January 11, 2010

Dr. Joel L. Strom, Chairman  
California Science Center  
700 State Drive  
Los Angeles, California 90037

Re: Viewpoint and Content Based Censorship at California Science Center

Dear Dr. Strom and Honorable Members of the Board:

I am contacting you this date in order to inquire into a disturbing situation that was brought to my attention that occurred last fall at the California Science Center ("CSC"), wherein it appears that CSC engaged in viewpoint and content based censorship of a scheduled scientific exhibition (the "event"). This is especially disturbing in light of CSC’s Mission Statement:

"The Science Center's Mission: We aspire to stimulate curiosity and inspire science learning in everyone by creating fun, memorable experiences, because we value science as an indispensable tool for understanding our world, accessibility and inclusiveness, and enriching people’s lives."¹

As a department within the State of California,² CSC’s actions and budget come within the jurisdiction of the California State Legislature. As a public servant I am particularly sensitive to actions of censorship taken by such departments. As the Governing Board is charged with overseeing the CSC, I knew you would want this serious matter brought to your attention as soon as possible.

The attached document details the facts of the situation and the reasons for my concerns. Paragraph 1 describes my understanding of the facts of the situation, the nature of the event that was cancelled by the CSC, and the scientific viewpoints that challenge Darwinism that appear to have been discriminated against by the CSC.

¹ Please see [http://www.californiasciencecenter.org/GenInfo/AboutUs/AboutUs.php](http://www.californiasciencecenter.org/GenInfo/AboutUs/AboutUs.php)
² Please see California Food and Agricultural Code §§ 4101, et seq. and [http://www.californiasciencecenter.org/GenInfo/AboutUs/Governance/Governance.php](http://www.californiasciencecenter.org/GenInfo/AboutUs/Governance/Governance.php) ("As a department of the State of California, the California Science Center is administered by a nine-member board of directors appointed by the Governor").
Paragraphs 2 and 3 describe the CSC’s reasons for cancelling the event and how e-mail communication from CSC staff members and employees appear to demonstrate viewpoint discrimination against scientific views that challenge Darwinian evolution.

Paragraph 4 outlines the law related to viewpoint discrimination, providing a legal basis for the concerns expressed in this letter.

Pursuant to my investigation, paragraph 5 contains a request that you instruct the management at CSC to provide this office with copies of documents pertaining to CSC’s cancellation of this event, including e-mail communications from CSC staff, employees, and board members which discuss the event and the topic of intelligent design. Details of my request are contained in paragraph 5.

If you have any questions please do not hesitate to contact me or Laurie Paredes in my Capitol Office at (916) 651-4036.

Sincerely,

DENNIS HOLLINGSWORTH
Senate Republican Leader

Attachment(s)

cc: Governor Arnold Schwarzenegger
    California Science Center President and CEO, Jeffrey Rudolph
    California Science Center Board of Directors
ATTACHMENT TO LETTER OF SENATOR DENNIS HOLLINGSWORTH
TO CALIFORNIA SCIENCE CENTER

1. In early October, 2009, the American Freedom Alliance ("AFA"), a non-profit organization, had contracted with the CSC for an event titled "We Are Born of Stars IMAX Screening" ("Born of the Stars") scheduled for Sunday, October 25 from 6-9 pm at the CSC’s IMAX Theatre in Los Angeles. AFA’s event planned to screen the IMAX film Born of the Stars, and also to show the documentary “Darwin’s Dilemma: The Mystery of the Cambrian Fossil Record” (“Darwin’s Dilemma”). As to the scientific content of the latter film, Darwin’s Dilemma explores the abrupt appearance of animal life in the fossil record and the challenge this scientific evidence poses to Darwin’s theory of evolution. Some of these scientists, including Dr. Stephen Meyer, Dr. Jonathan Wells, and Dr. Richard Sternberg, propose the scientific theory of intelligent design (“ID”) as an alternative and, in their viewpoint, superior explanation for the explosion of major groups of animal life in the Cambrian period.

2. AFA planned to host a post-screening discussion about Darwin’s Dilemma with two scientists and the film’s director. Unfortunately, these events did not occur as planned, because on October 6, 2009, a staff member at the CSC wrote an e-mail to AFA President, Avi Davis, stating that “we are canceling your event at the California Science Center.” For your convenience a copy of the October 6, 2009, e-mail from CSC to AFA is attached hereto as Appendix A.

3. Contrary to the CSC’s purported reason stated in the October 6th letter for cancelling the event, it appears from other information provided to this office that the actual reason that CSC cancelled the AFA event was due to the scientific viewpoint expressed and content contained in Darwin’s Dilemma, and fears about how CSC would be perceived for renting its facilities for an event expressing those viewpoints. Indeed, as seen in the attached October 5, 2009 communication between Smithsonian Director of Affiliations Harold Closter and a CSC staff member (Appendix B), it appears that CSC may have caved into pressure from the Smithsonian to cancel this event.

4. The constitutional implications of CSC’s actions are concerning. It is fundamental that when a governmental entity or sub-unit (such as CSC) opens its facilities as a public forum, it is not constitutionally permissible to censor speech based on viewpoint or content. See, e.g., Lamb’s Chapel v. Center Moriches Union Free School District, 508 U.S. 384 (1993); Rosenberger v. Rector and Visitors of the University of Virginia, 515 U.S. 819 (1995); Arkansas Educational Television Commission v. Forbes, 523 U.S. 666 (1998); and Thomas v. Chicago Park District, 534 U.S. 316 (2002).

