

The image shows the Liberty Bell, a large brass bell with a prominent crack running down its center. It is mounted on a wooden yoke. The bell is positioned in front of a window that looks out onto a cityscape with buildings and a green lawn. The text "The Academic Freedom Hearings In Pennsylvania" is overlaid on the top half of the image in a white, serif font.

The Academic Freedom Hearings In Pennsylvania

Edited by David Horowitz

Center for Study of Popular Culture

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In Pennsylvania

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TABLE OF CONTENTS

Introduction: The Hearings	7
I. Testimonies	
1. Academic Freedom on Trial by David Horowitz	9
2. The Troubled Curriculum at Temple by Stephen Zelnick	19
3. A Student Speaks by Logan Fisher	24
4. Advocacy Is Not Education by Stephen Balch	26
5. Declining Intellectual Diversity by Anne Neal	33
6. Violations of First Amendment Rights by David French	37
II. Questions Submitted to University Administrators	
7. Questions for Penn State University President Graham Spanier	43
8. Questions for University of Pittsburgh Chancellor Mark Nordenberg	49
III. Appendices	
Pennsylvania Legislation HR 177 Authorizing the Hearings	55
The Academic Bill of Rights	57
Footnotes	59

INTRODUCTION

On July 5, 2005, the Pennsylvania House passed a resolution (HR 177)¹ to establish a select Subcommittee on Academic Freedom in Higher Education. The purpose of the Subcommittee was “to examine the academic atmosphere and the degree to which faculty have the opportunity to instruct and students have the opportunity to learn in an environment conducive to the pursuit of knowledge and truth at State-related and State-owned colleges and universities and community colleges in this Commonwealth.”

This marked a historic moment in the history of academic freedom in America, launching the first hearings on the state of academic freedom in colleges and universities ever held.

The House resolution was conceived and written by Representative Gib Armstrong, a Republican from Lancaster and former marine who had served in Mogadishu. In the summer of 2004 Representative Armstrong was approached by a constituent named Jennie Mae Brown, an Air Force veteran who had returned to college to continue her studies at Penn State. Ms. Brown told Representative Armstrong about her experience in a physics class in which her professor “routinely used class time to belittle President Bush and the war in Iraq.” According to a report on the incident in the *New York Times*,² “as an Air Force veteran, Ms. Brown said she felt the teacher’s comments were inappropriate for the classroom.”

A year earlier the movement of an Academic Bill of Rights³ had been launched by the organization Students for Academic Freedom. Representative Armstrong drew language from its text for his own resolution, which was passed on July 5, 2006 by the Pennsylvania House. The vote was 111-87.

The first session of the House Subcommittee on Academic Freedom was held in the Capitol in Harrisburg on September 19, 2005. At this session, testimony was heard from David French the director of the Foundation on Individual Rights in Education concerning the First Amendment implications of speech codes on Pennsylvania’s public university and college campuses.⁴ Subsequent hearings were held at the University of Pittsburgh on November 9th and 10th, 2005, and at Temple University in Philadelphia on January 9th and 10th, 2006. More hearings were scheduled for Millersville University and Penn State Harrisburg later in the spring. Collateral hearings were also held before the Appropriations Committee of the Pennsylvania Senate on February 22 and 23, 2006.

The present volume is a selection of the testimonies from the first three hearings sessions, along with a formal set of questions submitted to the President of Penn State University by the Senate Committee on Appropriations.

February 23, 2006

I. TESTIMONIES

1. Academic Freedom on Trial

(Testimony of David Horowitz at Temple University on January 10, 2006)

These hearings are historic in their concern for the health of academic freedom on our college and university campuses; I thank you for allowing me to participate. But I also want to express my concern about statements made by some members of this Committee at its first session in Pittsburgh, which raise a question as to whether they are actually interested in what is said at these hearings, or whether they think this is all just a “colossal waste of time.”

That comment was made by Representative Dan Surra at the very first session of these hearings and they have been repeated to reporters since then. Representative Surra made this comment at the conclusion of testimony by David French, who is one of the nation’s leading advocates for the First Amendment rights of college students. David French testified that all but two of the public universities of Pennsylvania have instituted regulations that violate the constitutional rights of every one of its students. I am sure that most members of this committee will be concerned about protecting the constitutional rights of Pennsylvania students in institutions funded by the taxpayers of this state. I am sure they will agree that seeing that those rights are protected is not a waste of time.

The most pressing matter for this committee to examine is the failure of the administrators of Pennsylvania’s institutions of higher learning to respect and observe federal and state law and their own regulations pertaining to the academic freedom of their students.

The committee could well begin by attending to David French’s observation that no state university in Pennsylvania *ever* informs its students of their basic rights in regard to academic freedom. The committee will have done a good day’s work if it persuades the administrators of Pennsylvania’s colleges and universities to inform Pennsylvania students of their basic rights in regard to academic freedom.

At the Pittsburgh session of these hearings, National Association of Scholars president Stephen Balch presented lengthy testimony detailing the violations of academic freedom by Pennsylvania public universities.⁵ Balch identified entire academic departments that are engaged in advocacy and indoctrination rather than education. He presented to the committee university hiring profiles that specify that a candidate be politically correct – for example that they advocate “social justice” which is a generally recognized code for socialism. It is a violation of state and federal law to hire or fire individuals on the basis of their political beliefs, yet many Pennsylvania institutions of higher learning do exactly that. These are disturbing realities that should be of pressing concern to a committee that represents the voters and taxpayers of this state in matters of education.

I apologize for the candor of these opening remarks but the seriousness of the circumstances makes them necessary. I do not intend to waste the time of this committee. We are meeting here at Temple University, one of the pillars of the Pennsylvania state college system. My testimony will show that individual profes-

sors, individual courses, entire departments, and university-wide programs at Temple University violate standard academic freedom guidelines, including Temple University's own academic freedom guidelines. Moreover, Temple administrators cannot be unaware of these violations, yet do nothing to correct them.

My name is David Horowitz. I am a well-known author and media commentator and am the president of the Center for the Study of Popular Culture, a non-profit supported by the contributions of 55,000 individuals. I am the creator of a national organization called Students for Academic Freedom which has chapters on 150 campuses nationwide, including several in the state of Pennsylvania. I am also the author of the Academic Bill of Rights,⁶ which has already changed the educational policies of Colorado and Ohio, and which has been grossly misrepresented before your committee by the representatives of the American Association of University Professors, the Provost of the University of Pittsburgh and others. I will return to these distortions in a moment.

In the course of the last twenty years I have spoken on over 300 campuses and have personally interviewed several thousand students concerning the academic freedom issues we are here to discuss. Among Pennsylvania campuses I have visited are the University of Pennsylvania (three times), Penn State, Penn State Worthington, Duquesne Law, Villanova, West Chester, Lehigh, Swarthmore (twice) and Dickinson.

The Academic Bill of Rights is a codification of existing academic freedom policies whose spirit is embraced by all modern research universities and most colleges – private and public — in the United States. My bill differs from these existing guidelines only in that it specifically recognizes the academic freedom rights of students.

Under the present system, academic freedom has been interpreted to mean mainly the protection of faculty – with which I have no quarrel. Existing academic freedom templates are written primarily in terms of the protection of the intellectual freedom of professors on the one hand and, on the other, the responsibilities of professors to behave professionally and in a manner that does not violate the academic freedom of students. The change I have proposed is that where faculty is said to have responsibilities, students should be said to have rights.

In other words, if a professor is instructed by university guidelines not to introduce partisan politics into the classroom — as professors at Temple University are — I believe this should also be regarded as a student right. Every student should be made aware of his or her right in this matter. Students should have a right to have their professors behave professionally and not behave as political salesmen in the classroom. But many of them, and an increasing number of them, now do.

At the November 10 hearings of this committee, Provost James Maher, of the University of Pittsburgh, testified that he was concerned about the Academic Bill of Rights. Provost Maher is obviously an intelligent and dedicated civil servant with the best academic intentions. Nonetheless the provost misrepresented the Academic Bill of Rights beyond recognition in his testimony. Provost Maher testified that the “[Academic] Bill of Rights “would create a situation where every course that raised an issue that was controversial would have to give essentially equal weight to every viewpoint.”⁷ Obviously this would make teaching impossible. But the Academic

Bill of Rights says nothing of the kind. Provost Maher's characterization is false. The Academic Bill of Rights does not insist that all points of view be represented. Instead, it says, in so many words, that "exposing students to the spectrum of significant scholarly viewpoints on the subjects examined in their courses is a major responsibility of faculty. Faculty will not use their courses for the purpose of ideological, religious or anti-religious indoctrination."

The meaning of this text could not be clearer. On issues that are controversial, professors should make students aware of the existence of more than one *scholarly* view – with the emphasis on scholarly. Not *all* views. Just more than one. And it should be a scholarly view. Not all views are worthy of attention and the Academic Bill of Rights takes specific note of this. The clear intention of the Bill is that students should not be left with the idea that a professor's perspective on controversial issues in the humanities or the social sciences must be taken as a gospel. I'm sure everyone on this committee would agree with that. Even those who think this is all a waste of time.

Provost Maher's false impression of the Academic Bill of Rights is the result of a nation-wide campaign, which has been conducted by professor-unions, including the American Federation of Teachers and the American Association of University Professors, who are intent on defending the *status quo*. This campaign has been exceptionally dishonest relying not on reasoned disagreement with the reforms the Bill is proposing, but on misrepresenting them as something they are not.

For example: Contrary to what has been asserted to this committee by hostile witnesses, the Academic Bill of Rights would *not* impose legislative control of academic decisions; it would *not* give students equal rights with teachers; it would *not* ban controversy from the classroom and it would *not* force teachers to teach un scholarly, unscientific points of view like Holocaust denial or Intelligent Design. All these charges have been made against the Academic Bill of Rights before this committee. All of these claims are demonstrably false.

The Academic Bill of Rights can be simply summarized as an effort to *restore* the principles that the academic profession has traditionally honored but in all too many cases no longer observes. The Academic Bill of Rights is furthermore an attempt to express and codify as *student* rights what are already recognized as faculty responsibilities in regard to academic freedom.

The Academic Bill of Rights has already had a positive impact not only on legislatures, but on the universities themselves. It has prompted the American Council on Education, for example, to adopt a new and welcome policy statement on academic freedom. The American Council on Education is a national organization that represents all the state and private universities in Pennsylvania. On June 23, 2005, the American Council on Education issued a new statement of principles on academic freedom. I would like to read to you a brief description of this event which appeared in the October-December issue of *The Presidency*, a magazine for university presidents. It was written by Kermit Hall – who is professor of History and also president of the Albany campus of the State University of New York:

In June 2005, the American Council on Education and 27 other higher education organizations issued the Statement on Academic Rights and

Responsibilities. The Statement was a pragmatic response by the higher education establishment to the escalating challenge posed by its neo-conservative critics and their most ardent advocate, David Horowitz. . . . Horowitz is . . . the chief architect of the Academic Bill of Rights, a document designed to protect college students from becoming victims of political intolerance. While Horowitz's name does not appear in either the statement or in the press materials that accompanied its release, he was the ghost at this banquet.⁸

The article goes on to say that the health and credibility of universities depend on their ability to respond to the challenges raised by the Academic Bill of Rights and the movement it represents. I quote: "Only when higher education is willing to address squarely the question of whether there is a political imbalance in faculties, one-sided course readings and campus speaking events, or the existence of an oppressive campus orthodoxy, will we command full legitimacy." Those are the words of President Hall. That is what we are discussing in these hearings, which if conducted in good faith and wisely, will serve to *strengthen* academic institutions throughout this state.

The American Council statement declares that "intellectual diversity and academic freedom are central principles of American higher education," and further that there should be no political discrimination against students, and finally that there should be grievance machinery for students who feel they have been discriminated against. One easy step that this committee could take to strengthen the public institutions of higher learning in this state would be to recommend that they implement the recommendations of the American Council on Education.

Temple University is itself a member of the American Council on Education. But it has done absolutely nothing to implement this academic freedom policy. That is why your committee has been created. That is why legislation – perhaps merely in the form of a resolution expressing the will of the legislature — is needed to remind universities like Temple of its responsibilities to the citizens of this state. If, as trustees of the state system of higher education in Pennsylvania, you fail to act in this matter, the good intentions of the American Council on Education will remain just that – intentions, and Pennsylvania's institutions of higher learning will be the weaker and the worse for it.

Can legislation regarding academic freedom work without interfering with university governance? This is a question that has been put to this committee with a resounding answer in the negative by opponents of the Academic Bill of Rights of this Committee itself. But both the various legislations based on the Academic Bill of Rights and the enabling legislation for this committee have been in the form of non-binding *resolutions*, not statutory requirements. The fact is that there is *already* legislative oversight of universities with which those who raise this objection — the opponents of HR 177 and the Academic Bill of Rights — have no quarrel. Laws like U.S. Title IX restrict universities that receive federal funding concerning whom they admit as students, whom they appoint as professors, and which programs they must discontinue, based on sex discrimination. Racial discrimination and sexual harassment laws tell universities what kind of attitudes members of the academic community can and cannot display towards certain minorities and women; all are already on the books. All these regulations require hundreds of millions of university dollars, in

the aggregate, to enforce; and all have been supported by the opponents of HR 177 and the Academic Bill of Rights. It seems that government intervention is good when it comes to securing some rights and some freedoms, but not intellectual rights and intellectual freedoms.

It is my view that the reform of universities properly belongs with universities themselves and the first step in this reform would be to enforce the academic regulations that are already in place.

Temple University has an official Academic Freedom Policy. It is based in its entirety on the *1940 Statement on the Principles of Academic Freedom and Tenure* of the American Association of University Professors. Unfortunately, Temple University is typical of the public universities in this state and elsewhere in that it does not enforce its own policy. It is also typical in that its academic freedom policy is stated exclusively in terms of the rights and obligations of professors, and does not mention the rights of students.

This committee could sponsor a resolution urging Temple administrators to remedy the omission. All state universities and colleges in Pennsylvania should codify student academic freedom rights, and all university administrators should take their academic freedom policies seriously.

