy drinking.

Judge Walinski obviously was not always fully aware of what was going on in his own courtroom. The judge's attitude about the case was stunningly clear when he rudely shot back at the attorney representing the professor, David Latanick, hired by the National Education Association to defend the professor. When attorney Latanick was attempting to explain the rules of academia, Walinski stated: "I am getting an education in academia, but I would rather not get educated, and I'd rather get rid of this case." The entire case was about academia, and to judge an academia case, a judge must learn about the rules and norms of academia. One of the most important rules is academic freedom, a rule the judge stated he would rather not learn about.

The major means of proving employment discrimination is disparate treatment, meaning unequal application of the rules. In other words, everyone must be treated alike regardless of race, sex, or religion. This requires comparisons of the person denied tenure with the faculty that were granted tenure. Specifically, to prove disparate treatment in employment requires making comparisons with similarly situated persons not in the protected class. No comparisons on the appropriate criteria were made in court, and all efforts to do so were successfully blocked by Judge Walinski. This was made clear by Judge Walinski stating, "we are going too far afield with *what they did with somebody else.*"

Discrimination can be determined only by comparing performance and/or evidence of not giving the professor due process. The judge refused to allow any comparisons with other professors, the only way to prove discrimination. Thus, he refused to enforce the legally required standard in this case, even though race or sex discrimination are proven by focusing on these very factors.

In summary, Judge Walinski was clearly not competent during the trial. He was diagnosed as an alcoholic who displayed bizarre behavior on the bench, such as openly stating in court that he did not care to become informed about the

professor's case but would "rather get rid of this case." This is grossly improper behavior for a judge who must, as a matter of law, be impartial. This judge had no business being on the bench. For valid reasons was removed soon after this case was tried.

Nonetheless, in spite of overwhelming evidence of his gross incompetence, an appeal of the case to the Sixth Circuit Court of Appeals upheld Judge Walinski's obviously irresponsible decision. The Supreme court also refused to hear it, supporting a ruling by a judge obviously inebriated during the trial. Again, the courts supported censoring the sacred worldview (religion) and allowing only the secular worldview (evolution). The both worldviews answers the three main questions (where did we come from, why are we here, and where are we going when we die). The secular says we evolved from the natural selection of genetic mutations, we are here to survive and pass on our genes, and when we die we are gone forever. The sacred worldview says we were created by God, we live to serve God and our fellow humans, and when we die we go to our eternal reward, heaven or hell.

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