Academic Freedom in America after 9/11

by John K. Wilson

College campuses around the country reacted to the September 11, 2001, terrorist acts with rallies, vigils, discussions, and a wide range of debates about the causes and cures for terrorism. Yet the story told about academia in the media was often quite different. Conservatives claimed that the reaction to 9/11 in academia was another example of “political correctness” run amuck. In the Washington Post, Jonathan Yardley wrote, “While most of the nation has been roused to a revival of patriotism and stiffened resolve by the terrorist attacks and their aftermath, the thought police have launched a new onslaught on free speech and revived the anti-Americanism that was pandemic on the campuses in the age of political correctness. Now, as in the not-so-distant past, speech on campus is free mainly for those with whom the thought police agree.”

“Universities have thrown away free speech for the last 15 years, and now one stares into the abyss of what they’ve created,” declared Alan Charles Kors, a history professor at the University of Pennsylvania and a co-founder of the Foundation for Individual Rights in Education (FIRE). “We’ve been in this mad cycle where university administrators have felt obliged to selectively criticize or denounce the viewpoints of others. It’s not unreasonable now for students to turn to these authorities for the repression of views.” Columnist Debra Saunders

declared, “Kors noted that for every professor in trouble for criticizing U.S. policy from the left, there were 5 or 10 students in hot water for supporting the war on terrorism.” There is no factual basis for the claim that supporters of war faced more suppression on college campuses. To the contrary, opponents of the war on terror reported many more threats to academic freedom.

Far from being the center of repression, college campuses were often the only places in America where the U.S. response to terrorism was seriously analyzed and debated. Indeed, conservatives attacked academia because, at a time of flag-waving and national unity, colleges were the one place in America society where a debate about public policy occurred and dissent from the Bush Administration’s foreign policy was permitted.

Many conservative campus groups denounced academic freedom after 9/11. In one infamous case, the American Council of Trustees and Alumni (ACTA) presented a list of 117 statements made by scholars deemed unpatriotic, such as NYU professor Todd Gitlin’s comment, “There is a lot of skepticism about the administration’s policy of going to war.” While not censorship in itself, the list raised alarms because ACTA helps to influence and train trustees who might attempt to censor these academics or others. “No one should have the license to hunt unpatriotic speech,” said George Borts, an economics professor at Brown University whose positive comment about the CIA was misinterpreted by ACTA and later excised from its report. Perhaps not coincidentally, the trustees at the University of South Florida who sought to fire tenured professor Sami Al-Arian had undergone training by ACTA just a few months earlier.

Compared to earlier “wartime” situations, academic freedom is far more protected today than at any time in the past. But the danger posed to academic freedom cannot be ignored. Efforts to silence faculty and students, even when they are unsuccessful, can make others around the country more reluctant to speak openly. Only by denouncing all efforts at censorship and vigorously defending the right of freedom on college campuses, can we continue to protect academic freedom.

The cliché of our times, constantly repeated but often true, is that 9/11
“changed everything.” One thing that it changed was academic freedom. The controversy over the limits of free speech on college campuses across the nation began immediately.

On the morning of September 11, 2001, University of New Mexico history professor Richard Berthold joked with his class, “Anyone who would blow up the Pentagon would have my vote.” Berthold received death threats, keeping him off campus. On September 27, an unidentified person left a message on the provost’s voice-mail saying if Berthold were not “oust” within 24 hours, Berthold would be ousted by other sources. Berthold was threatened in front of his home by a biker who came at him screaming obscenities, and he received several angry e-mails and letters with messages such as “I’d like to blow you up.” New Mexico state representative William Fuller declared, “Treason is giving aide or comfort to the enemy. Any terrorist who heard Berthold’s comment was comforted.” In the end, Berthold was pressured to retire from his job because of those 11 words he spoke on 9/11.

Mohammad Rahat, an Iranian citizen and University of Miami medical technician who turned 22 years old on September 11, 2001, declared in a meeting that day, “Some birthday gift from Osama bin Laden.” Although Rahat said that he meant it “in a sarcastic way,” Rahat was suspended and then fired on September 25, 2001. Paula Musto, vice president of university relations, declared that Rahat’s “comments were deeply disturbing to his co-workers and superiors at the medical school. They were inappropriate and unbecoming for someone working in a research laboratory. He was fired because he made those comments, certainly not because of his ethnic background.” Rahat had received only positive evaluation in 13 months working in the lab.