Here is the core principle of the Temple Policy on Academic Freedom as regards the classroom:

“Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.”⁹

This principle is violated every day on every campus in this state, and at Temple University specifically. I can say this with confidence because I have interviewed at least a hundred students in Pennsylvania and every one of them has been in a class or in several classes in which their professors have railed against George Bush, the war in Iraq, and the policies and attitudes of Republicans and conservatives. This may be a small sample in absolute terms, but the fact that a hundred percent of the sample has been subjected to proselytizing by professors in the classroom is telling.¹⁰

Many professors seem to find it necessary to make speeches against the Bush Administration in classes whose subject matter is not American presidents, the administration of George Bush, or the war in Iraq. During the last election season these violations of academic freedom became epidemic, yet I am not aware of a single case where a university administration has stepped in to correct them or even to re-state the academic freedom policy of the university itself and thus to remind professors and students that under existing Temple guidelines this is not appropriate classroom discourse for Temple faculty.

Here is a comment taken from an interview we conducted with a Temple student: “The Chairman of the History Department, who is my adviser, told me during advising that ‘If Bush gets re-elected we will have a fascist country.’ He [told me] he will be scared for his survival and will consider possibly moving to Canada. That’s scary coming from a history professor.”

It is also entirely unprofessional. This student was in his adviser's office for a "graduation review" – that is, for advice on the courses he needed to complete his major and graduate. This particular student also observed in the interview: "All the professors had Kerry [election] signs on their [office] doors.... Every single door to the offices, all the professors had a Kerry sign....We also have 'God Is Not A Republican' signs all over campus."

Several members of this committee have asked administrators testifying before it how many complaints they have received from students about problems like this, and whether in fact there have been any such complaints. The administrators couldn't think of one. I ask you to consider whether if you were a political science student at Temple and a Republican, and went to your adviser's office, who happened to be the chairman of the department, and heard him say in a totally inappropriate context that if George Bush were re-elected we would have a fascist country, and if you saw on every one of your professors' office doors an "Elect John Kerry" sign, whether you would take steps to complain publicly about these facts. Would you decide to go over their heads to a Dean or Provost? My guess is that like most students you would grin and bear it and get on with your academic career. The same would be true of a Democrat student in an academic environment where all signs and all political expressions by people in authority were Republican, and where your faculty adviser said that if John Kerry were elected President, the terrorists would soon be in our backyard.

I view this issue in a personal way. I went to Columbia University in the McCarthy Fifties. My parents were Communists and I wrote my school papers from a Marxist point of view. Yet I was never singled out as a Communist the way conservative students are regularly singled out by their professors. In fact, I don't ever remember a professor expressing a political point of view in any class I ever had. I am grateful to my Columbia professors for their professionalism and wish that all students would have the same educational privilege of academic neutrality that I had. I hope you will urge Pennsylvania's institutions of higher learning to give their students a fair shake as well.

As Stephen Balch testified to this committee,¹¹ state universities in Pennsylvania (as elsewhere) spend tens of millions of dollars each year, and do so every year, to inform their students that sexual and racial diversity are fundamental university values and that harassment on the basis of gender and race will not be tolerated. They insert these values into orientation sessions; they put them into student handbooks, and prepare literature to inform students about them. But these same universities do not spend a single penny on promoting the value of intellectual diversity – even though the American Council on Education has called this a "central principle of American higher education," and even though somewhere buried in faculty handbooks on most university websites lip service is paid to this core principle of academic freedom.

This committee will do a great service to the intellectual health of colleges and universities in Pennsylvania, if it will make a report recommending that these universities appropriate sums for programs that will foster intellectual diversity on their campuses comparable to those they already spend on racial and gender diversity. Additionally, you could recommend that universities amend their diversity man-

dates, which now cover race and gender, to include “diversity based on political and religious affiliation.”

It is not only students who are in the dark about the academic freedom rights of students. Dean Brown of California University, which is part of the Pennsylvania state system, testified to this committee that the injunction to professors not to persistently introduce controversial matter that has no relation to the subject is a problem for him. What Dean Brown said is this “The questionable part of House Resolution 177 is that it specifies that faculty may not introduce controversial subjects when they’re inappropriate, but it gives no mechanism or means for determining who gets to say what is controversial.”¹²

Dean Brown is a thoughtful and informed university administrator. Yet he is completely unaware that the statement about not introducing controversial matter irrelevant to the subject is quoted *verbatim* from the *1940 Statement of Principles of Tenure and Academic Freedom* of the American Association of University Professors, or that it is a core principle of most universities in the state of Pennsylvania including Penn State and – as we have already seen – Temple, and has been for decades. Moreover, Dean Brown’s statement shows that he does not understand the principle. The principle *does not* maintain that all controversial matter is inappropriate to a classroom, but that controversial matter which is *irrelevant to the subject* is inappropriate to the classroom, as for instance telling your students that George Bush is a fascist or the war in Iraq is wrong, in a class or a consultation that is not about the Bush presidency or the war in Iraq. It is about being *professional*.

Dean Brown’s ignorance of the academic freedom principles of his own university reflects widespread ignorance of these principles among university administrators. Since Dean Brown obviously discussed his presentation with the President of California University and no doubt its legal counsel, this suggests that the entire administration at California University is ignorant on the matter. Since no administrator has even commented on the numerous classroom violations of this principle during the last presidential election and the war in Iraq, it is probable that almost no one in the administrations or on the faculties of the Pennsylvania state system is aware that students have the right – according to the regulations already in place – not to have their professors inflict on them controversial opinions that have no relation to the subject matter of their classes.

The problem we are facing in our universities is that they have lost sight of their own professional responsibilities. The organization Students for Academic Freedom has created a website at www.studentsforacademicfreedom.org with a bulletin board where students can post complaints about their classes and professors can respond. Here is a complaint from a Temple student about a course in the English Department. Remember this is listed in the Temple catalogue as a course in English literature:

This professor always had something negative to say not only about the Bush Administration, but about conservatives in general. She stated on one occasion that it is impossible to be a moral capitalist. She stated that the US does not have the right to say anything about the Taliban’s record of oppressing women because the US oppresses women too... I began to feel

physically sick from her misrepresentation of facts, and on numerous occasions I stood up to her and tried to advocate my opinion. She'd cut me off in mid-argument....

Here is a teacher using an English class to express her personal political prejudices. This is actually a form of consumer fraud, since this professor has no professional expertise in the subjects she is addressing and since the course is not billed as a course in capitalism or the oppression of women. It is a violation of the academic freedom of her students.

Incidents like this don't take place unless there is a university culture supporting them. That is why academic freedom policies protecting students from political indoctrination have to be stated, and codified as student rights, and enforced. To restore an appropriate academic culture, that has been dramatically eroded in the past several decades. Since the university administrations at Temple, and elsewhere in this state, have failed to do this, it is the responsibility of the legislature, which funds these institutions, to see that they do.

HR177 explicitly states that "Academic freedom is likely to thrive in an environment of intellectual diversity...." But Temple University's policy does not include a statement like this, and its academic programs regularly violate the principle.

For instance, Temple provides a "writing-intensive two course sequence" called "Intellectual Heritage" which is required of all Temple students, and which includes a focus on Enlightenment, Romantic and Revolutionary Thinkers. The Revolutionary Thinkers include Darwin, Marx and Freud. Professors involved in the course have posted guides for students on a department webpage called "Faculty Perspectives on Marx."¹³ Most of the faculty guides provided on this webpage, however, are explications of Marx's writings without critical comment. In all I counted about 30 sample exam and study questions provided by the professors relating to Marx. Every one of them prompts the students to explain what Marx said in the way you would expect students to explain the theories of a scientist like Isaac Newton, whose hypotheses were established by real world experiments that proved them valid, and have been confirmed by scientists ever since.

Here is a sample guideline suggested by one Intellectual Heritage Professor: "Marx presents an astute understanding and critique of Capitalism. Is it convincing?" The question does not say, "Marx analyzed capitalism. Is his analysis convincing?" This so-called question tells the student what to think: Marx wrote a wise critique of capitalism. Are you convinced? What if you're not convinced, and suppose you encountered this question on an exam. Are you going to contradict your professor and risk a possible repercussion to your grade?

Not one of the faculty-provided guide questions asks students to consider that *all* economies run by Marxists have failed – and have failed catastrophically. Marxist regimes have caused the economic impoverishment of billions of people. They have produced man-made famines and human suffering on an unprecedented scale. Yet, insofar as I could discern, not one professor contributing to the Temple Intellectual Heritage Department website has bothered to mention these historical consequences of Marx's ideas. Not one.

The faculty treatments of Marx on the Intellectual Heritage Department website lack the basic apparatus of academic inquiry. No critical literature on Marx and Marxism is offered. There is no confrontation with the most serious question that a thinker like Marx poses, since his ideas have had a vast and vastly destructive impact on the history of mankind, namely, did these ideas lead directly to the murder of 100 million human beings and the poverty of billions? Judging from the Intellectual Heritage web pages, Temple students are not even aware that this question needs to be asked.

This is not education; it is indoctrination.

The Intellectual Heritage program is not the only Temple sequence that fails to observe basic academic guidelines. The First-Year Writing Program at Temple describes itself as having been designed “to provide Temple students with a comprehensive experience of writing to learn and learning to write.” Because it is intended as a course to teach students the basics of English composition the First-Year Writing Program is taught by the English Department. This one year course is covered by “English 40” and “English 50” and is taught mainly by graduate students in English whose professional expertise is the English language and literature.

However, the First-Year Writing Program also has an ideological agenda which has nothing to do with expertise in the English language. This is the “writing to learn” part of the course. Its goal is to indoctrinate students in radical views on gender, and to a lesser extent on race. Nor is this agenda concealed from Temple administrators or the students themselves. The First-Year Writing Program handbook clearly states: “English 40 focuses on writing within a single theme (gender) and disciplinary approach.” (English 50 adds a research component to the theory provided in English 40). In fact a few sections, called English 40R, have an explicitly racial theme, which fulfills a university requirement that all Temple students take a course in race.

Professor Steven Zelnick was a director of this program. In his testimony before this committee,¹⁴ Professor Zelnick noted the concern of one opponent of the requirement who thought “that since so many sections would be required to accommodate the entire student body, teaching would end up in the hands of graduate students who were likely to be angry and inexperienced in teaching and especially in teaching difficult material to a captive and possibly resentful audience.” Professor Zelnick testified, “That prediction has come to pass, unfortunately, and sections are now taught by inexperienced instructors who have abused their assignment.”

The approved required texts for the First-Year Writing program are ideological texts whose agenda is to articulate and defend the views on gender held by radicals in general and by radical feminists and race theorists in particular, even though some minor allowance is made for other views.¹⁵

From the perspective of academic freedom, there are two things strikingly wrong with this course, which is required of all Temple students. The first is that it is unprofessional. English teachers are not experts in the sociology of gender or race. The official course handbook for the English composition sequence candidly acknowledges the complexity of its subject: “We will be using gender [and gender

roles in American culture]...because it is both relatively simple (everybody has one) and extremely complex in terms of how gender impacts people's lives and identities, feelings, and behaviors." But if this is an extremely complex subject, why is it being taught by amateurs who have no professional training in the subject, and why do the readings overwhelmingly reflect one side of what is a controversial issue?

This is not education; it is indoctrination.

An education would first of all stick to the subject. If the task is to teach students how to write, the text samples should be written by authors who know how to write, not authors picked for their political views on race and gender. Professionalism is at the heart of the academic freedom issue. Professors are granted tenure because they have developed an expertise in a field of knowledge. This is why they have lifetime jobs: Because tenure protects their freedom to pursue inquiries *in their area of expertise*. But when English instructors pontificate on the war in Iraq or the sociology of gender they are not sharing their expertise. They are sharing their ignorance and their prejudice and that is all. This is a form of consumer fraud practiced on the students at Temple and the taxpayers of this state. I hope the committee will look into this issue and consult with Temple administrators on how to remedy it.

To sum up these observations: Temple University has an Academic Freedom Policy. It is regularly disregarded. There are no readily available or effective means for members of the Temple community to address the violations of academic freedom that occur regularly in Temple classrooms and are integral to entire Temple courses like the Freshman Year Writing Program and the Intellectual Heritage Department.

Students at Temple have no explicitly granted academic freedom rights. Temple University has not taken steps to make students aware (in orientation sessions, in student handbooks) of the Temple academic freedom guidelines that instruct professors not to introduce controversial matter that is irrelevant to the subject into their classrooms.

Courses at Temple are permitted to violate the canons of professional conduct by allowing instructors to teach subjects that are not part of their academic expertise.

Tenured professors at Temple have lifetime job security and the taxpayers of Pennsylvania give them good salaries – \$105,714 a year for the average full professor at Temple.

The Commonwealth of Pennsylvania grants professors these privileges in order to get the best and most professional research and teaching expertise possible. Every academic institution in the Commonwealth of Pennsylvania has clearly defined and explicit expectations of its professors which qualify them to receive these privileges. Professors are expected to be trained experts in well-defined scholarly fields of inquiry; they are expected to adhere to professional standards in the classroom and to principles of academic freedom.

The state of Pennsylvania needs to hold public academic institutions which are funded by taxpayers to account in fulfilling these expectations, specifically: That professors will teach their subjects of expertise.

That in teaching their subjects in the classroom, professors have responsibilities

as professionals who are in positions of authority dealing with students; that these responsibilities are different from their rights as citizens; and that the difference must be strictly observed.

That professors will not use their classrooms to advocate their personal and partisan views on controversial matters that are irrelevant to their subjects and fields of expertise.

That professors will observe the distinction between education and indoctrination, between professional judgment and personal opinion, and will not use their classroom authority to pressure students into adopting their personal opinions on controversial matters of the day.

That professors in the humanities and social sciences will not grade students on the basis of their political, social or religious opinions, or on their conclusions regarding matters of controversy and opinion, but strictly on their abilities to master the factual evidence, and marshal logical arguments in support of their conclusions based on that evidence.

That students will be informed of their rights under the university's academic freedom guidelines; and that those students who feel they have been discriminated against politically or that their professors have used the classroom as a platform for non-academic agendas will have access to a grievance machinery that will review these matters and redress any injustices that may have been done.

This would be an Academic Bill of Rights. Otherwise what we are talking about is indoctrination, not education.

