

## The Political War on Academic Freedom

By John K. Wilson © 2007

(not for citation; please consult the forthcoming book, “Patriotic Correctness: Academic Freedom and Its Enemies”)

The attacks of September 11, 2001, shocked America and the world. College campuses reacted to the terrorist acts with rallies, vigils, discussions, and a wide range of debates about the causes and cures for terrorism. Sometimes the reaction included threats and hatred toward Arabs and Muslims. Sometimes those who denounced the Bush administration’s “war on terror” faced death threats and censorship. And for the first time in fifty years, academic freedom in the United States took a clear step backward.

Of course, leftists were not the only victims of repression on college campuses in the wake of 9/11. In rare cases, administrators with a misguided sense of protecting Muslim students from criticism targeted right-wingers. While conservatives contended that a few cases of censorship proved that left-wing thought police rule over college campuses, extensive analysis of academic freedom and civil liberties at American universities indicates that the opposite was true: 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.

Many conservative groups denounced academic freedom after 9/11. Winfield Myers of the right-wing Intercollegiate Studies Institute declared, “Uttering irresponsible phrases may not raise an eyebrow in the perpetually adolescent land inhabited by too many academics, but in the world where most people live, such language is unwise at best, traitorous at worst.”<sup>i</sup> The American Council of Trustees and Alumni (ACTA) presented a list of 117 statements made by scholars the group deemed unpatriotic, such as New York University professor Todd Gitlin’s comment: “There is a lot of skepticism about the administration’s policy of going to war.”<sup>ii</sup> While not censorship in itself, the list

raised alarms because ACTA helps to influence and train trustees who could attempt to censor these academics. “No one should have the license to hunt unpatriotic speech,” noted George Borts, an economics professor at Brown University whose positive comment about the CIA was misinterpreted by ACTA and listed in its report.<sup>iii</sup>

Conservatives attacked academia because at a time of flag waving and national unity, colleges were often the one institution in American society where a substantive debate about public policy occurred and dissent from the Bush administration’s foreign policy was permitted. After 9/11, academic freedom in the United States encountered some of the most serious threats in a generation. It is only by denouncing these efforts at censorship, and vigorously defending the right of freedom on college campuses, that we can continue to protect academic freedom.

#### Intolerance toward Teaching Tolerance

After 9/11, dissent from American foreign policy became grounds for denunciations of academics. The website Campus Watch ([www.campuswatch.org](http://www.campuswatch.org)) urged students to spy on Middle East studies 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.”<sup>iv</sup> “Adult supervision,” of course, means censorship by administrators, trustees, and legislators. Those who dare to dissent are unruly children, and conservatives like Pipes are the adults who will tell them how to act. Pipes was also involved in the efforts to restrict academic freedom for Middle East studies departments.<sup>v</sup> On October 21, 2003, the U.S. House of Representatives passed the “International Studies in Higher Education Act,” known as HR 3077. Among the bill’s provisions was a requirement for an “International Advisory Board” to monitor Middle Eastern programs that receive Title VI grants and compel them to provide “diverse perspectives” in the eyes of the government.<sup>vi</sup> An article in the *American Conservative* observed, “If passed into law, the bill would mandate the withdrawal of federal funding from international studies departments that fail to display sufficient support for U.S. foreign

policy positions, do not contribute to homeland security, or fall short of federally mandated standards for ‘diversity’ of political perspectives.”<sup>vii</sup> Stanley Kurtz, who testified before Congress to denounce university area studies programs, defended the bill’s attack on academic freedom by proclaiming, “The postmodern professorate has already destroyed free speech and academic freedom by killing off the marketplace of ideas.”<sup>viii</sup> The American Council on Education strongly opposed the attack on academic freedom, but ended up supporting the final bill because it increased funding for international studies and added language to prohibit the advisory board from interfering with curricula.<sup>ix</sup> However, efforts continue to restrict academic freedom in area studies programs, and Kurtz reported in 2007 that the U.S. Senate is planning to force colleges to adopt “grievance procedures” for students who object to the content of Middle East Studies programs.<sup>x</sup>

Even efforts to teach tolerance and understanding of Muslims and Arabs were sometimes denounced as appeasing terrorists. When the University of North Carolina asked incoming students in 2002 to read the book *Approaching the Qur’an: The Early Revelations* translated by Michael A. Sells, it even prompted lawsuits. The Family Policy Network, a conservative Christian group, sued the university, arguing that it is unconstitutional for a public university to require students to study about a specific religion. After a flood of angry calls and e-mails, the university agreed to allow those students who chose not to read the book to write a one-page paper about why they didn’t want to read it. However, the lawsuit continued because the assignment of the book is “religious bigotry enforced with intimidation” according to the Family Policy Network.<sup>xi</sup> A federal district court ruled in favor of the university, noting that “enhancing the intellectual atmosphere of a school for incoming students” is legitimate.<sup>xii</sup>

A majority of the North Carolina House of Representatives voted to prevent UNC from using state funds on the assignment in a budget resolution: “No state funds or overhead receipts may be expended by a constituent institution of the University of North Carolina to offer for entering freshman students prior to their first semester for credit or otherwise any course or summer reading program in

any religion unless all other known religions are offered in an equal or incremental way. This section is not intended to interfere with academic freedom but to ensure that all religions are taught in a nondiscriminatory fashion.”<sup>xiii</sup> Of course, this resolution was intended to interfere with academic freedom, and it is also impossible to follow. There has never been a book written that teaches about all known religions equally. If the University of North Carolina ever tried to teach about pagan religions on an equal basis with Christianity, it would have outraged these fundamentalist Christian groups even more. The real problem to these conservatives was the idea of learning more about Islam; Republican state representative Sam Ellis declared that students should not be “required to study this evil.”<sup>xiv</sup>

