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THE CHRONICLE OF HIGHER EDUCATION

The Faculty

From the issue dated October 5, 2001

Terrorist Attacks Put Academic Freedom to the Test

Professors who criticize the U.S. government or society find little tolerance of their views

By ROBIN WILSON and ANA MARIE COX

They've held blood drives, staged unity vigils, and offered scholarships to the children of the victims.

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Clearly, in the aftermath of the terrorist attacks of September 11, colleges -- along with the rest of the nation -- have shown an unparalleled generosity. They've also exhibited stunning intolerance.

Assaults on foreign students are by far the most notorious offenses. But a more subtle form of attack has also emerged, as professors across the country have found their freedom to speak out hemmed in by incensed students, alumni, and university officials. The death of thousands and the worldwide crisis of conscience that followed have left emotions so raw that people are struggling to think critically about what happened -- and some administrators would prefer that professors not even try. Academics have been shouted down by voices on the left and the right. Now simply isn't the time, critics maintain, to say anything that might offend others.

At California State University at Chico, students heckled a professor

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who criticized U.S. foreign policy during a campus vigil. News coverage of the professor's speech unleashed an e-mail barrage of hate messages from around the United States.

At the University of New Mexico, the president has said he will "vigorously pursue" disciplinary action against a professor who made a joke in class about the Pentagon attack.

"There is real pressure during times of national duress for conformity, for unity, and for patriotism," says Paul K. McMasters, who is the First Amendment ombudsman at the Freedom Forum, a foundation that supports free speech. "At a time when the country could most benefit from the diverse perspective that we depend on academe to provide, there will be immense pressure on those in the academic community to repress their views."

The notion of the "marketplace of ideas" notwithstanding, unpopular opinions have never gone down with perfect ease on campuses. National crises only exaggerate the American impulse toward anti-intellectualism. During the Red Scare of the 1950s and during the Vietnam War, tenured professors were dismissed and even jailed for espousing views many considered anti-American.

For now, no one has been fired or locked up for joking about bombs or criticizing President Bush. But as the country faces the greatest one-day loss of American lives since Antietam, and as the world prepares for an entirely new kind of war, the boundaries for what constitutes acceptable speech on campus have tightened.

The current test of academic freedom emerges in what some have called a culture formed around the notion that no one should have to listen to ideas or even facts that upset them. If anything, some universities have acquiesced in the view that objectionable speech should be restricted. Critics of so-called political correctness cite speech codes and stringent sexual-harassment policies as proof of that. Others see it in the legal challenges mounted against the use of student-activity fees by partisan groups.

It's no wonder then, say free-speech advocates, that people are now appealing to officials to shut up faculty members whose ideas are controversial.

On September 13, at Saint Olaf College, in Minnesota, two resident assistants sent an e-mail message to Greg Kneser, the college's dean of students, complaining that undergraduates had been made to feel fearful and uneasy by professors who questioned the competence of the Bush administration. Shouldn't professors be more sensitive to students'

feelings at a time like this? the RA's wondered.

"The recent attacks extend beyond political debate, and for professors to make negative judgments on our government before any action has taken place only fosters a cynical attitude in the classroom," the resident assistants, who asked to remain anonymous, wrote in an e-mail message to *The Chronicle*.

Mr. Kneser agrees. "There were students who were just scared, and an intellectual discussion of the political ramifications of this was not helpful for them," he says. "They were frightened, and they look to their faculty not just for intellectual debate" but as "people they trust."

Lately, however, it seems that administrators find students more trustworthy than professors. At Orange Coast College, in California, the administration placed a political-science instructor on leave after four Muslim students accused him of calling them "murderers." The instructor, Ken Hearlson, says he was speaking not about the students but about Muslim terrorists and those who support their actions. The administration is investigating the matter.

Students on another California campus believe a political-science professor was insensitive when he said the Bush administration's policies may have contributed to the attacks. As George Wright spoke during a vigil at Cal State's Chico campus, students began interrupting him. "I'm here for the victims," yelled one. "My sister was on that island," shouted another.

Mr. Wright was shocked by the anger his remarks prompted -- he's received more than 70 hate letters so far. He also says he believed the campus gathering where he spoke was a rally to promote cultural understanding, not a vigil for victims of the attacks.

Obviously, not every campus incident since September 11 has been the product of hyper-conscious 18-year-olds lashing out after the worst American disaster in their lives. There has been some legitimate cause for concern. During a classroom discussion of the tragedy, John Azar, a philosophy professor at Henry Ford Community College, got into a verbal sparring match over religion with another student and then physically removed the student from the classroom. The professor has been suspended with pay while the Michigan college investigates the matter.