I thank the committee members for their patience and hope they will consider these issues.

2. The Troubled Curriculum at Temple

(Testimony of Professor Stephen Zelnick at Temple, January 10, 2006)

I have been a faculty member in the Department of English since 1969, thirty-six years, and tenured in that department since 1976, now approaching thirty years. In that time I have served as Director of University Writing Programs and Director of the Intellectual Heritage Program (a Great Books Program); I have assisted the previous President, Peter Liacouras, as a member of his staff, and more recently served as Vice Provost for Undergraduate Studies. I have been an active member of the faculty union (the TAUP), and am a member of the American Federation of Teachers. I have also served as President of the Faculty Senate. I am the co-founder of a flourishing association supporting core text education and have been an adviser on humanities programs internationally in Russia, Georgia, and the emerging nations of Central Asia. My devotion has been to education and the best service to the intellectual and personal growth of students through the tradition of the humanities.

I am also a graduate of Temple University, having earned a Bachelor's degree in 1963, and am a long-time supporter of the best traditions of this University. I am

happy to tell the story, and have told it internationally, of how my life was transformed by my education at this institution; how a young man whose father was an illiterate immigrant became an English Professor and one committed to the values of honest, fair, and challenging education I experienced here at Temple University. Over the years, I have been proud to be part of an institution that reproduces that mission and of a faculty that by and large works hard for our students.

In my student days, I was taught by professors, mostly male, and entirely white, but representing a broad range of social, political, and religious views in an intellectually tolerant atmosphere. Many of them were World War Two veterans and were what I would call inquisitive patriots, devoted to American political and cultural values, always alert to the distortion of those values, but also moderate idealists in their expectations of what this or any society could achieve in reality. They had positions to advocate but were wise enough to know the difference between education and indoctrination, between the free flow of ideas and teaching the truth as they themselves alone possessed it.

I am here to help you consider the usefulness of establishing some mechanism to supervise the balance of discussion in the university. I have seen enough over the past decade or so to tell me that there is good reason to consider some supervision, or at the very least to raise the question of the dangers of unbalanced views and the dangers of dictatorial classrooms. The damage to our students, as I will try to explain, can be severe, and the damage to educational institutions may be irreparable unless someone takes notice and works for change.

I don't suppose I would be here testifying today were it not for the rallying event scheduled at the weekly meeting of the "Dissent in America" forum. The meeting was organized by the faculty union, with the support of the Faculty Senate with the purpose of rallying faculty support against House Resolution 177, a resolution calling upon a body of the legislature to be delegated to investigate the issues of students' rights to open discussion and for protection against abusive assertions of ideology in the classroom..

The presentation at the "Dissent in America" forum was one-sided and an excellent example of the replacement of sober discussion with group adherence. One presenter connected these concerns for student rights and the appeal to the legislature with the purge of communist professors in the 1950's and in particular the banishment of Professor Barrows Dunham, the distinguished chairman of the Philosophy Department at Temple University at that time. The attempt to connect that moment with this was inflammatory and ill-conceived. The notion that any hearings conducted by the legislature, and representing the interests and concerns of the citizens and tax-payers of Pennsylvania, amounted to a witch-hunt to condemn faculty members for their political affiliations wildly misstates the purposes and spirit of these hearings. That rabble rousing does, however, represent what too often passes for thinking.

The gathering also heard about the testimony of Dr. Stephen Balch in Harrisburg in November. I know Stephen Balch, as I also knew Barrows Dunham, and admire his careful thinking and tactful expression. Yet the characterization of him, of his motives, and of the content of his presentation was predictably inflammatory and not factual. A student attending the "Dissent in America" forum asked

whether Balch was part of the same movement that asserted Intelligent Design against real science and was assured by the panel that it was all of one piece. But Professor Balch is a deep student of the history of science and devoted to enlightenment rationality and is as far as one could be from the “know-nothing” stance attributed to him. But untruths told to students is part of what brings us here, and it was brashly on display.

As is typical these days at this and many other universities, holding a meeting where only one side is represented and where a disfigured account is offered as truth is the order of the day. The historic AAUP statement that promises full consideration of all views in the search for truth, and which provides the foundation for House Resolution 177, has been replaced sadly with truths that are beyond question.

I am concerned also by Temple’s requirement that all students enroll in a course on race. The course was imposed on the curriculum after a student disturbance in the early 1990’s that seems to have degraded into a police riot where several African-American students were clearly mistreated. That event became the occasion for a demand that all undergraduates be compelled to enroll in a course on race relations and racism in order to be sensitized to racism, surely a deep concern for our society. At the time, one professor expressed worry that there needed to be some supervision of these courses so they did not become an occasion for hectoring abuse of students. The topics, all admitted, were sensitive and their presentation ought to be handled carefully or more harm than good could result. As I recall, this warning was dismissed as unnecessary, and Temple has since required all undergraduates to pass such a course in order to graduate.

Part of the dissenting professor’s worry was that since so many sections would be required to accommodate the entire student body, teaching would end up in the hands of graduate students who were likely to be angry and inexperienced in teaching and especially in teaching difficult material to a captive and possibly resentful audience. That prediction has come to pass, unfortunately, and sections are now taught by inexperienced instructors who have abused their assignment. In one case I know of, an instructor badgered a young female student who had asked a simple question and then forced her to leave the room; the student who told me this outrageous tale herself dropped the course in indignation.

Examples of such direct abuse, I suspect, are rare. More common is a less obvious abuse that requires more careful attention. One solution to offering so many sections of a Race Studies course has been what President Adamany has referred to as “double dipping.” In this approach to curricular requirements, more than one requirement can be satisfied by a single course; and so, many sections of freshman Composition offer race studies as the course content. No tenured faculty member teaches this course; instead, a great many sections are taught by graduate students, who are young, socially inexperienced, highly idealistic, and deeply opinionated. Because there are so many of inexperienced instructors and so few full-time faculty to supervise them, these instructors are on their own when it comes to offering a balanced approach to so complex a concern as racism. A student who may harbor doubts about affirmative action quotas is likely to have a difficult time in these classes. Students generally learn very quickly, of course, to give the teacher what s/he wants and to keep their own views to themselves.

It isn't only the instructor who enforces a one-sided approach to this and other debates. The reader provided the instructor (*Great Divides: Readings in Social Inequality in the United States*, by Thomas M. Shapiro) is a forceful example of limiting views and foreclosing serious debate and discussion. The keynote is sounded by the opening article "The Diminishing American Dream," an article that would, for example, surprise many of our Asian and East Asian students and their parents. The author's introduction intones as follows: "The changes we are seeing in our society during the 1990s—stagnating living standards, increasing poverty, a precarious middle class, and a growing gap between rich and poor—are probably the result of the specific way that economic restructuring is taking place in the United States." I find no counter view in this volume, one that might suggest that these restructurings are constant and that this one may open unusual new opportunities for our students. The gloomy account is familiar as a mainstay of left thinking, something that I suppose anticipates the revolutionary action of the working classes, presumably the students in our classrooms.

The textbook includes many authors well known on the left side of these discussions: Karl Marx is there; Herbert Gans; Harry Braverman; W.E.B. Dubois; William Julius Wilson; Ronald Takaki; Jonathan Kozol; and many others less well known and less articulate and persuasive. What I don't find are the articulate and persuasive voices on the right, and especially on issues of race: there is no Shelby Steele, no Thomas Sowell, the witty Walter Williams is absent, as is the challenging and courageous Ward Connerly. All these voices are absent and their views absent and unaccounted for.

The course is required, and so several evils are compounded: (1) students miss an opportunity to explore a topic of concern in a real way; (2) students miss an opportunity to sharpen their thinking and writing abilities by participating in real debates; and, (3) students who hold contrary views or perhaps even harbor a modest question, learn to keep quiet, and also learn that their academic experience is a sham. [Would you like to say something here about a fourth evil? I mean the lost opportunity to expose students to genuinely good writing, presumably the paramount objective of a composition course, and something that I'm sure most Temple students dearly need. The essays in *Great Divides*, I gather, have been chosen more for their polemical than literary values – if they possess any of the latter at all].

This last evil is most pernicious. The university is a rare institution, in this or any society, where open inquiry ought not only be protected but also be promoted actively. When education becomes advocacy and indoctrination we and our students and society at large lose the precious opportunity to realize our freedom in the most meaningful way. An old left-leaning professor of mine once pointed out that the freedom most desired by workers in factories was the freedom to talk back to the boss; it's a freedom now waning in our university classrooms, and my old-lefty professor would have resented.

These exclusions go on all the time. In Intellectual Heritage, our great books course, economics is represented by Karl Marx, an excellent writer to be sure and most interesting on the emergence of capitalism, but Adam Smith, the original architect of capitalism thought and certainly as fine a writer as Marx, is absent. Students are required to study Freud and Gandhi, or even the Egyptian Book of the Dead, but not, in its classic expression, the founding philosophy that shapes our lives. The old joke has it, such a thing could happen only in a university.

As director of two undergraduate programs, I have had many opportunities to sit in and watch instructors teach and also to review their assignments and their grading of student papers. I have sat in on more than a hundred different teachers' classes and seen excellent, indifferent, and miserable teaching and done what I could to encourage the good and to repair the bad. In these visits, I rarely heard a kind word for the United States, for riches of our marketplace, for the vast economic and creative opportunities made available for energetic and creative people (that is, for our students); for family life, for marriage, for love, or for religion. I did hear a great deal about the importance of diversity and tolerance, about the evils of imperialism; about the need to be skeptical of all institutions and traditional values; and about the stupidity and mendacity of prominent politicians. There is much to applaud in this heterodoxy and rebelliousness. However, without the balance of the arguments for loyalty, tradition, and reverence, these appeals to radical thinking fail to serve education well. Worse yet, most students have long since stopped listening to what they have learned to expect to hear when instructors begin to range freely into their own grievances and ideological fixations when their business ought to be education.

Patriotism is complicated in that it can lead to dangerously emotional behavior. Nevertheless, I have found that my students in Intellectual Heritage and in my English Literature courses have been imbued with a decided ignorance of our nation's history and accomplishments. Typically, my students can tell me about the failure of the U.S. Constitution to end slavery (what Professor Mary Berry has taught us to call America's "Birth Defect"), but can tell me little else about that remarkable document and its clever fashioning. They know that George Washington had wooden teeth and that Jefferson fathered children with Sally Hemmings, but little else about these titanic figures. They have been taught about Harriet Tubman and Sojourner Truth, and worthy stories they are, but associate Abraham Lincoln only with President's Day car sales. They know that we rightfully ought to give the land back to the Native Americans and apologize to Japanese Americans for their incarceration during World War II and to the Japan for the atom bombings. All this is worth discussing, but without the countering facts and stories there is little chance they can appreciate their native land or make reasonable judgments about how American history or any other competent historical account works.

Religion is another subject for classroom abuse. Most students are religious in some way and come from families that maintain meaningful religious affiliations. In college classes, they tell me, they are often regaled with harsh comments and witticisms about religious ideals and the Bible. I was myself a witty fellow at the expense of religion until a student took me quietly aside to suggest I be more respectful. I will always remember this young woman recently arrived from the Philippines for the gentleness of her complaint. It made me recognize better who my students are. I believe it has made me a better teacher. In my classroom visits and conversation after with instructors who are similarly witty debunkers, I have tried my best to extend this view.

I gained another insight into the problems of one-sidedness in reviewing the grading and commentary on student essays. I don't doubt that the great majority of instructors grading student papers are dedicated to the principle of fairness. Still, it is very difficult for most of us to escape the blindness that comes from a habitual practice of uncontested conclusions. It is very difficult not to accept an incomplete argument on a proposition with which we agree, or to accept the merits of arguments on propositions we oppose. It is very difficult not to write "good point" next to a conclusion that has

not been supported when that conclusion is our own; and it requires a rare intellectual alertness not to write “needs more examples” or “where’s your proof” next to arguments, even reasonably well supported ones, in support of conclusion we abhor.

As more and more instruction, especially in required courses of the core curriculum falls either to graduate students or to adjuncts hired one course at a time, and when fewer seasoned faculty are available to train and supervise them, we should expect problems of fairness, of intellectual rigor, and abuse of the privilege of teaching. All these problems are compounded by the one-sidedness of the faculty in their ideological commitments and a growing intolerance of competing views. The result is abuse of students, occasionally overt and reported, but most often hidden and normalized, and the degrading of the strong traditions of intellectual inquiry and free expression. The faculty, as witnessed by the uniform support shown by the faculty union and the Faculty Senate here at Temple University, sees no problem other than the legislative inquiry being conducting today in this proceeding. For them, the issue is Academic Freedom, which now means the freedom of faculty to do as they please and to be accountable to no one. In contrast, the AAUP statement speaks of obligations and responsibilities to free and open expression and to the diversity of viewpoints. That statement deserves our reverence and loyalty.

I agree with the faculty union and with the Faculty Senate and probably with most of you, that requesting the intervention of the State Legislature is more than uncomfortable. No one wants government telling instructors what to teach or how if we can avoid it. Nonetheless, in the present circumstances we need to find a way to re-institute a diversity of views, their free expression, and fair treatment in keeping with what educating our students requires. It is what citizens and tax-payers expect and deserve. Thank you for letting an old professor speak his mind.

3. A STUDENT SPEAKS

(Testimony of Logan Fisher at Temple, January 10, 2006)

Thank you for allowing me this opportunity to speak, today. My name is Logan Fisher and I am a senior majoring in business law at Temple University. I want to start off by saying that my testimony today will not only contain my personal experiences, but that of many students who are afraid to testify, for fear of repercussions to their academic careers. As a Vice-Chairman of the Temple College Republicans and Vice-President of the Temple Chapter of Students for Academic Freedom, I experienced first hand the apprehension students had to testify today, as they expressed to me concerns of retaliation by professors and fear of being singled out in their classes in the future. One issue that concerns me is the partisan role that my university, which is a taxpayer supported institution, seems to take in presidential elections. During the 2004 Presidential election year, Michael Moore spoke on campus. While I did not attend the speech myself, I was fully aware that his intention on our Campus was to support John Kerry. Mr. Moore’s website even confirms this. This was part of his “Slacker Tour” which was targeted for battleground states in the election, including Pennsylvania, Ohio, Wisconsin and similar states.