Clearly, the scholarly reading of religious texts is not an establishment of religion. For a university to submit to this intimidation by encouraging students to avoid doing any reading is unfortunate. Students should learn that part of a college education is reading books with new ideas, not avoiding different beliefs and reading only what confirms what they already think. At the University of North Carolina, no students were actually compelled to read the book; no student would be punished for failing to complete the assignment. Yet this voluntary intellectual activity was loudly denounced.

This was not the end of litigation by the religious right. The American Family Association even filed a lawsuit trying to stop the University of North Carolina from holding seminars and roundtable discussions during Islamic Awareness Week in 2002. Fortunately, courts refused to issue an injunction banning discussions about Islam.<sup>xv</sup>

The University of North Carolina’s summer reading program sparked controversy again in 2003 when Barbara Ehrenreich’s book *Nickel and Dimed*, was chosen for incoming students to read and discuss. Conservative pundits and legislators sought to have the book banned from the program. North Carolina state senator Ham Horton declared Ehrenreich’s book was “not worthy of a university. It’s hardly an appropriate introduction to the community of scholars that is a university. It makes you wonder if it’s an indoctrination to particular views, rather than a balanced and scholarly approach to issues.” Senior Michael McKnight, chair of the state Federation of College Republicans, declared: “The

book is made out as fact rather than this lady's opinion about what's wrong with America. Some would say there's nothing wrong with America." One Republican state legislator called Ehrenreich's book "intellectual pornography," proving that some conservatives get sexually excited at the thought of multinational corporations exploiting impoverished workers.<sup>xvi</sup>

### Campus Censorship and the 2004 Election

Shortly before the 2004 election, the conservative civil liberties group FIRE (Foundation for Individual Rights in Education) reported, "In recent weeks, FIRE has seen a sharp increase in the number of inquiries regarding so-called 'partisan' speech on campus. These inquiries have corresponded with reports of speakers being 'uninvited' because college and university administrations feared that their speech would be 'too partisan.'"<sup>xvii</sup>

On October 20, 2004, University of South Florida arts and sciences dean V. Mark Durand sent an e-mail to faculty declaring, "We have received a number of complaints by students about instructors interjecting 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."<sup>xviii</sup>

The University of Wisconsin at Stevens Point ordered faculty and staff not to talk about politics. Provost Virginia Helm declared, "State statutes are making it very clear that state employees in general cannot express opinions that are advocating for or against a political candidate. We figured that a lot of faculty weren't aware of the state law. We just wanted to make them aware of those and provide some guidance."<sup>xix</sup>

The University of Illinois at Urbana-Champaign disciplined graduate student Tom Mackaman, a

socialist candidate for the state legislature in 2004, because he sent an e-mail press release about his candidacy via his university account. The University of Illinois created a new policy to prohibit similar political advocacy on campus, and university spokesperson Lex Tate even contended that faculty would not be allowed to invite a political candidate to campus.<sup>xx</sup>

Florida Gulf Coast University cancelled a speech by author and naturalist Terry Tempest Williams because of fear that Williams might criticize President Bush's environmental policies.<sup>xxi</sup> As FIRE noted, "The concern of college administrators should not be the maintenance of an artificially imposed 'balance' but instead the protection of open discussion, expression, and candor."<sup>xxii</sup>

The goal of limiting political speech by professors does not serve the academic freedom of students. To the contrary, it denies students their right to hear what their professor thinks about important political issues of the day. More importantly, a ban on faculty political speech sends the message to students that they, too, are not allowed to discuss political ideas.

Michael Moore's movie *Fahrenheit 9/11* attracted particular controversy by opponents who felt that it should be banned from college campuses. McHenry County College in Illinois prevented students from showing *Fahrenheit 9/11* on campus before the election because some local residents complained.<sup>xxiii</sup>

At Rowan-Cabarrus Community College in North Carolina, instructor Davis March was suspended for four days because he showed Moore's movie in his film class. That's right: He was suspended for showing a documentary in a 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" and 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 to ban the film, although the college had prohibited flyers promoting the showing of the movie (in yet another violation of the First Amendment).<sup>xxiv</sup>

But the strongest efforts at censorship occurred when Michael Moore went on a campus

speaking tour. George Mason University in Virginia cancelled Moore's appearance on campus 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."<sup>xxv</sup> Banning speakers because of their political views is unconstitutional at any time, but it's particularly wrong before an election, when students should be hearing discussions about politics more than ever.

At Utah Valley State College, public outcry over an October 20, 2004, speech on campus by Moore led President William Sederburg (a former Republican state senator) to order student leaders to find a conservative speaker to "balance" Moore. Student Sean Vreeland led a petition drive to have Moore banned from campus and the student government leaders fired.<sup>xxvi</sup> Even though conservative talk show host Sean Hannity was brought in to speak, 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 for the Moore's speech.<sup>xxvii</sup>

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."<sup>xxviii</sup> In reality, the reverse is true: Public universities are prohibited from withdrawing state funds merely because a speaker might discuss controversial political issues. State funds cannot be used to directly finance a candidate's campaign, but the First Amendment bans any such regulation of political advocacy.