At the University of California at Los Angeles, library assistant Jonnie Hargis was suspended without pay for one week after sending an e-mail response criticizing American policies in Iraq and Israel. Hargis’ union successfully pursued a grievance; Hargis was repaid for his lost income, the incident was stricken from his job record, and the university was forced to clarify its e-mail policies.
On September 13, 2001, two resident assistants in Minnesota complained to the dean of students that undergraduates felt fearful and uneasy because some professors questioned the competence of the Bush Administration. According to the resident assistants, “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 administration asked faculty to think hard about what they said. Greg Kneser, dean of students, declared: “There were students who were just scared, and an intellectual discussion

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of the political ramifications of this was not helpful for them. They were frightened, and they look to their faculty not just for intellectual debate” but as “people they trust.”

Even hypothetical discussions were suspicious. Portland Community College philosophy professor Stephen Carey challenged students in his critical thinking class to consider an extreme rhetorical proposition that would cause great emotion, like “Bush should be hung, strung up upside down, and left for the buzzards.” One student’s mother, misunderstanding the example, called the FBI and accused Carey of threatening to kill the President, and the Secret Service investigated him.

When four leftist faculty at the University of North Carolina–Chapel Hill (UNC) criticized U.S. foreign policy at a teach-in, Scott Rubush of FrontPage magazine, declared, “They’re using state resources to the practical effect of aiding and abetting the Taliban.” The magazine recommended that these faculty be fired. “Tell the good folks at UNC–Chapel Hill what you think of their decision to allow anti-American rallies on their state-supported campus,” FrontPage urged. The administration received hundreds of angry e-mails, and was denounced on the floor of the North Carolina legislature. Several antiwar faculty members received death threats.

In addition to physical threats and attacks, Arab and Muslim students also faced enormous scrutiny from the authorities. An October 2001 survey by the American Association of Collegiate Registrars and Admissions Officers found that
at least 220 colleges had been contacted by law enforcement in the weeks after 9/11. Police or FBI agents made 99 requests for private “non-directory” information, such as course schedules, that under law cannot be released without student consent, a subpoena, or a pending danger (only 12 of the requests had a subpoena, although the Immigration and Naturalization Service doesn’t require consent for information on foreign students). Most requests were for individual students, although 16 requests for student records were “based on ethnicity.” Law enforcement received the information from 159 schools, and only eight denied any requests.

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In response to the violence and persecution against Muslim and Arab students, some colleges did try to restrict offensive speech in ways that resulted in threats to academic freedom. At Orange Coast Community College (OCC) on September 20, 2001, government professor Ken Hearlson was suspended for 11 weeks after Muslim students accused him of being biased against them and calling them “terrorists.” Hearlson denied the accusation. A tape recording of the class found that the most extreme statements were misheard, although Hearlson did apparently point a finger at Middle Eastern students while he blamed Arab countries for fomenting terrorism.  

In a case at Johns Hopkins University, Charles H. Fairbanks Jr., director of the Central Asia–Caucasus Institute at the Paul H. Nitze School of Advanced International Studies (SAIS), was demoted (but later reinstated) after a September 14 panel discussion on terrorism in which he criticized Iraq, Pakistan, and Palestinians.  

Anti-military views expressed in an e-mail could put a professor’s job at risk. At Chicago’s St. Xavier University, history professor Peter Kirstein sent this response to an Air Force cadet asking him to help promote an Air Force event: “You are a disgrace to this country and I am furious you would even think I would support you and your aggressive baby killing tactics of collateral damage.” Although Kirstein apologized for his e-mail, many called for his dismissal. On November 15, 2002, St. Xavier president Richard Yanikoski announced that Kirstein would be immediately suspended, receive a reprimand, and undergo a
post-tenure review during a Spring 2003 sabbatical. Another tenured professor was suspended for responding rudely to an unsolicited e-mail and saying that killing is wrong.

While conservatives contended that a few cases of censorship proved that left-wing thought police rule over college campuses, my extensive survey of academic freedom and civil liberties at American universities found the opposite. Left-wing critics of the Bush Administration suffered by far the most numerous and most serious violations of their civil liberties. Censorship of conservatives was rare, and almost always overturned in the few cases where it occurred. Patriotic correctness—not political correctness—reigned supreme after 9/11.

After 9/11, efforts to teach tolerance of Muslims and Arabs were sometimes denounced as appeasing terrorists. The University of North Carolina–Chapel Hill (UNC) asked incoming students in 2002 to read the book *Approaching the Qur'an: The Early Revelations*, prompting several lawsuits. A majority of the North Carolina House of Representatives voted to prevent UNC from using state funds on the assignment. One representative declared that it was “insensitive … to allow students to read about our attackers.” Representative Sam Ellis declared that students should not be “required to study this evil.”