Some of my College Republicans who did attend the event also expressed to me how biased it was. My objection, however, was not that he was on campus, but that

it was during an election campaign and that while he attacked President Bush and supported John Kerry, no one was invited to speak for the other side. In a setting which is supposed to promote debate and dialogue, Temple provided none.

In addition to Mr. Moore's event, Temple University sponsored "Vote or Die," a campaign which was created rap-star Sean "P. Diddy" Combs, and which was designed to get students out and vote. The tour visited numerous college campuses around the country claiming they wanted to encourage students just to vote. Tickets were handed out in this very Student Center, and were free to anyone with a Temple ID. During their performance at Temple I was treated to entertainer-led chants of "FUCK GEORGE BUSH, FUCK GEORGE BUSH, FUCK GEORGE BUSH." Throughout their performance they lectured students about how important it was to "throw Bush out of the White House" and "...send him the fuck back to Texas."

It does not seem proper for a taxpayer-funded university to be institutionally partisan like this. I have since spoken to others who have informed me that the election laws require public institutions like universities to provide equal funds to speakers from both sides of the election debate. This was not done at Temple.

While I am a business major, and one would not expect many political comments to be made in business courses, I have had numerous professors make rude comments about Bush, one who told my class that we elected "the dumb ass to a second term," one who harped on the slow federal response to Katrina for over 15 minutes but did not utter a single word about the slow or responses at the state or local level, which Democrats controlled.

I had a professor last semester ask if "Is it ever justified for the United States to break with the international community to protect our own interests?" When I answered, "Yes," the professor told me "well... you're going to have a rough semester in this class." Is it appropriate for professors to threaten students like this just because they disagree with them on political issues?

Many of my professors have pictures of Bush on their office doors with derogatory comments attached. This is not very reassuring to me when I show up to talk to them about non-political class-related issues, since they know I am a Vice-Chairman of the College Republicans. I come to my professors seeking help and advice in my academic courses. It is not helpful when my professor feels that it is necessary to inform of his contempt for views of mine which have absolutely nothing to do with the academic subject I am consulting him about."

Some have suggested that this will "lock down the academic environment." Quite the opposite. We are not saying "You can't talk about this, or you cant talk about that." We are saying "By all means, Talk about it! But talk about both sides." The only time I feel it is inappropriate is when a professor goes completely out of their individual field of study.

I am saddened that some of you may think this is a waste of time and money. But, I urge you, as the representatives of the taxpayers of this state who provide the generous funds to the university, to educate their students—not to indoctrinate them in one political party's views or another's—to find a way to rectify this situation. Thank you for your time.

4. Advocacy Is Not Education¹⁶

(Testimony of Stephen Balch, president of the
National Association of Scholars, at Pittsburgh, November 9, 2005)

My name is Stephen Balch and I'm President of the National Association of Scholars, a membership organization of professors, academic administrators, and graduate students committed to higher education reform.

Let me try to set a few benchmarks for evaluating the intellectual climate of the state's universities. *Webster's New World Dictionary* defines the word "educate" as "to train or develop the knowledge, skill, mind or character...especially by formal schooling or study." By contrast the word "advocate" is defined as "to speak or write in support of, [to] be in favor of." Finally, the word "activism" is defined as "the doctrine or policy of taking positive, direct action, to achieve an end, especially a political or social end."

I've presented definitions of these three terms because each of them appears in various policy documents and statements of Pennsylvania public universities. The term education is unproblematic. It is – together with research – the core mission of a college or university. It is defined by Webster as "to train or develop the knowledge, skill, mind or character." The emphasis is on opening the intellect and the increase of its powers. It involves the transfer of knowledge but also the technical and analytic capacities, and the self-discipline ("character"), necessary for intellectual independence. Liberal education was originally conceived, and is still generally understood, to mean the kind of education preparatory for free citizenship, that is, the kind of education that equips young men and women to think and act for themselves.

In the recent case (2003) of *Gratz v Bollinger* fifty-three higher education groups including the American Association of University Professors (AAUP) said:

The purpose of education ... is to confront the student's passivity, challenging the student's mind to take charge of its own thought. To strengthen the ability to reason is to enable the student to determine what to believe, what to say, and what to do, rather than merely to parrot thoughts, words, and actions of convention, friends or family.

This is echoed by Policy HR 64 of the Penn State Policy Manual which states in part that, "it is not the function of a faculty member in a democracy to indoctrinate his/her students with ready-made conclusions on controversial subjects. The faculty member is expected to train students to think for themselves, and to provide them access to those materials which they need if they are to think independently."

The sense of the word "advocate" is very different from that of education. It means to persuade, convince, even, one might say, to cause "to parrot." The goal is not enlarging the powers of the mind, but bringing minds to certain prescribed conclusions on contested matters. In an academic context advocacy transforms education into indoctrination.

Also different is the word "activism," which goes even beyond advocacy into the realm of action, seeking to attain a specific social or political goal. I.e., to close many options in favor of one.

Obviously there is a conflict between “education” and “advocacy,” to say nothing of “activism.”

Advocacy has its vital and recognized place in editorial pronouncements, in the work of private advocacy groups, in the doings of political parties, and in the operation of the democratic process as a whole. And so too does activism. But do they belong in an educational institution?

The best expression of good practice in education was articulated in the founding 1915 “Declaration of Principles” of the American Association of University Professors:

The university teacher, in giving instruction upon controversial matters, while he is under no obligation to hide his own opinion under a mountain of equivocal verbiage, should, if he is fit for his position, be a person of a fair and judicial mind; he should, in dealing with such subjects, set forth justly, without suppression or innuendo, the divergent opinions of other investigators; he should cause his students to become familiar with the best published expressions of the great historic types of doctrine upon the questions at issue; and he should, above all, remember that his business is not to provide his students with ready-made conclusions, but to train them to think for themselves, and to provide them access to those materials which they need if they are to think intelligently.

Note the strong emphasis on the difference between the goals of education as laid out in this utterance, and those of advocacy and indoctrination.

Unfortunately, advocacy and activism are well established in the American university, and in the state university systems of Pennsylvania. Much of this advocacy and activism takes place out of sight in the day-to-day happenings of the classroom. But some is quite out in the open, proclaimed in the mission statements of departments, programs, and administrative bodies. Since advocacy and activism have not traditionally been considered normal activities of universities, the fact that they are openly proclaimed reflects a high level of confidence on the part of those engaging in them that they will not be challenged. This indicates that the larger academic culture of Pennsylvania’s state universities has come to accept advocacy and activism as appropriate to an education.

Take, for instance, the mission statement of the School of Social Work at the University of Pittsburgh which proclaims “the school is committed to promoting the values of social and economic justice,” concepts that carry a weighty load of ideological freight. Among the more specific goals spelled out in its student handbook is that of giving social workers an education about “the nature of social diversity and oppression with respect to race, ethnicity, national origin, color, sex, sexual orientation, age, marital status, political belief, religion and mental or physical disability.”

I don’t think that most people assume that being a social worker requires having a particular political ideology. Most people would expect that training in social work would have to do with the transfer of technical and human skills needed for work with clients in conformance with the law. Most people would probably think that a well-trained person of intelligence and empathy should be able to be a social

worker whether they were conservative or liberal, believed in a society based on individual or collective responsibility, strict property rights or property redistribution. But not so, apparently, the University of Pittsburgh School of Social Work.

Both the baccalaureate and masters degree programs of the University of Pittsburgh Social Work Program are accredited by the Council on Social Work Education (CSWE), whose “Educational Policy and Accrediting Standards” go into even greater detail about the ideological and political nature of social work education. Among the purposes of the social work profession as given by these standards is the pursuit of “policies, services, and resources through advocacy and social or political actions that promote social and economic justice”. Programs accredited by the CSWE are also supposed to prepare social workers to “understand the forms and mechanisms of oppression and discrimination and apply strategies of advocacy and social change that advance social and economic justice.”

Taken as a whole, social work education programs are also supposed to “integrate social and economic content grounded in an understanding of distributive justice, human and civil rights, and the global interconnections of oppression. Programs provide content related to implementing strategies to combat discrimination, oppression, and economic deprivation and promote social and economic justice. Programs prepare students to advocate for nondiscriminatory social and economic systems.” Again, these are the standards of the body that accredits Pitt’s School of Social Work.

Pitt, of course, is not unique in being accredited by the CSWE. Most other social work programs in Pennsylvania and elsewhere are similarly accredited, and possess a similar outlook on the nature of the social work profession and social work education, with advocacy, and even activism, at the fore. Thus, the mission statement of the social work program at Bloomsburg also states that “an emphasis is placed on an appreciation for human diversity and a strong commitment to social and economic justice. Students are prepared through courses to engage in the social change process through interface with the regional community.” The mission statement of the School of Social Administration at Temple states that it is “dedicated to societal transformations to eliminate social, political, economic injustices for poor and oppressed populations.” The description of the social work program at Edinboro University characterizes it as preparing “individuals to actualize the concept of social concern, to internalize and actualize belief in the innate value of humankind, to service those in need, and to act with conviction in advancing the principle of social justice and human rights.”

The website describing the baccalaureate program in social work at Lockhaven goes even further, specifically referencing the CSWE standards, “admission to the major”, it notes, “requires a 2.0 GPA plus agreement with the professional and academic standards defined by the Council on Social Work Education.” (There are, in my opinion, some very serious First Amendment questions raised by this requirement, creating legal exposure for the entire state university system.) Among the other state and state-related schools with programs accredited by the CSWE are California University of Pennsylvania, West Chester University, Kutztown University, Mansfield University of Pennsylvania, Millersville University of Pennsylvania, Shippensburg University, and Slippery Rock University.

Some schools of education have also built debatable political concepts into their programming. At Penn State, the College of Education lists as one of its goals “to enhance the continuing commitment of faculty, staff and students to diversity, social justice, and democratic leadership.” It might be noted here that the Penn State College of Education is accredited by the NCATE, the National Council for Accreditation of Teacher Education, which encourages the evaluation of aspiring teachers with respect to their “dispositions toward social justice,” and requires such assessment where the school has itself embraced a social justice standard. Whose notions of social justice (or diversity, or democratic leadership for that matter) will be used to evaluate the course work of aspiring teachers at Penn State?

In Penn State’s Education program, social justice assessments are also built into faculty and administrative recruiting. For example, one of the specifications recently included in a job notice for the position of professor and associate director of the Penn State Capitol College’s School of Behavioral Sciences and Education was “a willingness to advocate for social justice” (*Chronicle of Higher Education*, May 6, 2005). Ideological tests of this kind turn up in other job notices as well. Thus, a notice advertising resident director positions for the residence-life and housing staff of West Chester University of Pennsylvania specified that candidates “should have experience in promoting appreciation of multiculturalism” (*Chronicle of Higher Education*, February 11, 2005).

Social work and education aren’t the only programs that view themselves as an integral part of social and political movements. The Cultural Studies Program at Pitt, which on its website describes itself as the most extensive in the United States, defines cultural studies “as a critique of the ways culture has been studied within university departmental structure,” observing that “it is not ‘value neutral’ but tends to be inclined toward left-inflected social change. Its job is to raise disturbing questions about how power constructs knowledge and about how the university resolves intellectual debates in its own internally contradictory interests.”

Note first the explicit admission that the field tends toward the left, and second the way cultural studies self-consciously sees itself as more than an area of inquiry, or even a particular theory of society, but as part of a movement with a prescribed direction, “social change,” and possessing a strategic role (“its job”) of raising “disturbing questions” about “power.” Although political engagement isn’t as grossly overt here as it is in social work, it raises serious questions given what we should expect of an academic program.

When we come to Women’s Studies, we enter a world in which self-conscious advocacy and activism, together with an enormous dose of programmatic tendentiousness, are core content. The Pitt Women’s Studies Program website, for example, greets the visitor with a description of its activities under a threefold heading, the first of which is “Scholarship/Creative Activity,” the second “Teaching and Learning,” and the third, “Activism and Advocacy,” under which it is stated “from its inception in the early 1970s women’s studies has been committed to keeping teaching and scholarship in conversation with the larger community – locally, regionally, and globally. . . .Through internships, students have opportunities to connect their academic work with their commitments to change and to learn how to become positive change agents. We also serve as a clearing house by helping to connect activist groups with the university community through our publications and online.”

This activist orientation isn't confined to the Pitt program. At East Stroudsburg University, the Office of Women's Studies, which sponsors an academic minor, describes its students as being "encouraged to connect personal experiences with the broader political picture. When they identify social ills or cultural and institutional practices that need improvement, they may develop strategies for change. The Women's Center puts these strategies into practice."

Clicking on the link to its website, one finds the East Stroudsburg University Women's Center describing itself as, among other things, serving as a forum for political discussion and actions to benefit women, and, later, as providing a space where women can "share common knowledge and experience, and advocate for institutional, social and political change." It might also be worth noting that among the workshops the Women's Center indicates it has sponsored are those on "homophobia and heterosexism." "Heterosexism" is a term of relatively recent creation designed to lump the view that heterosexuality is to be preferred to homosexuality together with racism and sexism as forms of censurable bigotry. The Women's Center (an institutional subdivision of ESU) apparently has an official position – concurrence – on this censure.

One of the general features of Women's Studies (and note the use of the possessive in the field's title – women's studies is not so much a field that "studies women" as a field possessed by and serving women) is the constriction of its intellectual vision. In most Women's Studies programs the discussion of subject matter is kept almost entirely within a single intellectual paradigm, that of "feminist theory."

Thus the website of Penn State Women's Studies program declares that its major "focuses on feminist analyses of women's lives, of women's social, cultural, and scientific contributions: and on the structure of sex/gender systems," further indicating that "Women's Studies analyzes the unequal distribution of power and resources by gender" (one could also, conceivably, look at patterns of cooperation between the genders – but this is clearly not the emphasis here). Likewise the website of the Graduate Certificate Program for the Temple University Women's Studies program explains that "graduate students whose work is focused on gender will be able to explore central concepts of feminist theory and analysis through Women's Studies graduate courses." Each student is required to complete two basic courses, Women's Studies 400: Introduction to Feminist Studies, and Women's Studies 500: Seminar in Feminist Research."