### The Balance of Free Speech

As in the case of Michael Moore's speeches, the cry for balance is often a cover 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. Sometimes balancing is a bad idea: 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 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.

Even David French, then the head of FIRE, wrongly contended that in funding Moore's speeches, student fee "money was paid to him illegally" because it was "viewpoint discrimination" on campus.<sup>xxix</sup> David Horowitz wondered, "How it's possible to give a partisan political speech and get paid from taxpayer funds to do it?" —a particularly odd comment by a Republican Party activist who regularly gets paid by public universities to give his partisan attacks on Democrats.<sup>xxx</sup>

Of course, no college ever proposes that probusiness classes must be balanced with prolabor classes, or that corporate sponsors must be balanced with their critics, or that the wealthy businessmen who dominate every college's board of trustees should be balanced by appointing impoverished workers to the board. Balance is used only as a tool by conservative forces to silence liberal ideas.

At Arizona State University, administrators ordered removal of anti-Bush artwork for the "Democracy in America" exhibit in order to maintain balance. Stacey Shaw, the College of Fine Arts director of communications, declared that if the show was not balanced, "Democracy in America" would not be allowed: "We clearly understand our responsibility as a state-funded institution to have an exhibition to reflect balance and a variety of differing points of view."<sup>xxxi</sup>

Bob Wills, dean of the College of Fine Arts, demanded a "balance" between "anti-Bush" art and "anti-Kerry" art. President Michael Crow told Wills, "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." Wills e-mailed museum staff, "I can assure you—from concerned legislators to university administrative folks—there is the highest level of interest and concern that I have ever seen—in forty years of dealing with controversy. We should have avoided this situation entirely, and the processes which have brought it to life. And we need to devise plans ... and agreements for how and why it will never happen again." Eventually, the art museum agreed to ban some of the anti-Bush artwork in order to make the exhibition more "balanced."<sup>xxxii</sup>

Even producing artwork questioning U.S. wars could lead to investigative committees and the threat of dismissal for professors. John Leñños, an artist at Arizona State University, created a work called “Friendly Fire” about Pat Tillman, the Arizona football player who volunteered for the military and was accidentally killed by friendly fire in Afghanistan. The artwork showed Tillman and the text read, “Remember me?/I was killed by my own Army/Ranger Platoon in Afghanistan/on April 22, 2004/I am a hero to many of you/my death was tragic/my glory was short-lived/flawed perceptions/of myself/my country/and/the War on Terror/resulted in the disastrous/end to my life.” Leñños put up the posters on October 1, 2004, and the artwork soon became national news. Leñños received denunciations and death threats. The Arizona Board of Regents called it an “ill-advised poster ... and an unforgivable affront to an American hero.” President Crow attacked it as “offensive and insensitive.” Arizona State received hundreds of e-mails calling for Leñños’s firing, and the board of regents launched an investigation into Leñños’s classroom teachings and copyright issues surrounding the artwork.<sup>xxxiii</sup>

Buffalo State College **in New York** banned an antiwar exhibit from campus in August 2005. The American Friends Service Committee exhibit, “Eyes Wide Open,” consisted of 263 pairs of combat boots, each with the name of a National Guard soldier killed in Iraq. The exhibit was going to be sponsored by Buffalo State College Students for Peace, but Buffalo State officials demanded “upfront compensation for all expenses incurred and a certificate of liability insurance in the amount of \$1 million.” These demands came after top administrators rejected the proposed exhibit and wrote, “The college is unable to take a political stance on such issues.”<sup>xxxiv</sup>

Some of the artwork in a 2004 exhibit on “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.<sup>xxxv</sup>

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. After Kurtz's wife died from unrelated causes in 2004, paramedics noticed lab equipment in the house, and agents from the Joint Terrorism Task Force searched it. The FBI confiscated artwork made by Kurtz and other members of the Critical Art Ensemble that was going to be displayed at the Massachusetts Museum of Contemporary Art.<sup>xxxvi</sup> Because the bacteria were harmless and absolutely no possible terrorist use or intent was ever found, the FBI instead tried to pin Kurtz on a technicality, indicting him and Robert Ferrell of the University of Pittsburgh on federal charges of mail fraud and wire fraud because Kurtz asked Ferrell for help in ordering the bacteria samples. Kurtz faces a possible twenty-year prison sentence if he is convicted in 2008 for the crime of producing art critical of biotechnology.<sup>xxxvii</sup>

### Silencing Dissent on Campus

At too many colleges after 9/11, the war on terror became part of a war on academic freedom, with dramatic restrictions imposed on scientific research and Arab or Muslim students and scholars.