In March 2003, the American Studies Association released a statement, “Intellectual Freedom in a Time of War,” and declared, “Free and frank intellectual inquiry is under assault by overt legislative acts and by a chilling effect of secrecy and intimidation in the government, media and on college campuses.” A survey by the University of Illinois Library Research Center found that more than 200 of 1,500 libraries in the survey had given information to law enforcement about patrons. The American Association of University Professors (AAUP) created a Special Committee on Academic Freedom and National Security in Times of Crisis in order to examine how the war on terror has affected academic freedom.

Dissent from American foreign policy became grounds for denunciations. The Web site Campus Watch (www.campuswatch.org) urged students to spy on
Middle East professors and publicly denounce their views, leading to death threats and harassment of professors. Founder Daniel Pipes called for “adult supervision of the faculty and administrators.”

The impacts of the Patriot Act have alarmed many in academia. Tom Campbell, dean of the Haas School of Business at the University of California and a former Republican congressman, called the Patriot Act a “serious breach” of the Fourth Amendment protections against unreasonable search and seizure. Patriot Act II would increase government powers to access private information without a warrant. The legislation would increase penalties for terrorism and allow the government to strip citizenship from and deport a naturalized citizen who helps groups that support terrorism. Section 411 of the Patriot Act allows the government to ban anyone who has “used his position of prominence within any country to endorse or espouse terrorist activity ... in a way that the Secretary of State has determined undermines United States efforts to reduce or eliminate terrorist activities.”

Notre Dame University’s Joan B. Kroc Institute for International Peace Studies hired Muslim scholar Tariq Ramadan to teach in fall 2004. But before he could come to South Bend, the U.S. government revoked Ramadan’s work visa. The government offered no explanation for its action. Ramadan, a Swiss citizen, was the victim of a coordinated campaign to keep him out of the country because of his criticism of Israel. Campus Watch director Daniel Pipes declared that the group “attempted to bring to the attention of the U. S. government who he really is.” In 2003, Ramadan had sparked a controversy by claiming that some French intellectuals supported Israel because they are Jewish. Spying on students who oppose Bush Administration policies also occurred to an alarming degree on college campuses. During the late 1960s, the FBI’s COINTELPRO program included a substantial amount of spying on radical campus groups and planting agent provocateurs who would try to convince these groups to commit acts of violence. After the spying on protesters under J. Edgar Hoover was revealed, the rules were changed to
limit surveillance of political groups. After 9/11, these rules were ignored.

A November 15, 2003, Drake University forum: “Stop the Occupation! Bring the Iowa Guard Home!” sponsored by the Drake chapter of the National Lawyers Guild included nonviolence training for activists. The next day, 12 protesters were arrested at an anti-war rally at Iowa National Guard headquarters in Johnston. A February 4, 2004, subpoena from an FBI Joint Terrorism Task Force ordered Drake University to give up “all documents indicating the purpose and intended participants in the meeting, and all documents or recordings which would identify persons that actually attended the meeting” and campus security records “reflecting any observations made of the November 15, 2003, meeting, including any records of persons in charge or control of the meeting, and any records of attendees of the meeting.” Drake University was also ordered not to tell anyone about the subpoena. Federal prosecutors eventually withdrew the subpoenas. Documents released in the case revealed that two Polk County sheriff’s deputies infiltrated the Drake conference to spy on the workshop about civil disobedience.

Army intelligence officers sought information about a February 4, 2004, University of Texas at Austin conference about “Islam and the Law: The Question of Sexism?” Two agents from the Army’s Intelligence and Security Commission secretly attended the conference, and a few days later visited university offices to try to obtain the names of three “Middle Eastern-looking” men who had asked questions at the conference.

At Columbia University, after professor Nicholas De Genova called for an Iraqi victory over the U.S. and said during a panel discussion that he would like to see “a million Mogadishus,” colleagues and the public denounced him. A letter from 104 Republican members of the U.S. House of Representatives demanded: “We are writing to urge you to fire assistant professor Nicholas De Genova for remarks he recently made at a ‘teach-in’ on the Columbia campus at which he called for the defeat of U.S. forces in Iraq.” President Lee Bollinger defended De Genova’s academic freedom while condemning what he said.