Feminism is not an uninteresting point of view. Many scholars who hold to some form of feminist theory are intelligent, learned, and interesting people. But should a whole field that is ostensibly devoted to studying the relations between the sexes, and the role of gender in society at large, confine itself to a single perspective, and do so virtually by definition? Is this not the very meaning of "indoctrination" – the instilling of a doctrine and therefore the very opposite of what an academically free education has been thought to be?

There are certainly other intellectually respectable ways of looking at gender that have masses of scholarship and scientific study behind them. The field of evolutionary psychology, for example, extensively addresses the origin and nature of sexual differences. Why should it not share the stage with feminist theory? Why shouldn't more traditional perspectives that see benefit in traditional sexual roles and tradi-

tional marriage also get an open-minded hearing? Why not study Christian, Jewish, and Islamic perspectives on gender for the insight they might afford? Why does this field seem to be based on an ideological monopoly?

This is a systemic problem for which senior university administration bears ultimate responsibility. It is administrators who are responsible for clarifying standards, for funding programs, for approving new programs, for the final sign-off on faculty and staff personnel decisions, and for maintaining a reasonable degree of what the American Council on Higher Education, the American Association of University Professors, and about a score of major academic groups have recognized as a central principle of American higher education – intellectual pluralism.

On one count, at least, it is not surprising that the state systems' presidents and provosts have done so little to deal with these problems. Their own senior commands, their very offices in some cases, have been sucked into the business of advocacy and activism.

Take, for example, the President's Commission on the Status of Women at California University of Pennsylvania, which is made up of faculty and staff and part of the Office of the President. Its three purposes include advocacy, providing a forum for the discussion of women's concerns, and recommending policy. The Commission's advocacy role turns out to be rather far reaching, having recently extended to the endorsement of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). In so doing the President's Commission happily declared that through this action it had expanded its "advocacy networks beyond the main campus and...into the International Arena." It might be useful to note here that the United States has thus far declined to ratify CEDAW. This is because critics of the treaty – which has a United-Nations-run enforcement mechanism behind it – have argued that its vague language could be used to promote abortion, legalized prostitution, and censorship. One can, of course, debate the merits of this, but should California State University have its own foreign policy? Should it institutionally be engaged in this kind of advocacy?

"Diversity" is, of course, the great mantra of contemporary American higher education. Indeed, it's probably the single most common term-of-art in American higher education today. When I googled the word "diversity" on Penn State's search engine, it came up with about 31,600 citations. This compares, by way of illustration, to only about 17,000 citations for the word "scholarship," 2,540 for "liberty", and 1550 for the word "civilization."

"Diversity" can be an elusive term of many meanings. For some, the word signifies a policy of tolerance and live-and-let-live; for others, it refers to an inclusive cultural and moral relativism requiring that divergent traditions and life styles all be equally affirmed. The latter is, in general, the interpretation that gets official backing on America's campuses. In effect, this amounts to a rejection of traditional moral standards ("judgmentalism"), and the belief that any one culture (say American or Western culture) might be superior in whole or part to others. A major emphasis in diversity policy is opposition to "hetero-normativity," the belief that heterosexuality is a norm established in nature.

Similar language can be found on other state university sites. Thus the website of the Office of Social Equity at Clarion University, whose mission includes ensuring that

“the democratic principles of equity and social justice are promoted university wide...”, reports that the office “challenges each and every member of the University’s communities to both celebrate diversity and cherish commonalities.” According to its website, the Office of Multicultural Affairs at East Stroudsburg University exists (in a chillingly totalitarian turn of phrase) to “promote, plan, and monitor social justice in the University community” and to “advocate for the implementation of social, cultural and academic programs that enhance student awareness of diverse cultures and foster respect for cultural diversity.” And Penn State’s “1998–2003 Framework to Foster Diversity Statement” noted, “we seek to create an environment characterized by equal access and respected participation for all groups and individuals irrespective of cultural differences and, more importantly, where the multiplicity of characteristics possessed by persons are not simply tolerated but valued.”

These statements are odd for educational institutions to be proclaiming. Since when are institutions of higher learning committed to “celebrating” cultures, sexual lifestyles, or even philosophical differences instead of being dedicated to the search for knowledge and the free life of the mind? What does it mean to celebrate cultural differences? What about cultures –still very much in evidence today – that condone slavery? That practice infanticide and clitorrectomy? That force women to be veiled or deny them education? That encourage suicide bombing as a form of religious martyrdom? But even apart from obvious abominations like these, do we wish to assume, as an institutional and educational posture, that all divergent cultural practices are equal? Is water-witching the equal of scientific hydrology and thus to be equally celebrated? Can an institution that promotes itself as a “modern research university,” accept such a notion? Apparently it can. The real question is: should it?

We are not talking here about tolerating different points of view or life practices. Universities should be tolerant, judging faculty, students, and staff only on the basis of the quality of their work and conformity to appropriate institutional rules. What is being demanded by these programs is not tolerance of others, but affirmation of others in a way that is self-defined as encompassing a radical agenda of “social change.” To quote that Penn State Framework statement again, “we wish to create an environment...where a multiplicity of characteristics...are not simply tolerated but valued.” Needless to say this “multiplicity” has strict limits. It does not include communities that are made up of Christian fundamentalists for example. This is not tolerance, but its opposite.

A similar inversion occurs with the use of the term “critical” and its related concepts in regard to academic studies. The Women’s Studies Program at West Chester describes Women’s Studies “as a way of looking at the world that questions historical and current gender arrangements.” The Sociology Department at Indiana University of Pennsylvania, which describes an education in sociology as encouraging students to “think critically about the social world.” Temple University’s Russell Conwell Center advises students to assert “their critical thinking skills in class.” The Lartz library at Penn State Shenango possesses a “critical thinking clearing house,” offering “critical thinking exercises.” A philosophy course offered at Lincoln University “facilitates the development of critical thinking skills” on ethical issues. Pitt’s “Advisory Council on Instructional Excellence” runs a summer institute program for faculty whose course-design component shows them how to “promote critical thinking” in their classrooms. These examples could be multiplied ad infinitum.

So the question is: Why is there such an abrupt about face? Why, when looking at traditional cultural values and established institutional arrangements, is the attitude “critical,” and, when looking at other cultures and lifestyles, and radical values is the attitude “celebratory”? Shouldn’t it be critical – not necessarily in the sense of adversarial, but in the sense of analytical – all the way round? And does not this strange dichotomy, critical on the one hand, celebratory on the other, suggest a political project within the university devoted to social change from the perspective of the left, that as I think I’ve shown, is now deeply and institutionally engrained? And if there is such a political project, what does it have to do with education as defined in the academic freedom charters of these very institutions? And by what warrant do the public universities of the Commonwealth of Pennsylvania pursue it? Needless to say, these are questions that should be of central concern to the public university’s fiduciaries, very much including the state legislature.

5. DECLINING INTELLECTUAL DIVERSITY

(Testimony of Anne D. Neal at Temple, January 10, 2006)

I am president of the American Council of Trustees and Alumni, a national education nonprofit. My organization was founded in 1995 and is a bipartisan network of college and university trustees and alumni across the country dedicated to academic freedom, academic excellence and accountability in higher education.

Since our founding, we have had occasion to evaluate colleges and universities in terms of academic freedom and academic offerings. And what we have discovered shows—beyond a shadow of a doubt—that the lack of intellectual diversity is the greatest problem facing higher education. This committee’s willingness to explore the issue and to determine what action, if any, is exemplary and I hope that it will serve as a model for legislatures across the country.

Lack of intellectual diversity is not a new problem, nor is it a matter of a few isolated incidents or abuses, as some of the witnesses would have you believe. As early as 1991, Yale President Benno Schmidt warned that “The most serious problems of freedom of expression in our society today exist on campuses. The assumption seems to be that the purpose of education is to induce correct opinion rather than to search for wisdom and liberate the mind.” In his last report to the Board of Overseers, retiring Harvard President Derek Bok warned: “What universities can and must resist are deliberate, overt attempts to impose orthodoxy and suppress dissent. . . . In recent years, the threat of orthodoxy has come primarily from within rather than outside the university.”

A decade and more have passed since these comments were made and I wish that I could say to you that the situation had improved. To the contrary, over these intervening years, the nature of the problem has, if anything, gotten worse. Rather than fostering intellectual diversity—the robust exchange of ideas traditionally viewed as the very essence of a college education—our colleges and universities are increasingly bastions of political correctness, hostile to the free exchange of ideas.

A study released in late December by Professor Dan Klein found that social science professors are overwhelmingly Democratic, that Democratic professors in those disciplines are more homogeneous in their thinking than Republicans; and that

Republican scholars are more likely to work outside the academy than their Democratic counterparts. On the question of political affiliation, the survey showed an immense imbalance in the breakdown of Democrats to Republicans ranging from 21.1:1 among anthropologists; 9:1:1 among political and legal philosophers; 8.5:1 amongst historians; and 5.6 to 1 amongst political scientists. Other studies have shown similar disparities.

This lack of diversity in party registration would be irrelevant, were it not for the fact that some of the ideals that encourage intellectual openness command less allegiance in academe than they once did. Today, the notion of truth and objectivity is regarded by many professors as antiquated and an obstacle to social change. In this postmodern view, all ideas are political, the classroom is an appropriate place for advocacy, and students should be molded into “change agents” to promote a political agenda. The University of California recently abandoned the provision on academic freedom that cautioned against using the classroom as a “platform for propaganda.” The president of the university argued in a letter to the Academic senate that the regulation was outdated.

At the same time, higher education leaders have denied that there is an intellectual diversity problem. The head of the American Association of University Professors, Roger Bowen, called one study on the political affiliations of faculty wrong-headed, arguing that such affiliations are of little consequence in the classroom. The American Council of Trustees and Alumni resolved to study the issue as objectively and systematically as possible. We went to those who really know what goes on in the classroom and are most affected by it—the students. We commissioned the Center for Survey Research and Analysis at the University of Connecticut to undertake a scientific survey of undergraduates in the top 50 colleges and universities as listed by *U.S. News & World Report*. These include Ivy League schools like the University of Pennsylvania, national research universities such as Carnegie Mellon and small liberal arts colleges like Swarthmore, Bryn Mawr and Haverford, as well as public institutions such as the University of California and Michigan.

We were interested in finding out whether in fact professors introduce politics in the classroom. It goes without saying that faculty members are hired for their expertise and are expected to instruct students on the subject of their expertise. If they are teaching biology, they should be talking about biology. If they are teaching Medieval English literature, we expect them to be lecturing on Chaucer, not Condoleezza Rice.

That indeed is a principle that has been adopted in the 1940 AAUP statement on academic freedom and that has been adopted by numerous institutions of higher education, at least on paper. The Temple University faculty Handbook, by way of example, provides that “Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.”

Notwithstanding these principles, our survey found that a shocking 49 percent of the students at the top 50 colleges and universities say that their professors frequently injected political comments into their courses, even if they had nothing to do with the subject.

The survey next turned to the atmosphere in the college classroom. Did students, many of whom were exposed to these subjects for the first time, feel free to raise concerns and question assumptions? Did they feel free to make up their own minds without feeling pressured to agree with their professors? Once again, the answer was deeply disturbing. 29 percent of the respondents felt that they had to agree with the professor's political views to get a good grade.

The survey also explored whether students were being exposed to competing arguments on the central issues of the day. Were book lists balanced and comprehensive? Did students hear multiple perspectives, rather than just one side, of an argument? Again, a disheartening response. Forty-eight percent reported campus panels and lecture series on political issues that seemed "totally one-sided." Forty-six percent said professors "used the classroom to present their personal political views." And forty-two percent faulted reading assignments for presenting only one side of a controversial issue. Meanwhile, eighty-three percent of those surveyed said student evaluation forms of the faculty did not ask about a professor's social, political or religious bias.

These findings are particularly noteworthy when we look at the characteristics of the respondents. First of all, the students voicing concerns are not a small minority. Nearly half of the students surveyed reported abuses. Second, although self-described conservative students complained in higher numbers, a majority of the respondents considered themselves liberals or radicals. Third, only 10 percent of the respondents were majoring in political science or government. The vast majority were studying subjects like biology, engineering, and psychology—fields far removed from politics.

Fortunately, there is considerable consensus on the principles at stake. In 2005, responding to concerns that have been raised about intellectual diversity, the American Council on Education released a major statement, endorsed by 30 higher education organizations, on "Academic Rights and Responsibilities." "Intellectual pluralism and academic freedom are central principles of American higher education," the statement declares. "Neither students nor faculty should be disadvantaged or evaluated on the basis of their political opinions."

In the wake of the ACE statement, the American Council of Trustees and Alumni considered vigilance important and surveyed all 30 signatories, heads of major public universities in each state including Pennsylvania, as well as the presidents and chancellors of the top 25 national universities and the top 25 liberal arts colleges. ACTA asked them what they had done to implement their statement. The answer received? Next to nothing. The closest they come to action is more talk. The University of Oregon's President, David Frohnmayer, reported a "work session" with his deans. The president of one of the signatories, the Association of American Colleges and Universities, reported that the association would be issuing a statement that will be "consistent" with the June statement and would discuss the issues further at its annual meeting.

Not one of the institutions covered by the pledge reported a single concrete step beyond meetings and statements. It was all words, and no deeds.

University administrators and faculty continue to insist that they, alone, are able to correct the situation in the classroom. But all reasonable people agree with ACTA that simply saying one believes in intellectual diversity and pointing to existing policy is not enough. We would not be here today if all existing practices and policies were sufficient or were being followed.

After Harvard president Larry Summers made the impolitic observation that researchers might explore whether biological factors affect the propensity of women to go into math and science, it took only a matter of weeks for Harvard to appoint special deans and to appropriate \$50 millions of dollars to promote more gender diversity in the sciences.

Why, then, is it so hard for universities to take similar steps when it comes to intellectual diversity? Our colleges and universities are filled with offices and administrators whose entire job is to foster a diversity of backgrounds—on the grounds that a diversity of backgrounds will provide a diversity of viewpoints essential to a strong liberal education. If diversity of views is the educational holy grail then what is the academy afraid of?