The "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism" Act, better known as the PATRIOT Act, was passed by the U.S. Senate on October 11, 2001, by a 99–1 vote and then approved overwhelmingly by the House of Representatives. The PATRIOT Act and similar restrictions of civil liberties have had a dramatic impact on college campuses. In March 2003 the American Studies Association released a statement entitled, "Intellectual Freedom in a Time of War," that 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. This atmosphere hinders our ability to fulfill our role as educators: to promote public debate, conduct scholarly research, and most importantly, teach our students to think freely and critically and to explore diverse perspectives."<sup>xxxviii</sup> The AAUP created a Special Committee on Academic Freedom and National Security in Times of Crisis to examine how the war on terror has affected academic freedom.<sup>xxxix</sup>

The PATRIOT Act weakened student protections under the Family Educational Rights and Privacy Act (FERPA). Colleges can be required not to record requests for private information and banned from informing students or anyone else about investigations. On November 4, 2002, the FBI sent a letter to colleges asking for information about all foreign students, including “names, addresses, telephone numbers, citizenship information, places of birth, dates of birth, and any foreign contact information” for the previous two years. The letter declared that the USA PATRIOT Act “has further granted educational institutions authority to release information to the federal government for use in combating terrorism.” The Association of American College Registrars and Admissions Officers argued that the FBI request violated federal privacy laws. Becky Timmons, director of government relations for the American Council on Education, declared, “The FBI is trying to do what the USA PATRIOT Act prevents and FERPA has long prevented.”<sup>xl</sup>

The impact of the PATRIOT Act, and plans for a second PATRIOT Act that is even more restrictive, have alarmed many in academia, but not just liberals. Tom Campbell, dean of the School of Business at Berkeley and a former Republican congressman, called the PATRIOT Act a “serious breach” of the Fourth Amendment protections against unreasonable search and seizure. Campbell noted: “Did you know that under the USA PATRIOT Act, the Department of Justice can obtain a warrant to read the e-mail or library or academic records of university students, staff or faculty? And that all the agency has to do to get the warrant is say that the information is related to an investigation involving espionage or terrorism?”<sup>xli</sup> A survey by the University of Illinois Library Research Center found that more than 200 out of 1,500 libraries in the survey had given information to law enforcement about patrons.<sup>xlii</sup>

Immigration and research restrictions on thousands of foreign-born students and faculty, exacerbated by the PATRIOT Act, have also had a negative impact on academia, making international travel by scholars more difficult. At the Latin American Studies Association International Congress March 27–28, 2003, almost all of the 103 Cuban scholars were absent due to enhanced security checks.

Many of the scholars had previously spoken at American universities, even after 9/11, but the increasing restrictions have caused thousands of scholars and students to be banned from American campuses.<sup>xliii</sup> In March 2004 the U.S. government banned American scholars from attending a conference in Cuba on brain injury. In June 2004 the government severely restricted all educational travel to Cuba and in September 2004 denied visas to all sixty-one Cuban scholars coming to Las Vegas for the Latin American Studies Association conference, forcing the cancellation of forty-five sessions. The Bush administration declared, “We will not have business as usual with the regime that so outrageously violates the human rights of the peaceful opposition,” although no objection is made to scholars from other totalitarian countries such as China.<sup>xliv</sup>

Bolivian scholar Waskar Ari, who studies political activism among indigenous people, was finally granted a visa to teach at the University of Nebraska in 2007, two years after he applied. He was never told why the Department of Homeland Security had ordered him banned from the country, and only litigation forced the reversal.<sup>xlv</sup> Iraqi epidemiologist and medical professor Riyadh Lafta was denied a visa to speak at the University of Washington in 2007 about the public health effects of the Iraqi war. Lafta was the co-author of an article in *The Lancet* that estimated massive numbers of civilian deaths in Iraq.<sup>xlvi</sup>

Panamanian citizen Marixa Lasso, an assistant professor of Latin American history at Case Western Reserve University, was denied her visa renewal and banned from America in the summer of 2007, without any explanation, until her visa was finally renewed in October 2007.<sup>xlvii</sup> Musicologist Nalini Ghuman, a British citizen and assistant professor at Mills College who had been working in the US for 10 years, had her visa suddenly revoked and was banned from America for no reason after arriving in August 2006.<sup>xlviii</sup>

In March 2005, the US government refused to grant a visa to historian Dora María Téllez, a former Sandinista leader and Nicaragua's minister of health, who was therefore banned from teaching at Harvard Divinity School.<sup>xlix</sup> In November 2005, Cuban scientist Vicente Verez-Bencomo was

banned from entering the U.S. to accept an award from the Tech Museum of Innovation for developing a low-cost vaccine for meningitis and pneumonia; the State Department claimed it would be "detrimental to the interests of the United States."<sup>1</sup>

Even when visas are approved, it often takes too long for scholars to teach or speak at a conference. It took nineteen months for immigration officials to approve a visa for Indonesian land reform activist Noer Fauzi, who was invited by the Institute of International Studies to spend a semester in residence at the University of California at Berkeley.<sup>li</sup>

Mohamed Hassan Mohamed, a Canadian born in Sudan, was going to teach a class at State University of New York at Fredonia in September 2002. When he reached the U.S.-Canadian border, Mohamed was detained for nine hours and banned from entering the United States, even after he agreed to be fingerprinted and registered. It took two weeks of protests by faculty on both sides of the border before Mohamed was allowed to teach in America.<sup>lii</sup>

Greek economist John Milios had a valid visa, but he was still banned from returning to the U.S. by border guards in 2006 after he was questioned about his political views.<sup>liii</sup> Adam Habib, the executive director of South Africa's Human Science Research Council's Program on Democracy and Governance, was banned from entering the US to speak at the American Sociological Association annual meeting in New York City in August 2007 despite holding a valid visa.<sup>liv</sup>