But university officials have taken their students' emotional sensitivity as a given, and have made it the basis for institutional policy. The dean at St. Olaf responded to the resident assistants' concerns about frightened students by asking faculty members to think hard about the

effects of their remarks.

Orange Coast administrators put the word out even before the controversy erupted over Mr. Hearlson's remarks about Muslims. "Be especially concerned that Middle Eastern students are not made to feel scrutinized, blamed for the incident, or threatened," urged a memorandum that the vice president for instruction sent to faculty members shortly after the September 11 attacks.

Those actions come as no surprise to people who have decried similar incidents since the late 1980s. "Universities have thrown away free speech for the last 15 years, and now one stares into the abyss of what they've created," comments Alan C. Kors, a history professor at the University of Pennsylvania.

"We've been in this mad cycle where university administrators have felt obliged to selectively criticize or denounce the viewpoints of others," says Mr. Kors, who is president of the Foundation for Individual Rights in Education, a free-speech advocacy group. "It's not unreasonable now for students to turn to these authorities for the repression of views."

Manuel A. Esteban, president of Chico State, has defended Mr. Wright's decision to speak out against Mr. Bush's policies at the campus vigil, even in the face of a letter-writing campaign aimed at ousting the professor. But Mr. Esteban does believe Mr. Wright is guilty of poor judgment, and is now paying the price. "His comments were not timely, in the sense that nerves were very raw, and obviously an effort is being made throughout the country for everybody to be behind the president," says Mr. Esteban. "There is a time and a place for his position, and one needs to be careful when one speaks."

Indeed, even some of higher education's most ardent supporters of free speech agree that timing is crucial. Jane Buck, president of the American Association of University Professors, says, "we should be able to disagree agreeably." But she adds: "Maybe we do have to take some time, instead of while the feelings are raw."

If not now, though, when? Shouldn't professors begin asking the hard questions now, before the issues have been settled?

Robert Jensen, a journalism professor at the University of Texas at Austin, thought the day after the attacks was the perfect time to raise the issue of American foreign policy's role in the tragic events. In an op-ed article in the *Houston Chronicle*, he called the attacks "reprehensible" but went on to assert that the United States might have prompted them. "My anger on this day is directed not only at individuals who engineered the September 11 tragedy but at those who

have held power in the United States and have engineered attacks on civilians every bit as tragic," wrote Mr. Jensen.

The article unleashed a torrent of protest, much of it directed at the university's president, Larry R. Faulkner. The president received e-mail messages and telephone calls from all over the state, demanding that the university fire Mr. Jensen and threatening to withhold donations if it did not.

In a letter to the *Houston Chronicle*, Mr. Faulkner wrote that he was "disgusted" by Mr. Jensen's article and called the professor not only "misguided" but a "fountain of undiluted foolishness." He added: "There is some comfort in the fact that practically no one here takes his outbursts seriously."

The president didn't want to talk publicly about the letter last week. But in an e-mail message to a faculty member, Mr. Faulkner wrote that Mr. Jensen "would be more effective if the logic were improved in some of his pieces." In the vein of other cautious administrators, the president also said that Mr. Jensen could have waited before "adding right away to the wounds of a people who have just suffered a massive attack."

Waiting seems to be the last thing on the minds of those who feel universities should take action against faculty members who have inflamed the nation's emotional wounds. At the University of New Mexico, a history professor's admittedly "stupid" joke has brought down the wrath of lawmakers and alumni who are demanding his dismissal. The professor, Richard Berthold, told students that "anyone who can blow up the Pentagon gets my vote." One alumnus has sued the university, charging that it violated a state law that forbids government employees from teaching or advocating "sabotage, force and violence, sedition, or treason."

And few are questioning the president's decision to immediately refer the matter to the university's disciplinary committee.

By contrast, Mr. Faulkner's response to Mr. Jensen's article has sparked a backlash at the University of Texas from students and professors who believe it has had a chilling effect. "The faculty felt there was a very clear message that if you stick your neck out, we will disown you," says Dana L. Cloud, an associate professor of communication studies. "This was a symbolic casting out of Bob Jensen from our intellectual community."

Civil libertarians are watching those cases closely, worried that they might turn into witch hunts on a par with those of the McCarthy era. Says Professor Kors: "At moments of crisis, freedom is always in peril."

If we worry about who is offended by lawful free speech, then we're all going to be silent."

Jay Rosen, a journalism professor at New York University, has noticed that students now "need us in a way that is different." He agrees with administrators who say that professors must take students' feelings into account: "I do think we have a responsibility to comfort students." But, he says, at a time when everyone is eager to be generous with their resources, "we have to comfort them with the only thing we really have, and that's our intelligence."

Scott Smallwood contributed to this article.

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