You and I have heard or read the testimony of a number of speakers already in the course of these hearings and, quite frankly, they are simply in denial that there is a problem. They have said, in effect, that they are not going to do anything. You have to make it clear that this is not acceptable. It would not be acceptable if the problem were racism; it would not be acceptable if the problem were gender discrimination. It is not acceptable when the problem is political harassment and viewpoint discrimination.

We agree with the academy that the responsibility for correcting the current situation should fall first and foremost to colleges and universities themselves and that governing boards have the ultimate obligation address those concerns. We agree that the law is a blunt instrument and state legislatures and the federal Congress are not well-positioned to prescribe specific remedies.

However, in the face of years and years and years of denial by many in the academy, legislators must not bury their heads in the sand, must not shrink from holding hearings to educate the public as you so boldly do today, and most importantly, must not shrink from making it crystal clear that universities ensure the free exchange of ideas and classrooms free of political abuse—if they wish for government to stay out of their business. That is why I am calling on you today to act.

Faced with growing legislative pressure on this issue, the higher education establishment issued the ACE statement, figured it would pretend to have a quick conversion, endorse intellectual diversity, get those “yahoo” legislators off their backs and go back to business as usual. Do not let them get away with this charade. It is now incumbent on you to keep the pressure on, step in—in a way that is sensitive to academic freedom and shared governance—and demand action.

As legislators, responsible for public funding and oversight of Pennsylvania’s institutions of higher learning, we submit it is up to you to ensure that those institutions are fostering an atmosphere in the classroom dedicated to valid educational ends. And, to be sensitive to the concerns raised by the academy, we ask not that you impose curricular or other requirements but that, instead, you give a specific man-

date to trustees—public officials who have not only the right, but legal obligation, to ensure that their institutions are dedicated to valid educational ends—to provide the legislature with a public annual report outlining steps taken to ensure a robust exchange of ideas and to implement the ACE statement.

Intellectual diversity is not just something desirable in theory; it must be protected and promoted by actions—and not just words—if the academy is to provide a rich education for its students. In the face of years and years of inaction, I submit it is up to elected officials to make sure the academy puts up, or holds its peace.

6. VIOLATIONS OF FIRST AMENDMENT RIGHTS

(Testimony of David French before the Pennsylvania House Subcommittee on Academic Freedom in Harrisburg on September 19, 2005)

Thank you very much for this opportunity to address you. Let me begin with a quote from the Supreme Court of the United States from the case of *Sweezy v. New Hampshire*: “The essentiality of freedom in the community of American universities is almost self-evident.... Teachers and students must always remain free to inquire, to study, to evaluate, to gain new maturity and understanding; otherwise, our civilization will stagnate and die.

Those are very powerful words from the Supreme Court. And, in fact, those words were, in part, the inspiration for the founding of FIRE, the Foundation for Individual Rights in Education. We are a nonpartisan, secular, civil liberties organization that defends free speech, religious liberty, freedom of conscience and due process on campuses across the country.

The First Amendment – this comes sometimes as an unfortunate surprise to administrators – applies to students and it applies to faculty. There’s a very good short rule of thumb that if speech is constitutionally protected outside of the academy, it’s generally constitutional protected inside of the academy.

Those who have responsibility for the academy do not have greater latitude to restrict speech. In fact, the Supreme Court has long recognized that our schools, our institutions of higher education, as distinct from secondary schools or elementary schools, are supposed to be marketplaces of ideas. They’re supposed to be places where the uncomfortable questions are asked; where traditional notions of truth are challenged; where students can expect to sometimes be offended, sometimes be encouraged by the things that they hear and see on campus. The goal of the university is to create a marketplace where you can debate and you can discuss, you can disagree, and you can even offend in the goal of exchanging ideas and the goal of advancing human knowledge and the goal of advancing our culture.

Unfortunately, universities across this country – and universities in Pennsylvania are no exception – have to a large degree abdicated that responsibility.

For the interest of larger goals, or presumed larger goals, there are now speech codes that govern student conduct on campus. A speech code is any policy or practice that prohibits speech that the First Amendment would otherwise protect.

Pennsylvania's public universities have several speech codes: Prohibitions against speech that one or another group would find subjectively offensive. Speech codes have been struck down in every single court in the United States where they have been challenged, including a federal district court in this state in which a Shippensburg University speech code was enjoined in late 2003. Unfortunately, despite this judicial decision, speech codes still exist, and these codes violate the rights of students and sometimes professors.

Students have a right to enjoy the fullest First Amendment rights. They have a right to dissent from the mainstream in politics. They have a right to protest peacefully and lawfully. They have a right to disagree with teachers. They have a right to disagree with administrators. They have a right to publish and publicize their disagreements.

When you talk about the First Amendment rights of students, you are talking about the First Amendment rights of citizens of the United States. Their rights are extremely broad, limited only by narrow, lawful prohibitions such as "fighting words;" such as obscenity, as that term has been constitutionally defined; such as certain kinds of speech that rise actually to the level of harassment. But outside of these narrowly defined exceptions, the speech of students is widely protected.

Students do not have a right to be taught what they want to hear. Their broad rights do not include a right not to be offended. Their rights do not include a right to have a teacher tell all sides of the story as they see all sides of the story. But their rights do include the ability to criticize a teacher or dissent even in class so long as dissenting or disagreeing is done in a way that's not disruptive and doesn't prevent the teacher from conducting the class. So students have very broad First Amendment rights.

Teachers do, as well, although, there are some limits that have been defined traditionally and, for example, were by the American Association of University Professors' 1940 "Statement on the Principles of Academic Freedom and Tenure:"

Teachers are entitled to freedom in the classroom in discussing their subject; but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.

What does this mean? A professor is not free to use a class – let's say a mathematics class – to advance a particular political agenda. That is something that a university can properly restrict without interfering with that professor's First Amendment rights. Their First Amendment rights do not extend to the ability to use the state-provided platform to advocate for personal political goals if those personal political goals are not germane to the topic of the class.

We need to be clear. There is a difference between a professor teaching something that a student gets upset at and a teacher misappropriating the use of a classroom for a partisan political end. Those are different things.

Finally, a university has the institutional freedom to shape its own message and curriculum. In fact, if there's one kind of academic freedom that the federal courts have been virtually unanimous on finding is that there is institutional academic freedom.

Private universities have an enormous amount of institutional academic freedom. If you have the desire and the means, you have a constitutional right to set up a religious college where you only allow people to attend that college who agree with the statement of faith of the religion and then can actually exclude teachers and fire teachers who don't agree with the basis of faith of the college. Secular private universities have an equivalent level of freedom. They can decide to define themselves according to a particular agenda.

Public universities are different. They do have a degree of academic freedom, certainly, to advocate for certain kinds of ideas; but that is strictly limited by the Constitution of the United States. For example, a state university can't advocate for or against religion. A state university's academic freedom doesn't extend to endorsing or condemning any particular religious point of view, whereas a private academic university does extend that far. State universities can put forward things like mission statements. State universities can advocate for particular cultural solutions to societal problems.

However, in furtherance of their mission, they cannot impose litmus tests on employees, on students. In other words, it is unconstitutional for a state university to condition the receipt of a state benefit, such as employment or a degree from the school, on the abandonment of certain constitutional rights such as free speech or freedom of association.

Now, with that very broad overview we get to two fundamental issues that I think are being addressed by the Committee: Free speech and intellectual diversity. The first is free speech: Mostly free speech by students, but also free speech by professors. Free speech is directly threatened by speech codes. Written policies in university handbooks, in student catalogs, in faculty handbooks that actually on their face restrict free speech. On their face, they often tell students that their free speech rights are contingent upon the extent to which another individual is offended or they are contingent upon the subjective feelings of another person.

There are two primary ways that speech codes work. One is by being overbroad. An overbroad speech code is one that actually prohibits more than just unlawful behavior; it prohibits lawful behavior as well. An example of an overbroad speech code is one that prohibits behavior of a sexual nature that is directed toward another individual, based on their gender, which is demeaning or diminishing to their character. There is a code to this effect in place at Indiana University of Pennsylvania.

No one has a right not to feel demeaned. Because what does it mean to feel demeaned? I may say something to one person and it doesn't feel demeaning to them. And I may say the exact same thing to another individual and it feels demeaning to them. Attempting to legislate this kind of subjective uncertainty is absolutely unconstitutional. You cannot condition free speech on subjective listener reaction. Does that mean that there are some demeaning things that I could say that could constitute harassment? Certainly there are some demeaning things that one could say that could constitute harassment. But that term "demeaning" taken by itself is overbroad.

Millersville University of Pennsylvania prohibits the transmission of electronic messages and materials deemed offensive by university policy and by local, state and

federal laws. Now, who is deeming what offensive? Does any state official have the right to deem written material or communicated material offensive? No, absolutely not. The state does not have the ability to deem words offensive and, therefore, completely out of bounds.

Further, codes can be vague. It's a constitutional rule that a policy or a code has to be clear enough that a person of average intelligence and understanding can know what's prohibited and what isn't. If you don't know what's prohibited, it begins to have a chilling effect on speech as you — to be on the safe side — say less than what you might think so as to not run afoul of the vague rule. A classic example that was found to be unconstitutional in Pennsylvania was a prohibition on acts of intolerance.

Shippensburg University had a speech code which, among other things, prohibited acts of intolerance on campus. The problem was, that's a term that's virtually impossible to define. If you ask a hundred people what is an act of intolerance, you may get a hundred different answers. And, in fact, at the oral argument when the judge on the case directly asked the attorney representing Shippensburg, "What is intolerance?" there was no good answer forthcoming because, quite simply, there is no good answer. Nobody knows really what it is. And so that phrase, "act of intolerance," has been struck down, but it still lives in speech codes in this state.

Edinboro University of Pennsylvania prohibits offensive or inappropriate sexual behavior. What is inappropriate sexual behavior? I mean, I have my own moral sense of what would be inappropriate sexual behavior. I'm sure it differs from the sense of many people in this room. Everyone has his or her own moral sense regarding what is or is not inappropriate. But what this does is delegate the decision of what is not appropriate to state officials; and state officials, using their own subjective terms and their own subjective beliefs, then decide for members of the community.

In addition to enacting rules that are overbroad and vague, public universities tend to also enact rules that prohibit free exercise of religion on campus. And they do it in a very subtle way, but in a way that dramatically restricts free expression of religious ideas. It is very typical now for large universities to have expansive non-discrimination rules that they apply to their student organizations. In the abstract, there's nothing wrong with applying a nondiscrimination rule to a student organization to say that you shouldn't discriminate on the basis of race or gender, for example. But some of these non-discrimination rules include non-discrimination on the basis of religion, and they ask religious organizations to sign on to that policy. The upshot is that religious organizations are no longer able to use religious principles when making their decisions if they expect to be a student organization on a public campus.

Ironically, although non-discrimination on the basis of religion or creed is undoubtedly designed to protect religious individuals, it ends up restricting religious freedom. For example, at Penn State, no organization can obtain university recognition if it discriminates on the basis of, amongst other things, religious creed. Religious groups, from the Muslim Student Association to Campus Crusade for Christ make religious decisions. That's their reason for being; yet they face the possibility of expulsion from campus just for being religious.

Across the United States, there have been at least sixty instances where this kind of policy has been used to restrict religious expression on campus or to evict from campus religious organizations. Currently, such policies are enjoined by federal courts in North Carolina and in the 7th Circuit Court of Appeals. Yet Pennsylvania's public universities have some of these very policies on their books.

Another way that students' freedom is restricted is not just by policy, but by practice; in other words, someone – there may be no speech code in place, but in spite of the lack of speech code, the university will take action anyway.

Now, this is a category that nationally is quite prevalent. Nationally, it's quite common for students to be punished for their speech even when they haven't violated any university rule. But I would suggest for this Committee it would be an interesting line of inquiry to determine whether that is, in fact, happening here; although, Pennsylvania is so laden with speech codes that you can almost always find a policy restricting free speech to punish a student in this state.

There's a difficulty with determining the extent of that problem because it relies on self-reporting. Students who are censored must (A) know that they can complain; and (B), know who they can complain to. At FIRE, we receive hundreds of complaints per year; but all the information that we've received indicates nationally that that's a drop in the bucket.

Now, let's move from student free speech to the second major area of inquiry: intellectual diversity. There is a powerful and almost self-evident argument that a broad range of ideas on campus is a desirable thing; that, in fact, a university that's supposed to be a marketplace of ideas can and should have a broad range of ideas on campus to foster debate, to test hypotheses, to test theories, to challenge historical assertions.

A broad range of viewpoints is a good thing. The American Association of University Professors, in fact, made that clear in its own arguments to the Supreme Court of the United States when arguing to preserve race-based Affirmative Action policies in the University of Michigan, declaring in its own brief that universities should provide a broad range of ideas and a broad range of viewpoints, that that is part of the function of the university, and the university is enhanced by that diversity. So it's really not controversial to say that there should be a broader range of ideas in the university. What *is* controversial is the question of whether this broad range of ideas currently exists in the university.

There are national studies that would tend to indicate that universities are rather ideologically monolithic. There are a variety of studies indicating that those who self-identify on the left side of the political spectrum outnumber those who self-identify on the right side of the political spectrum by a substantial margin; in some cases, 9-to-1, 10-to-1, 30-to-1 in some departments, according to recent studies.

Now, the question is, Does that matter from a standpoint of intellectual diversity? And, more importantly for this Committee's purposes, if such disparities are real, are they real because of misconduct? Are they real because of unconstitutional activities?

Bear in mind that earlier I said that you may not condition the receipt of a state benefit on the surrender of some basic First Amendment rights. There's a case called *Perry v. Sinderman* that involved an at-will, untenured professor at a university who was terminated; and he, allegedly, has been terminated as a result of exercising his free speech rights. The university said, well, he was an at-will employee. We can terminate him for any reason or no reason at all. In response, the Supreme Court said very clearly that you cannot condition the receipt of a state benefit on the abandonment of basic free speech or free association rights.

There exists a very real and very lively question now based on multiple recent studies: Are unconstitutional conditions being imposed on job offers, retention, and promotion? The answer is hotly disputed and I would say not firmly established at this point. So from the standpoint of intellectual diversity, it's critical to define the state's responsibilities.