Canadian citizen Karim Meziane, a physicist at the University of New Brunswick (who spent several years in America as a graduate student), was stopped at the border in 2004 and banned from attending a conference in the United States. Meziane was interrogated for six hours about his views on religion, Israel, and the war in Iraq. Later, the Department of Homeland Security claimed that he was banned because of "unlawful activities committed in Canada," and even though the Canadian government has certified that Meziane has never committed a crime, he continues to be banned from America.<sup>lv</sup> In August 2006, Vancouver psychotherapist Andrew Feldmar was stopped at the border, interrogated for four hours, and banned from the United States because a search engine revealed that he

had written a 2001 journal article mentioning his use of LSD in the 1960s, even though he's never been convicted of any crime. According to a Customs and Border Protection spokesperson, "If you are or have been a drug user, that's one of the many things that can make you inadmissible to the United States."<sup>lvi</sup>

In August 2002 the State Department expanded its Technology Alert List to include architecture, community development, environmental planning, geography, housing, landscape architecture, and urban design; this requires more foreign students to receive security clearances before being allowed to study.<sup>lvii</sup> The new restrictions on visas are having a dramatic impact. When the University of Connecticut's graduate program in physics recruited nine students from China in 2002, all were denied student visas.<sup>lviii</sup> America isn't made safe from terrorism by excluding foreign students and professors. There is no balance between academic freedom and national security. America is not endangered by allowing free expression on college campuses.

### Banning Tariq Ramadan

The PATRIOT Act isn't merely a theoretical danger to civil liberties. Just ask Muslim scholar Tariq Ramadan, who was hired by Notre Dame University's Joan B. Kroc Institute for International Peace Studies to teach in fall 2004. After receiving his visa in May 2004 to teach at Notre Dame, Ramadan had quit his job in Europe and was preparing to leave in August 2004 when the Department of Homeland Security suddenly revoked his visa without explanation.<sup>lix</sup>

Ramadan, a Swiss citizen, was the victim of a coordinated campaign to keep him out of the country. Daniel Pipes, director of the pro-Israel advocacy group Middle East Forum, helped some French groups lobby the United States to keep Ramadan out of America due to his criticism of Israel. Pipes declared that the groups "attempted to bring to the attention of the U.S. government who he really is."<sup>lx</sup> In 2003 Ramadan had sparked a controversy by claiming that some French intellectuals supported Israel because they are Jewish.<sup>lxi</sup>

The State Department interviewed Ramadan at the American Embassy in Switzerland after he reapplied for a visa. Ramadan reported being asked “really strange” questions, including “who was financing my travels” to the United States, “what was your position on Palestinian resistance?” and “what was your position on the war on Iraq?”<sup>lxii</sup> The Bush administration’s State Department later admitted that Ramadan had no connections to terrorism, but denied his request for a visa because he gave \$770 to a French Committee for Charity and Aid to Palestinians, which has been linked to the Palestinian group Hamas. But at the time Ramadan made his donations in 1998–2002, the United States had not banned the group as terrorist linked, and it continues to be legal in France. There is no evidence that any part of Ramadan’s donation was ever used for any terrorist activity, and no way Ramadan could have known that the organization would later be accused of any terrorist links.<sup>lxiii</sup> As Ramadan noted, “It was a political decision,” based upon his ideology rather than any plausible link to terrorism.<sup>lxiv</sup>

Far from supporting terrorism, Ramadan has been one of the leading voices for peace in the Muslim world. He sharply denounced the 9/11 attacks and made a controversial call for a total moratorium in the Muslim world on the death penalty, stoning, and corporal punishment. As one profile noted, “Ramadan is in fact one of the few Muslim intellectuals to speak out against anti-Semitism.”<sup>lxv</sup> Ramadan is banned from Egypt and Saudi Arabia because of his opposition to government repression.<sup>lxvi</sup>

As Ramadan wrote, “Anyone who has read any of my 20 books, 700 articles or listened to any of my 170 audiotaped lectures will discern a consistent message: The very moment Muslims and their fellow citizens realize that being a Muslim and being American or European are not mutually exclusive, they will enrich their societies.”<sup>lxvii</sup> The international Network for Education and Academic Rights issued an academic freedom alert for the United States because of the Ramadan ban, the fifth time the U.S. government had been cited by NEAR for violating academic freedom since January 2002.<sup>lxviii</sup> Ramadan has not been silenced, and he continues to speak out against the U.S. government.

But as Ramadan observed, “I have no job, and the message that was sent to Muslim scholars is, ‘don’t be critical.’”<sup>lxxix</sup>

Rather than worrying about scholars who are banned by the government from teaching anywhere in the country, conservative activists celebrate this attack on academic freedom. David Horowitz claimed that Ramadan was excluded “because of his connections with al-Qaeda,” a charge no one has ever made.<sup>lxxx</sup> According to Horowitz, “As for Tariq Ramadan, why do you think with all the conservative academics who have been persecuted of late, the AAUP should pick as its poster boy someone whom our intelligence agencies have linked to terrorists?”<sup>lxxxi</sup> Of course, the AAUP does defend conservative scholars, but not one conservative professor is banned by the government from teaching in America.<sup>lxxxii</sup>

The precedent of revoking a visa for criticizing the U.S. government is an extraordinary threat to academic freedom. Every foreign professor or student in the United States can potentially have a visa revoked, without any reason given or any opportunity for a hearing, if he or she dares to criticize the Bush administration.