At Irvine Valley College in California, Vice President of Instruction Dennis
White wrote a March 27, 2003, memo:

It has come to my attention that several faculty members have been discussing the current war within the context of their classrooms. We need to be sure that faculty do not explore this activity within the context of their classroom unless it can be demonstrated, to the satisfaction of this office, that such discussions are directly related to the approved instructional requirements and materials associated with those classes. 20

At Forsyth Technical Community College in North Carolina, writing teacher Elizabeth Ito was fired for spending 10 minutes in a class criticizing the war in Iraq in Spring 2003. Although Ito apologized to the class and gave them opportunity to express their own views on the war, she refused to obey the administration’s demand to promise never to mention the war in class again. 22

The conservative civil liberties group FIRE reported that they had “seen a sharp increase in the number of inquiries regarding ‘partisan’ speech on campus. These inquiries have corresponded with reports of speakers being ‘un-invited’ because college and university administrations feared that their speech would be ‘too partisan.’” On October 20, 2004, the dean of arts and sciences at the University of South Florida, sent an e-mail to faculty declaring:

“We have received a number of complaints by students about instructors injecting their political views in class. This is occurring in classes that have no political theme or content. While I am acutely aware of the polarized nature of this election...
season and the fodder for humor, etc. this creates, please be aware that students may not share your views and that such discussions or even asides can cause genuine distress. Unless the content of your curriculum covers this material it would be wise to monitor your statements, even if they may seem to you to be flippant and inconsequential. Politics and religion are particularly sensitive topics—especially in Florida.”

Michael Moore’s movie Fahrenheit 9/11 became especially controversial. At Rowan–Cabarrus Community College in North Carolina, instructor Davis

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March was suspended for four days because he showed Moore’s movie in his film class. The college prohibits faculty from using “the classroom or college environment as a platform to promote their own personal, religious or political views,” Ann Hovey, executive vice president of the college, explained. “He was insistent about wanting to show it before the election, which implied some possible political intent.” March argued that he did not disobey any orders banning the film, although the college had prohibited flyers promoting the showing of the movie (in yet another violation of the First Amendment).

Efforts at censorship increased when Moore went on a campus speaking tour. George Mason University cancelled Moore’s appearance a few days after conservative state legislators objected to it. Daniel Walsch, executive director of university relations, explained: “We didn’t think it was appropriate to use public monies to pay for his fee.” At Utah Valley State College, public outcry over an October 20, 2004, speech by Moore led President William Sederburg (a former Republican state senator) to order student leaders to find a conservative speaker to “balance” Moore. Student leader Jim Bassi declared, “Someone that outspoken, especially in our community, is obviously different than other speakers we’ve had. He’s ruffled more feathers. For different speakers, you have to make different accommodations.” Student Sean Vreeland led a petition drive to have Moore banned from campus and the student government leaders fired. Utah state legislators found their own way to punish the university for allowing free speech. In January 2005, they cut $37 million in funding for construction on campus in retaliation.

California State University at San Marcos president Karen Haynes even
claimed that having Michael Moore speak on her campus was illegal. Haynes wrote, “As a public university, we are prohibited from spending state funds on partisan political activity or direct political advocacy.”

As in the case of Michael Moore, balance is often a cry for censorship. It is an appealing concept in theory; but when it is used to silence views, rather than adding to them, then it infringes on freedom of expression. A biology class should not be balanced with creationism. A class about Nazi Germany should not be balanced with one taught by Holocaust deniers. And an astronomy class should not

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be balanced with astrology, even if popular opinion supports it. Balance is such a vague concept that its enforcement could overturn any speaker or class.

At Bucks County Community College in Pennsylvania, the Israeli consulate protested a panel discussion on the Middle East because it focused too much on Palestinian issues. College spokesperson Marta Kaufmann told faculty, “Since emotions are running so high, everyone should tilt toward balance”

At Arizona State University, administrators ordered removal of anti-Bush art for the “Democracy in America” exhibit to maintain balance. President Michael Crow declared, “I don’t like surprises that seem to be potentially negative to the overall image of fairness and impartiality that we must take as [an] institution.”

Some artwork in a 2004 exhibit “The Art of War: The Effects of War on Art-Making” at Ohio University was removed and kept behind a library desk because it was deemed “unpatriotic” for criticizing the Bush Administration and the war on Iraq. Federal prosecutors went after Professor Steve Kurtz of the University of Buffalo because he obtained two harmless strains of natural bacteria commonly used in high school science labs for his artistic work on biotechnology.

In the wake of 9/11, academic freedom suffered under a wave of patriotic correctness in America. An institution of higher learning should not fear controversy or prefer bland clichés to intellectual content. All colleges should prohibit banning speakers, even if they dissent from a particular orthodoxy. The response to the terrible acts of terrorism on September 11, 2001, did not require an exception to the rules of academic freedom. To the contrary, the period after 9/11 was a moment
when intellectual scrutiny of American foreign policy was more important than ever. Higher education did no worse, and perhaps better, than other American institutions, such as Congress and the media, that accepted the Bush Administration plans, often without debate or inquiry. Sadly, though, the enemies of academic freedom too often succeeded in their aim of silencing dissent. Both the ideal and the practice of academic freedom have been under attack since 9/11, as America became a place where, in the words of Bush press secretary Ari Fleisher, you had to “watch what you say.”

ENDNOTES