5. As I intend to further investigate the scope of the CSC’s censorship activities, I would appreciate it if you would instruct the management at CSC to provide this office with copies of the following documents:

   A. Copies of all documents pertaining to AFA’s contract with CSC, including its contract and any applications made to procure that contract.

   B. Copies of all CSC policies that formed the basis of the CSC’s October 6, 2009, cancellation of the AFA’s October 25, 2009, event.
C. Copies of all other documents that formed the basis of the CSC’s October 6, 2009, cancellation of the AFA’s October 25, 2009, event.

D. Copies of any records, communications, or documents, involving any employees, staff members, and board members of the CSC, since October 1, 2009, which reference the following:

a. Intelligent Design  
b. Discovery Institute  
c. American Freedom Alliance  
d. Darwin’s Dilemma  
e. Cambrian explosion  
f. Illusta Media  
g. Stephen Meyer  
h. David Berlinski  
i. Lad Allen  
j. Jonathan Wells  
k. The Smithsonian Institution and any of its concerns about intelligent design or the screening of the “Darwin’s Dilemma” video.  
l. The contract between the California Science Center and the American Freedom Alliance for rental of the California Science Center’s IMAX Theatre on Sunday, October 25th, 2009.

E. Copies of any records, communications, or documents involving Christina M. Sion or Jeffrey Rudolph, since October 1, 2009, which reference the following:

a. Intelligent Design  
b. Discovery Institute  
c. American Freedom Alliance  
d. Darwin’s Dilemma  
e. Cambrian explosion  
f. Illusta Media  
g. Stephen Meyer  
h. David Berlinski  
i. Lad Allen  
j. Jonathan Wells  
k. The Smithsonian Institution and any of its concerns about intelligent design or the screening of the “Darwin’s Dilemma” video.  
l. The contract between the California Science Center and the American Freedom Alliance for rental of the California Science Center’s IMAX Theatre on Sunday, October 25th, 2009.

F. Copies of any records, communications, or documents, involving any employees, staff members, and board members of the CSC, since October 1, 2009, which reflect communication with the Smithsonian Institution.
On Tue, Oct 6, 2009 at 1:16 PM, Chris Sion <csion@cscloud.org> wrote:

Dear Avi,

It has come to our attention that in a press release issued October 5, 2009 by the American Freedom Alliance, it is inferred that the California Science Center as a Smithsonian Institute affiliate is co-sponsoring the Darwin Debates. Your event is a private event held on the California Science Center property but is not affiliated in any way with the California Science Center or the Smithsonian. This press release has damaged our relationship with the Smithsonian and the reputation of the California Science Center. According to the Event Policies and Procedures that you signed to reserve the date for the event, you agreed to submit all promotional materials to the California Science Center for review and approval prior to printing or broadcast. Because you did not obtain this approval and the press release has had significant negative ramifications, we are canceling your event at the California Science Center.

Regards,

Chris

Christina M. Sion
Vice President, Food & Event Services
California Science Center
700 Exposition Park Drive
Los Angeles, CA 90037
Direct line: (213) 744-7493
Fax: (213) 744-2078
csion@cscloud.org
www.californiasciencecenter.org
Appendix B: October 5, 2009 communication between Smithsonian Director of Affiliations Harold Closter and CSC staff member Shell Amega:

From: Shell Amega
Sent: Monday, October 05, 2009 2:38 PM
To: Jeff Rudolph; William Harris
Subject: FW: Film Showing at CSC
Importance: High

FYI - Shelli

From: Closter, Harold [mailto:closterh@si.edu]
Sent: Monday, October 05, 2009 2:28 PM
To: Shell Amega
Subject: Film Showing at CSC

Shell,

Thanks for lending an ear.

We earnestly hope that the California Science Center will provide an accurate statement to the media informing of your role (or non-role) in presenting or serving as the host site of the film on October 25. The press release we talked about distorts the relationship between the Smithsonian Institution and the California Science Center by prominently featuring the Smithsonian in the title line and playing up the Affiliate relationship in a way that implies that the CSC is a west coast branch of the Smithsonian, and that the film showing is a Smithsonian event. Although we are most proud of our relationship with CSC, the Smithsonian, as you know, has no role in any of the decision making processes of your organization, and certainly has no say in films, public programs, and exhibitions.

When you issue a statement, you might also note that CSC is one of 20 Smithsonian Affiliates in California out of 165 nationally. A list is attached.

Please keep me informed of your next steps. We are concerned that this not be represented as a Smithsonian event or program or anything with which we have any involvement.

We appreciate very much any steps that you take to clarify the situation. I will be in travel the next four days, but can be reached on my cell phone, 202-425-9010, if you wish to discuss further. Thanks.

Harold A. Closter
Director, Smithsonian Affiliations
MRC 942, PO Box 37012
Washington, DC 20013-7012

Shipping:
470 L’Enfant Plaza SW
Suite 7400
Washington, DC 20024

phone: 202-633-5321
cell: 202-425-9010
fax: 202-633-5313
e-mail: closterh@si.edu

Is there a Smithsonian in your neighborhood? Visit our website at: www.affiliations.si.edu