### Spying on Protesters

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.<sup>lxxxiii</sup>

But after 9/11, these rules were ignored. University of Colorado campus police provided data to the FBI on animal rights activists and also gave information for years to the Denver Police Department’s “spy files” on peaceful protesters. Regent Jim Martin declared that the police “clearly crossed the lines of infringing civil liberties.”<sup>lxxxiv</sup>

In Iowa, a November 15, 2003, Drake University forum on “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, twelve protesters were arrested at an antiwar rally at Iowa National Guard headquarters in Johnston. Because of this, Drake University was ordered in a February 4, 2004, subpoena from an FBI joint terrorism task force 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 any campus security records “reflecting any observations made of the Nov. 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. The AAUP Special Committee on Academic Freedom and National Security in a Time of Crisis declared, “To demand the naming of all persons who attended a lawfully registered campus conference will undoubtedly chill protected expression, and deter participation at similar events in the future.” According to documents released in the case, two Polk County sheriff’s deputies had infiltrated the Drake conference to spy on the workshop about civil disobedience.<sup>lxxv</sup>

Other government agencies are also involved in spying on campus groups. 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.<sup>lxxvi</sup>

Miguel Tinker-Salas, a professor of Latin American history at Pomona College **in California**, was questioned in 2006 about Venezuelan connections by members of a federal terrorism task force, who also asked students about the content of his classes.<sup>lxxvii</sup> FBI antiterrorism task forces are reportedly monitoring Muslim groups at the University of California at Irvine.<sup>lxxviii</sup> And FBI agents

obtained a contact list for people attending the Third National Organizing Conference on Iraq in 2002 at Stanford University.<sup>lxxxix</sup>

In 2005 it was revealed that the federal government kept a list monitoring peaceful antirecruitment protests at Berkeley and other colleges. A peaceful protest at NYU's law school featuring antirecruiter signs and stickers was also listed.<sup>lxxx</sup> The FBI watched peaceful groups like the Vegan Community Project and worried about the "semicomunistic ideology" of the Catholic Workers.<sup>lxxx</sup>

The Department of Defense maintained surveillance reports on student protests against recruiters at State University of New York at Albany, Southern Connecticut State University, the University of California at Berkeley, and William Paterson University of New Jersey that were considered security threats.<sup>lxxxii</sup> The University of California at Santa Cruz's Students Against the War were included on a government terrorism database in 2003 for holding a peaceful protest against military recruiters on campus that was deemed a "threat."<sup>lxxxiii</sup>

At Forest Park Community College in Missouri, speakers and participants at the May 2003 Biodevastation 7 conference were harassed and arrested by police who feared that they might disrupt the World Agricultural Forum in St. Louis. Police detained a dozen people for riding bicycles without a license. A van going to the conference was stopped by police for a seatbelt violation, and the driver was arrested (for an unmarked container with Vitamin C pills). Everyone in the van was interrogated by three groups of investigators. Police raided the Bolozone housing collective without a warrant, claiming that nails and stones used in remodeling were evidence of weapons. One police officer found a beer bottle and put a rag in it, pretending to have found a Molotov cocktail. Another police officer admitted that police vandalized bikes and slashed tires of the activists.<sup>lxxxiv</sup>

In the summer of 2004, the *New York Times* reported that "the FBI has been questioning political protesters across the country" about events planned at the political conventions.<sup>lxxxv</sup> In Missouri the FBI trailed and then interrogated three students and alumni of Truman State University

about their protest plans. The three men were subpoenaed to appear before a grand jury to prevent them from leaving to attend the Democratic National Convention.<sup>lxxxvi</sup>

Sometimes conservative students do the spying. When President George W. Bush spoke at Kalamazoo, Michigan, in 2004, Kalamazoo College Republicans identified students they deemed critical of Bush and had them banned from the event for posing a potential threat of protesting.<sup>lxxxvii</sup> Conservatives are also urging a much greater surveillance of college campuses. A 2006 House Intelligence Committee Report (condemned by Democrats for its partisan motives) asserted that in America, “universities continue to be used as potential recruitment centers for Islamist extremists,” but provided no evidence to support this assertion.<sup>lxxxviii</sup> Candace de Russy, a trustee at the State University of New York (who also has served on boards of the U.S. Air Force Academy, the National Association of Scholars, the American Council of Trustees and Alumni, the Independent Women’s Forum, and the Foundation for Individual Rights in Education), denounced academia as “self-indulgent and permissive.” Warning of “the very real prospect of the metastasis of Islamist terror cells” at American colleges, de Russy declared in 2006 that authorities must “review courses seeming to exalt violent activities or revolution” and “lists of all student organizations should be established, along with procedures for monitoring.” According to de Russy, the war on terror justifies imposing external control over faculty hiring, and “if faculties fail in such ways to foster a higher education ‘culture of security,’ then campus governing boards must lead the way toward this cultural change.”<sup>lxxxix</sup>

### Criticizing the War on Iraq

Critics of the invasion of Iraq and other conflicts found themselves (and their freedom to speak without retaliation) under attack on campus. Wisconsin state representative Scott Suder denounced the University of Wisconsin at Madison for allowing antiwar member of the British Parliament George Galloway to speak on campus.<sup>xc</sup> At the University of California at Berkeley, Candace Falk, the director of the Emma Goldman Papers Project, used antiwar quotes from Goldman in a fund-raising letter. University officials halted the mailing, claiming that the quotes could be interpreted as a political

statement. After public criticism, administrators relented and allowed the mailing.<sup>xci</sup>