The State of Pennsylvania has an institutional academic freedom itself running its school system. And the State of Pennsylvania, if it believes that intellectual diversity is a good thing in the university and helps to foster the marketplace of ideas, would certainly have an interest in making sure that intellectual diversity exists and discovering the reasons why it may not. However, what the State of Pennsylvania should not and cannot do is to go to individual professors in individual departments around the state and say to Professor Jones or Professor Smith, what we want you to do is to teach your class in a different way so as to be more diverse. That violates that individual professor's academic freedom and should not be done. But what a state can do is say, in an economics department, "Do we have a broad range of ideas present here?"

If we do not have a broad range of ideas present, is it because of any actual unconstitutional or illegal activity; for example, prohibitions on discrimination on the basis of sex or race or religion? State universities violate those prohibitions on occasion. Is that happening here? Or are there *de facto* ideological litmus tests being applied to candidates for a particular job? Are they being forced to adhere to a particular ideology?

So what I would suggest as the true constitutional obligation of a university going forward is to first protect the constitutional rights of your students. Make sure they have a right to free speech, the same right they'd have to free speech if they stepped off the university campus; second, in addressing any perceived constitutional violations against the students, do not violate the constitutional rights of professors, who do have a right to challenge students, who do have a right to even offend students on occasion; third, in the quest for intellectual diversity on campus do not violate the academic freedom rights of any individual.

II. QUESTIONS SUBMITTED TO UNIVERSITY ADMINISTRATORS

Questions Submitted to President Graham Spanier¹⁷

Academic Freedom Policy of Penn State

Q: President Spanier, in June of last year, the American Council on Education issued a statement on academic freedom which began: “Intellectual diversity and academic freedom are central principles of American higher education.” Would you agree with that statement?

Q: Penn State is a member of the American Council on Education. Is that correct?

Q: The statement also says “Neither students nor faculty should be disadvantaged or evaluated on the basis of their political opinions. Any member of the campus community who believes that he or she has been treated unfairly on academic matters should have access to a clear institutional process by which their grievances can be addressed.” Would you agree with that?

Q: Does Penn State have a grievance machinery for students that clearly states as part of its mandate that it will look into issues of political discrimination against students?

Q: Would you have any objection to making the ACE statement academic policy at Penn State or to implementing its recommendations for grievance machinery to which students can bring complaints about political discrimination?

Q: There are several statements by the American Association of University Professors on academic freedom which I am told constitute a kind of canon of academic freedom for virtually all modern universities like Penn State. Is that correct?

Q: The most important of these statements were made in 1915, 1940 and 1967. I note that in each of these statements the privilege of Tenure is linked to Academic Freedom. For example the first AAUP statement is called the *1915 General Report on the Principles of Academic Freedom and Tenure*. “Tenure” means a lifetime job, does it not?

Q: Politicians do not have this kind of tenure – and many people probably think that’s a good thing. We should ask ourselves what the difference is between professors and politicians that the one group should have lifetime jobs and the second not. Isn’t it the case that we give professors tenure – lifetime jobs – because they possess a professional expertise in specified fields of knowledge and the idea is to protect their freedom to pursue this expertise? Whereas politicians reflect the *opinions* of a majority and if they lose that majority, they lose as their jobs as well. So it is important, is it not, that professors stick to their expertise when they are on the job, so as to earn their lifetime tenure?

Q: The political opinions of professors are not part of their professional expertise. Political opinions on matters like whether the war in Iraq is a good idea or which

candidate voters should elect do not fall into the category of expertise, do they? If they do, I'd like to enroll in a course that would provide me with the expertise in opinions on these issues so I could enjoy lifetime tenure too.

The point I am driving at is that there is a trade-off between academic freedom and academic tenure. Professors get the privilege of tenure – lifetime jobs – in exchange for being professionals in their area of expertise. This is the contract is it not? We are not paying professors substantial salaries in many cases more than \$100,000 per year, and providing them with privileges that no other citizens of Pennsylvania enjoy, so that they can use their classrooms as political soap boxes. Would you agree with that?

Q: In other words there is a difference between teaching *about* issues that are controversial and advocating a particular side of those controversies. Correct? There is a difference between education and advocacy. Between education and indoctrination. Would you agree?

Q: As a matter of fact, Penn State has a very explicit academic freedom policy HR 64, which can be found in the *Penn State Faculty Handbook*, and which draws these lines very clearly. I'd like to read the policy because I think it should be a model for the academic freedom policies of all of Pennsylvania's public universities:

"The faculty member is entitled to freedom in the classroom in discussing his/her subject. The faculty member is, however, responsible for the maintenance of appropriate standards of scholarship and teaching ability. It is not the function of a faculty member in a democracy to indoctrinate his/her students with ready-made conclusions on controversial subjects. The faculty member is expected to train students to think for themselves, and to provide them access to those materials which they need if they are to think intelligently. Hence, in giving instruction upon controversial matters the faculty member is expected to be of a fair and judicial mind, and to set forth justly, without supersedion or innuendo, the divergent opinions of other investigators.

"No faculty member may claim as a right the privilege of discussing in the classroom controversial topics outside his/her own field of study. The faculty member is normally bound not to take advantage of his/her position by introducing into the classroom provocative discussions of irrelevant subjects not within the field of his/her study."¹⁸

Q: Under these guidelines it seems reasonable that if a professor of English were to make a classroom speech opposing the war in Iraq or if the Michael Moore film "Bowling for Columbine" were shown in class without critical materials being provided to students, that would be a violation of HR 64, the Penn State academic freedom policy. Would you agree?

ii. Is There A Problem of Political Intrusion in Classrooms at Penn State?

Q: This committee has in its possession complaints of several Penn State students. I will read you two. The first is by a student who wishes to remain anonymous:

"I had a professor in a Biology Science class, which has absolutely nothing to do with

politics, go off on a 20-minute lecture about how Bush was a horrible president and had misled the people and that if I supported the war in Iraq, I was a bad, ignorant person.”

Q: Would you agree that if this student is telling the truth, the behavior of the biology professor is unacceptable under Penn State policy HR 64?

Q: Here is a second testimony from a Penn State student named Kelly Keelan:

I'm taking a Women Studies class because I thought it'd be a good class to take. Yesterday I was in class and people were giving presentations about women's issues and one group decided to do abortion. The next thing I know, we're spending the whole period learning about how abortion should be completely legal and that it's a good thing for society to abort babies and that people need to learn how to say the word "abortion" because women should be proud of the fact that they've had one. The professor made us start chanting "abortion, abortion," and to be honest, I started to cry. There was no place in that class for my pro-life opinion. The one time I did raise my hand to say that I disagreed with abortion and that it shouldn't be shoved down my throat, the professor completely cut my opinion down and said that people like me shove their beliefs down their throats and are keeping women down, etc. etc. I don't get how I'm shoving my opinion down their throats when they're making me chant 'abortion' at 9 am.”

Q: Would you agree that this is also unacceptable under Penn State policy HR 64?

Q: Now we have heard testimony from university officials claiming that they don't hear problems like this or if they do they are few and far between. We have also heard testimony from attorney David French that students at Penn State universities are completely unaware of their rights in the matter of academic freedom (Pitt hearings) and from President Adamany that students are insufficiently made aware of their rights in regard to the academic freedom policies of the school. One problem seems to be that the policy is only available in the *Faculty Handbook* which students are unlikely to read, even if it is posted on the university website. Is there any other place where Penn State Policy HR 64 is posted?

Q: You have policies on racial discrimination and sexual harassment at Penn State as well? How are students informed of their rights under these policies? Isn't it the case that they are informed through orientation sessions, through lectures in their dormitories by Residency Assistants (RA's) in literature that the university makes possible, in the university catalogue and notices posted in departmental offices and around the school? Would you say that since academic freedom and intellectual diversity are central to a higher education student rights in these matters should be posted at least as widely and made at least as accessible as the policies forbidding racial and sexual discrimination?

Q: Is there a grievance machinery at Penn State that specifically addresses HR 64 – that has as part of its official and explicitly stated mandate the protection of student rights under HR 64? Because it seems to me that at present this is only a faculty responsibility stated in the *Faculty Handbook*.

Q: Don't you agree that if these are faculty responsibilities they should also be stated as student rights?

Q: And that students should be made aware of them in the same way they are made aware of their other rights?

Q: There was also testimony at the Subcommittee hearings from a student at Temple who said he had spoken to other students who were afraid to come forward. The Penn State student who wished to remain anonymous would be an example of someone with this fear. What would you propose to lessen the fear that students may have about lodging complaints when they feel their academic freedom rights have been infringed?

Wouldn't you agree that a specific administrative office for handling such complaints and a grievance committee for resolving them would help students to feel more comfortable about stepping forward? Would you agree to think about creating such an office and putting such machinery in place?

Q: An article appeared in the *Centre Daily Times* on January 25, 2006 by Adam Smeltz. It was called "PSU Fields 13 Bias Claims" and was about the number of such claims filed with the Penn State administration in the last five years. The article was reporting the response of a Penn State official to the request the administration had received from the House Subcommittee on Academic Freedom. The Penn State official was Vice Provost Blannie Bowen. Let me begin by applauding Provost Bowen for telling this reporter that "one instance [of bias] would be too many for me. I'd prefer to have zero." In my view, that is the proper attitude towards this kind of problem. I also would like to compliment the administrators at Penn State because it seems that all 13 of the incidents reported were resolved.

One thing that struck me in reading the article, however, was that Provost Bowen spent two months compiling the data. Do you know why that is? Is there no computerized filing system for complaints about violations of Penn State's academic freedom regulations? Shouldn't this data be available at single command? The fact that it was not suggests to me that political bias claims are way down on the list of priorities for the Penn State Administration and that there is no institutionalized, no formalized complaint system to deal with instances of professorial bias in the classroom. Am I correct in this? Would you support the creation of a more efficient and more prominent system for receiving and dealing with such complaints?

Q: Do you presently have a specific office or officer of the university designated to handle complaints concerning violations of the academic freedom policies of Penn State? One that I could easily locate in your catalogue or on your website if I were a student? One that I might be made familiar with during the orientation I would receive as an incoming freshman?

Q: Do you have such an office for complaints about ethnic bias or gender bias? For example, An Office of Diversity or a Multicultural Office? Why not, then, an Office of Intellectual Diversity and Professional Standards?

Q: One statement Provost Bowen made to the *Centre Daily Times* does trouble me. He said: "In the context of Penn State's entire faculty — some 8,000 professors and instructors — the complaints represent a relatively minor problem."

Now the word minor is certainly relative. How would one assess whether the prob-

lem was minor or not? If each of the main public campuses in Pennsylvania had 13 complaints in 5 years, that would total 39 complaints. And if the state college system also had a comparable number of complaints that might be between 90 and 100 complaints total for the state of Pennsylvania's public colleges and universities. How minor are 60 complaints for one state? Well perhaps we could measure that number against the number of similar complaints in a period in American history which is famous for political persecution, particularly in universities. I am referring to the McCarthy Era. Virtually every opposition witness before the House Subcommittee on Academic Freedom has expressed concern about repeating the persecutions of the McCarthy Era.

The McCarthy Era stretched from 1947, the year of the Truman Administration Loyalty Oath, until 1954 when McCarthy was censured by the US Senate. That would be seven years as opposed to the five years Provost Bowen researched. And it would be for all 48 (and then 50) states. Well the American Association of University Professors has records of all the complaints about political bias from 1947 to 1956, a period of nine years – almost double Provost Bowen's sample. In those years a total of only 55 complaints were filed nationally. So using the standard of political persecution in the McCarthy era, 60 complaints in one state or 13 complaints at one university would be pretty serious indeed.¹⁹ In fact, as the survey recently conducted by the American Council of Trustees and Alumni shows, when asked "49% of the students at the top 50 colleges and universities say that their professors frequently injected political comments into their courses, even if they had nothing to do with the subject."²⁰

Q: Given the fact that you do not make students at Penn State aware of their rights under Penn State policy HR 64, and given the fact that there is no officer or office specifically designated to collect such complaints, isn't it probable that no one really knows how serious this problem might actually be?

Q: One step that might improve this situation would be to use professor evaluation forms to assess the state of academic freedom on your campus. You could to add to existing professor evaluation forms a category for "intellectual diversity" and for "professional conduct in the classroom?" Would you be willing to do that? And to keep a centralized record of complaints?

Political Advocacy in the Curriculum

Q: Penn State's College of Education describes itself on its website as seeking to enhance the continuing commitment of faculty, staff, and students to "social justice." The term "social justice" is generally defined in political dictionaries to mean government redistribution of wealth to provide what its advocates regard as a fairer outcome. It is a term associated with the political left and welfare state liberalism. In other words, it is has the overtones of a political agenda.

Do you think it is appropriate for a College of Education to include this kind political advocacy in its mission statement? Isn't this at odds with Penn State's own academic freedom policy which requires neutrality on controversial social issues?

Q: Penn State's College of Education is accredited by the National Council for the Accreditation of Teacher Education. NCATE requires that teacher education programs that embrace social justice evaluate their students on the basis of their dispositions toward social justice. This seems very much like a political litmus test. Do you know whether Penn State's College of Education does this? If it does, would it not constitute a political test for receiving degree that is in violation of Penn State's academic freedom let alone the First Amendment of the U.S. Constitution?

Q: Penn State's Capitol College School of Behavioral Sciences recently advertised to fill a professor/associate director position. The notice in the *Chronicle of Higher Education* (May 6, 2005) stipulated that candidates show a willingness to advocate for "social justice." Do you approve of what looks like a political litmus for the hiring of faculty at one of your campuses?

Q: Penn State's Women's Studies major describes itself as focusing on "feminist analyses of women's lives." Is not feminism a point of view and a matter of controversy as well? Is Women's Studies an academic inquiry into the lives of women, or is it — as it certainly appears in this description — an indoctrination in feminist views? Isn't this curriculum in violation of Penn State academic freedom policy HR 64?

Q: Penn State policy HR 64 clearly states: "It is not the function of a faculty member in a democracy to indoctrinate his/her students with ready-made conclusions on controversial subjects." I have to ask you again is feminism not a controversial subject?