At Columbia University, after professor Nicholas DeGenova called for an Iraqi victory over the United States 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 DeGenova 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 DeGenova’s academic freedom while condemning what he said.<sup>xcii</sup>

At Irvine Valley College in California, vice president of instruction Dennis White wrote in 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.” The memo was in response to three students, including one with a fiancé in the military, who reportedly became distraught after instructors expressed antiwar opinions in classes. Administrators promised to investigate each case.<sup>xciii</sup>

Sensitivity to the feelings of prowar students could even lead to the dismissal of faculty who dared to mention the war in class. At Forsyth Technical Community College in North Carolina, writing teacher Elizabeth Ito was fired for spending ten 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.<sup>xciv</sup>

Alan Temes, an assistant professor of health and physical education at Indiana University of Pennsylvania, was denied tenure after being warned by his department chair not to engage in antiwar activism by listing on a bulletin board the deaths in Iraq. Temes’s chair wrote to him, “Hanging a body

count is not an issue of freedom of speech, but one of using poor judgment and showing lack of sensitivity for students, faculty and staff in our office who have immediate family members who are themselves at risk of dying in Iraq every day.” Temes reported that he was told in a meeting that continuing his antiwar activism would hurt his bid for tenure, and shortly afterwards was denied tenure.<sup>xcv</sup> Conservative writer Cathy Young noted about the Temes case, “This is one of several recent incidents in which colleges penalized faculty and students for expressing antiwar views.”<sup>xcvi</sup>

In an anonymous evaluation form for University of Arizona professor David Gibbs’s spring 2004 class on politics, one student wrote: “I believe that the university should check into David Gibbs. He is an anti-American communist who hates America and is trying to brainwash young people into thinking America sucks. He needs to go and live in a Third World country to appreciate what he has here. Have him investigated by the FBI. FBI has been contacted.” Gibbs reported that a student blog urged other students to attend the class and attempt to disrupt it.<sup>xcvii</sup>

Colorado State University sociology professor Steven Helmericks had to leave his job as a part-time teacher after receiving death threats in 2004. The reason? On June 14, 2004, while introducing himself in his general sociology class, Helmericks discussed his opposition to the war in Iraq, reportedly saying that Bush “is sending boys and girls out to die for no goddamn reason.”<sup>xcviii</sup> A student whose husband was in Iraq spoke up to criticize his views, and Helmericks said he appreciated her views and didn’t mean to offend anyone. After the class this student confronted Helmericks again, and he suggested that if she had trouble with lecture that day, she might prefer to take a different class. The student complained to the chair of the department, who talked to Helmericks. One student in the class noted about Helmericks after the first class, “He was very guarded in what he said, and I thought that took away from his teaching.” But Chuck Fogland, president of the CSU College Republicans, condemned Helmericks as a “totalitarian” professor who “harassed” Republican students; he accused Helmericks of being “narrow-minded, abusive and unfair.” But Bruce Tracy, a Republican student in Helmericks’s class, criticized the College Republicans’ crusade: “To say there was political bias in that

class is a completely personal bias of the situation. He did not at any time bully or slam down our throats a political agenda.” When the attacks on Helmericks were publicized in the press, he began receiving e-mail and phone threats. Helmericks declared, “The university and I came to the consensual agreement that I was in danger, as were other students and other professors,” and he agreed not to teach.<sup>xcix</sup> Although Helmericks agreed to be banned from the classroom, a part-time professor has little power to resist the will of the administration. By allowing death threats to affect what gets taught, a university runs the risk of encouraging further threats.

Critics of the military were often subjected to harassment and arrest. In 2004 Boston College student Joe Previtera decided to protest torture at Abu Ghraib by American soldiers. Previtera went outside a Boston armed forces recruitment center, stood on a milk crate, put on a black cape with a hood, and dangled a couple of stereo wires from his fingers, in clear imitation of one of the photos of Iraqis threatened with electrocution at Abu Ghraib. Previtera was not only banned from protesting, he was also arrested and charged with two felonies for possession of a hoax device and making a false bomb threat (even though Previtera never said anything) because police thought that the stereo wires looked like part of a bomb.<sup>c</sup>

At the University of Massachusetts at Boston on April 3, 2003, a sergeant recruiting for the National Guard confronted a student wearing a “military recruiters off my campus” t-shirt who was passing out fliers for an event on the anniversary of Martin Luther King Jr.’s assassination. The sergeant called the student a “fucking Communist” and called the campus police to try to prevent him from handing out fliers. The sergeant also asked him, “Are you organizing the program for Dr. King?” and then told the student, “You should be shot in the head, too.”<sup>ci</sup> Professor Tony Van Der Meer stepped in, and the sergeant made a similar threat to him. Several witnesses saw the sergeant poke Van Der Meer in the shoulder and get in his face, with no physical response by Van Der Meer. As the recruiters left, Van Der Meer continued to yell at the recruiters, and three police officers tackled Van Der Meer, tore his jacket, and arrested him. Van Der Meer was charged with assault and battery of a

police officer and resisting arrest. Several students who yelled at the police were also threatened with arrest. The police officer, when asked why the recruiter had not been arrested for making a death threat, declared: "I'm not arresting anyone in the military because I choose not to."<sup>cii</sup> Deanna Brunetti, who was selling class rings to students in the lobby, reported about the military recruiter: "The guy in the uniform said to the black man, 'You should be shot in the head, you and all you peacemaker people.'" Brunetti then saw an "extremely angry" police officer who "poked the black man. I saw the cop grab the black man by the lapel and push him to the ground. He almost pushed the black man into my table. I didn't see the black man raise a finger to the officer. Not once."<sup>ciii</sup> Eventually, the charges against Van Der Meer were dropped.<sup>civ</sup>

During the 2005–2006 school year, suppression of peaceful campus protests reached its highest levels at American colleges since the Vietnam War. In just two days in September 2005, college officials at three different campuses illegally banned protests and violently attacked students who tried to protest military recruiters.

On September 28, 2005, University of Wisconsin at Madison students were banned from attending an open career fair in the student center because they had signs critical of military recruiters.<sup>cv</sup>

A peaceful protest of an army recruiting table at Holyoke Community College's cafeteria on September 29, 2005, was interrupted by violence from campus police. Peter Mascaro, head of campus security, grabbed a sign away from a student that read "Cops are hypocrites" because he considered it "inappropriate." Then Officer Scott Landry (the advisor to the College Republicans, who had gathered to urge the police to attack the students), grabbed the student, and with the help of three other officers, lifted the student off the ground and assaulted him. When another student, Charles Peterson, peaceably came to the student's defense, the police put him in a headlock, and then sprayed mace in his face. The next day, Peterson was banned from campus, preventing him from working at his campus job and prohibiting him from attending classes, without any due process.<sup>cvi</sup>

Also on September 29, 2005, George Mason University student Tariq Khan, an air force veteran, stood near a recruiting table for the U.S. Marines while wearing signs that said “Recruiters tell lies. Don’t be fooled” and “U.S. out of Iraq, Israel out of Palestine, U.S. out of North America.” Khan was surrounded by three conservative students who yelled at him and ripped off one of his signs. Instead of defending Khan’s rights, a campus police officer attacked Khan without reason, throwing him on the ground and putting him in a chokehold. Khan was handcuffed, dragged to a police car, denied medical treatment, and threatened with being pepper sprayed and hung by his feet from the ceiling.<sup>cvii</sup>

Three students and a staff member at City College of New York were attacked by campus security, arrested, and banned from campus because of a peaceful protest against military recruiters at a career fair; all charges were dropped after the community protested.<sup>cviii</sup>

At San Francisco State University, ten students were physically removed from a career fair on April 14, 2006, for protesting military recruiters and banned from campus for two weeks without any hearing, even though some lived and worked as well as studied on campus. The students had handed out leaflets, talked to recruiters and potential recruits, and chanted, “Killing Iraqis is no career! Recruiters are not welcome here!” One of the students, Lacy MacAuley, reported: “I was talking to a student in line waiting to speak to military recruits, and then I just felt two people grab my arms from behind and they just dragged me out.”<sup>cix</sup>

At several colleges merely handing out pieces of paper critical of war was prohibited. At Hampton University in Virginia in 2005, students were punished for the crimes of “cajoling” and “proselytizing” because they were observed handing out unauthorized antiwar flyers and involved in an unapproved protest.<sup>cx</sup> Six Hampton students were found guilty by the administration and punished by being forced to do community service work.<sup>cx</sup>

At the University of Nevada at Reno, campus officials tried to invoke free speech zones in order to ban protestors from handing out antiwar literature and to prevent the Queer Student Union from

holding a “kiss-in for justice” against military recruiters at a career fair. The campus College Republicans even filed suit against the protesters seeking a permanent restraining order against their protests at career fairs.<sup>cxii</sup>

The new wave of patriotic correctness has also brought a revival of McCarthy Era loyalty oaths. The Ohio Patriot Act requires all public employees, including university professors, to sign a loyalty oath expressing opposition to terrorism or lose their jobs.<sup>cxiii</sup> An 1864 loyalty oath for professors in Nevada was recently revived, and a campus theater director was removed from teaching in 2006 for refusing to sign it.<sup>cxiv</sup>

#### Academic Freedom after 9/11

Has the state of academic freedom improved since the days following 9/11? Although it is always difficult to measure the overall status of academic freedom, the startling conclusion from the limited evidence available is that academic freedom has actually declined further as time passes. One reason is that 9/11 united Americans. There was no massive wave of repression in America after 9/11 because there was rarely anything to suppress: American professors (and, indeed, almost the entire world) universally agreed that the 9/11 attacks were evil. But after 9/11 that consensus has faded as the Bush administration pursued a controversial war in Iraq and the 2004 election approached. As political division within the country grew, so too did the impulse to silence dissent on college campuses, especially the desire to suppress left-wing political views. After 9/11 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, as America became a place where, in the words of former Bush press secretary Ari Fleisher, you had to “watch what you say.”<sup>cxv</sup>

In the wake of 9/11 academic freedom suffered under a wave of patriotic correctness in America, as professors were fired, free speech was silenced, and politicians demanded flag waving instead of political debate. An institution of higher learning should never fear controversy. All colleges

should actively seek to have commencement speakers who will address controversial views. All colleges should institute policies that 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, after 9/11 was a moment when intellectual scrutiny of American government policies (and the academic freedom required to utilize it) was more important than ever.

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