Q: Penn State policy HR 64 clearly states: "The faculty member is expected to train students to think for themselves, and to provide them access to those materials which they need if they are to think intelligently. Hence, in giving instruction upon controversial matters the faculty member is expected to be of a fair and judicial mind, and to set forth justly, without supersession or innuendo, the divergent opinions of other investigators."

If the Women's Studies major is designed specifically to focus on "feminist analyses" rather than providing a spectrum of analyses including analyses critical of feminism, is this not a curriculum that violates Penn State's own academic freedom policy?

Q: The American Council on Education statement on academic freedom says: "Neither students nor faculty should be disadvantaged or evaluated on the basis of their political opinions." How can students who don't ascribe to the feminist view of women *not* be disadvantaged in a program that teaches about women exclusively from a feminist point of view? Is this not a form of discrimination against students who are not feminists?

Q: If "intellectual diversity and academic freedom are central to a higher education," as the American Council on Education has recently proclaimed, do you do you think that for Women's Studies to focus on feminist analyses and not to include the analyses of critics of feminism is appropriate?

Q: How many other departments at Penn State offer curricula as apparently one-sided as the Women's Studies Department? Do you have review process that would reveal such one-sided programs if they existed?

Q: Do you think the creation of an Office of Intellectual Diversity might help such reviews and might promote a more diverse curriculum in departments at Penn State that may lack diversity?

Q: Stephen Zelnick, a professor of English at Temple for 37 years, a former director of undergraduate studies and Vice Provost gave the following testimony to the House Subcommittee on Academic Freedom at its Temple hearings:

“As director of two undergraduate programs, I have had many opportunities to sit in and watch instructors teach and also to review their assignments and their grading of student papers. I have sat in on more than a hundred different teachers’ classes and seen excellent, indifferent, and miserable teaching and done what I could to encourage the good and to repair the bad. In these visits, I rarely heard a kind word for the United States, for riches of our marketplace, for the vast economic and creative opportunities made available for energetic and creative people (that is, for our students); for family life, for marriage, for love, or for religion. I did hear a great deal about the importance of diversity and tolerance, about the evils of imperialism; about the need to be skeptical of all institutions and traditional values; and about the stupidity and mendacity of prominent politicians. There is much to applaud in this heterodoxy and rebelliousness. However, without the balance of the arguments for loyalty, tradition, and reverence, these appeals to radical thinking fail to serve education well.”

I think what professor Zelnick was talking about was the lack of intellectual diversity not only at Temple but at many of our schools today. I would like to encourage you think about creating an Office of Intellectual Diversity at Penn State.

8. Questions Submitted to the Chancellor Mark Nordenberg²¹

i. Academic Freedom Policy at the University of Pittsburgh

Q: Chancellor Nordenberg, I have visited your university website at <http://www.pitt.edu/> and the section of that website called “Policies, Procedures and Handbooks,” at http://www.pitt.edu/HOME/PP/pp_handbooks.html and frankly I could not find a statement of your academic freedom policy. Do you have one?

Q: In fact Chancellor Nordenberg, and with all due respect, you have no codified academic freedom policy that a student could refer to in order to find out their rights under that policy. At the Pittsburgh hearings of the Subcommittee on Academic Freedom, Provost James Maher testified that your administration hadn’t received a single complaint of a violation of student’s academic freedom rights. But if students are not informed that they have any such rights, how would they complain? What would they complain about?

Here is what Provost Maher said: “I’ve not been able to find a case where the complaint involved the student feeling that they had been mistreated because of their political opinions.” Well would this include signing up for an English literature course and being lectured about the war in Iraq or the oppression of women or the alleged racism of the American government instead? Do you think such rhetoric is appropriate in a course on English literature? Do you know that this does not happen at the University of Pittsburgh? Do you have any regular procedures for seeing that it doesn’t happen?

Q: Let me read you a portion of the academic freedom policy of Penn State HR 64:

“It is not the function of a faculty member in a democracy to indoctrinate his/her students with ready-made conclusions on controversial subjects. The faculty member is expected to train students to think for themselves, and to provide them access to those materials which they need if they are to think intelligently.

“No faculty member may claim as a right the privilege of discussing in the classroom controversial topics outside his/her own field of study.”²²

Are you in agreement with these sentiments?

Q: Since the University of Pittsburgh appears to have no academic freedom policy that a student could refer to, would you have any objection to making this part of the official academic freedom policy at the University of Pittsburgh?

Q: Since the best guarantee that students will have rights is for them to have the university administration provide them with a Bill of Rights, would you consider it appropriate to prepare such a Bill of Rights and ensure that every enrolled student has a copy?

ii. Ideology in the Curriculum at the University of Pittsburgh

Q: On the Pitt Women’s Studies Department website, the director of the program Kathryn Flannery describes the program as having three parts: “scholarship/creative activity,” “teaching/learning” and “activism/advocacy.” Exactly what role does advocacy have, in your view, in an academic program? Is not the very definition of “academic” that of a pursuit of knowledge that is disinterested? That does not have a programmatic advocacy built into its curriculum?

Q: Politicians don’t have tenure or lifetime jobs precisely because we are advocates. When we fail to secure a majority for the positions we advocate we lose our jobs. The people of this commonwealth award lifetime tenure to academics because they are not advocates but scholars, that is, professionals who pursue knowledge without prejudice. Let me read to you from the Academic Affairs policy statement on your website in regard to “Tenure Obligations and Responsibilities:”

Thirdly, those who accept the rights and immunities of tenured appointment owe it to their colleagues unflinching and unflinchingly to defend independence and freedom of mind in their field of competence.²³

Now if advocacy is a part of the Women’s Studies program, and I would assume that would mean advocacy for specific agendas that the program believes are beneficial to women, how can the participants retain “independence and freedom of mind?” Would your department hire Dr. Christina Hoff Sommers who is an advocate of women’s rights as she understands them but a fierce critic of feminism as it is taught in Women’s Studies programs, like the one at Pitt?

Q: The Women’s Studies Department director goes on to describe her program as a “clearing house that connects activist groups with the university community through its publications and online.” Do you consider it appropriate for an academic program

at the University of Pittsburgh, or at any publicly related university, to use taxpayer resources to support political activism?

Q: Do you know which activist groups receive this kind of support from Pitt's women's studies programs?

Q: Do you have something like an Office of Intellectual Diversity and Professional Standards that would review these programs to make sure that they are not involved in one-sided advocacy or partisan politics or indeed any advocacy that is not an advocacy of the virtues that go with being a scholar?

Q: I would like to read you a quote from an article by Stanley Fish, until recently the Dean of the University of Illinois' Chicago campus and one of the leading Milton scholars in the country. By the way, Professor Fish would be universally regarded as a political liberal. Professor Fish's article appeared in the *Chronicle of Higher Education* and was titled, "Save The World On Your Own Time."²⁴ In this article Professor Fish wrote "The only advocacy that should go on in the classroom is the advocacy of what James Murphy has identified as the intellectual virtues, 'thoroughness, perseverance, intellectual honesty,' all components of the cardinal academic virtue of being 'conscientious in the pursuit of truth.'" Do you agree?

Q: If academic programs at Pitt are going to be advocacy programs, shouldn't we let the taxpayers who support these programs vote on which issues they should advocate? And shouldn't we allow them to vote professors off the faculty if they do not reflect the point of view of the people who make their jobs possible? As an elected official I can tell you there are times when I wish the voters did not have this power, but that is what a democracy is about. So if we are going to allow academic programs like the Women's Studies Program at Pitt to be a center for advocacy, why should we continue to provide its members with lifetime tenure?

Q: I think we will agree that universities are different from legislatures and that they should be institutionally neutral in regard to the controversial issues that divide us. Yet you do not seem to have any means of oversight for your academic programs that would hold them to the academic standards you set out in your Policy Handbook. Can you assure us that you will take steps to remedy this deficiency?

Q: There is another part of the statement on the Women's Studies Department website under the signature of its director that troubles me. It is this: "Through internships, students have opportunities to connect their academic work with their commitments to change and to learn how to become positive change agents." First I would like to ask you, Chancellor Nordenberg: What is a "positive change agent?"

Q: Suppose I don't think a particular law or institution or policy should be changed. Suppose I am a conservative in regard to this issue. Where does that leave me as a student in the Women's Studies Department at the University of Pittsburgh? Where does that leave me as a candidate for a faculty position in the Women's Studies Department at the University of Pittsburgh?

Q: By the way: Do you have any idea of the groups in which these students intern "to learn how to become positive change agents?"

Q: Let me be even more specific: Do you consider it appropriate for academic programs at Pitt to use internships as a means of promoting feminist activism?

Q: Pitt's School of Social Work describes itself on its webpage as being committed to promoting "the values of social and economic justice." Could you tell us what the School of Social Work means by promoting "social and economic justice"?

Q: What do you think is meant by social justice? Is that not a traditional buzz word for advocates of government interventionism and the welfare state?

Q: What do you think is meant by economic justice? Isn't this a code for economic redistribution agendas?

Q: I presume your economics courses at Pitt teach students that labor is rewarded according to its marginal return. What is unjust about that? Why is the school of Social Work committed to something else?

Q: Isn't this partisan advocacy, inappropriate for an academic institution? Why would you consider it fair for the Republican taxpayers of this state, who do not believe in liberal views of "social and economic justice" to support your institution if it is dedicated to advancing the agendas of their political adversaries? Do we not have state laws prohibiting the use of state institutions for partisan political purposes?

Q: The Pitt School of Social Work is accredited by the Council on Social Work Education which, according to their guidelines, expects certified programs to prepare its students to "understand the forms and mechanisms of oppression and discrimination and apply strategies of advocacy and social change that advance social and economic justice." This sounds like a political agenda to me. It is certainly not an "academic" program. Would you agree?

Q: Don't you think it would be wise to set up an Office of Intellectual Diversity and Professional Standards to look into these matters and keep your academic programs in line with your academic guidelines?

Q: The guidelines for the Council on Social Work Education, which accredits your school, say that students need to understand "distributive justice" and "the global interconnections of oppression." This sounds like a basic leftwing political agenda to me. It sounds like indoctrination in a leftwing political worldview. What is this doing in what is supposed to be an academic environment? What do you propose to do to correct this problem?

Q: What academic freedom rights do students have at the University of Pittsburgh should they find themselves in a program that requires them to believe in "economic redistribution" or in the "global interconnectedness of oppression?" Can you point me to a provision in your *Policy Handbook* that would protect such students' "independence and freedom of mind?" Is this what an education in the Pitt School of Social Work is about? Learning to believe in economic redistribution and the global interconnectedness of oppression? Just what kind of university are you running at Pitt?

Q: In its *Student Handbook*, the School of Social Work also sets as a goal for students that is defined as educating them about the nature of oppression with respect to "sexual orientation." Where does this put students who hold traditional religious views

of homosexuality? Are they to be censured? Will they be judged neutrally when it comes to grades and advancement? Do you have any oversight body that is currently looking into this? Do you make religious students aware that their views are protected equally with others?

Q: And in any case, what kind of an academic program is this? This sounds like an indoctrination in liberal social views. What do you think the reaction would be if the University of Pittsburgh were requiring its students to hold conservative views of morality and politics?

Q: Would you share my concern that goals that would penalize students for their religious values raise serious First Amendment concerns at a publicly related institution like the University of Pittsburgh?

Q: Pitt's Department of Sociology characterizes itself as having "particular strengths in the studies of social inequalities;" Pitt's Cultural Studies program describes itself as "inclined to left inflected social change," Pitt's social work program promotes the values of "social and economic justice," Pitt's women's studies program promotes a feminist agenda. These are advocacy programs not academic programs and I am sure that the taxpayers of this state would not be happy to learn about them. But how can you as an academic administrator justify these abuses of academic tenure which is by your own policy statement "unfailingly and unflinchingly to defend independence and freedom of mind" of students and faculty members?

Q: The great ongoing debate in democratic life, since the inception of our Republic certainly, has been between the rival claims of equality and liberty, which as Madison pointed out are fundamentally in conflict (Since Madison and the Founders viewed people as being born with unequal abilities and talents, which led to unequal rewards and wealth, the effort to make them equal would require government to take away the liberties of some – e.g., through taxation — for the benefit of others. Madison explicitly rejected this idea as "wicked.") How can putatively academic programs hire faculty members fairly if they are committed to a partisan point of view in this great debate?

Q: As you probably know, several academic studies have been made of the composition of university faculties with regard to their positions on the political, social and economic issues of the day. These studies have found that in disciplines like sociology and anthropology, professors who lean to the left outnumber their conservative colleagues by a factor as large as 30-1. And this is across the board for universities, and thus applies to schools like Pitt. Do you think that this enormous disparity is a random result? Or could there be political bias in the hiring process? Have you or your administration made any effort to find out? Wouldn't this be a proper function of an Office of Intellectual Diversity and Professional Standards?

Q: As it happens a team of four Pitt political scientists led by Professor Barry Ames, the chairman of the Political Science Department, have written the principal article in a scholarly journal attempting to explain away these statistics. The Pitt team maintains that there is no real problem of missing diversity as the statistics would seem to suggest. I will quote from a paper responding to their article that was written by Maryland professor Arthur Eckstein: "The Ames team offers two explanations for the increasing absence of conservatives at elite institutions of higher learning. They sug-

gest, first, that conservative academics actually prefer rural and out of the way places — where, for one thing, they find a congenial ‘ideological climate’—compared to the vibrant and cosmopolitan life of the major cities where the most prestigious universities are located. This theory is presented with the utmost seriousness, and with not a scintilla of specific evidence to support it. Sure, that’s it—conservative academics probably *want* to live in the middle of nowhere with yahoos like themselves.

“But even worse is the second fundamental reason adduced by the Ames team for the under-representation of conservatives at elite institutions: ‘Many conservatives may deliberately choose not to seek employment at top-tier research institutions because they object, on philosophical grounds, to one of the fundamental tenets under-girding such institutions: the scientific method.’ The authors go on to suggest, about believing Christians specifically, that they ‘prefer simple problems to complex ones,’ and that they ‘dislike thinking.’ In other words, conservative and Christian academics voluntarily and naturally avoid teaching at top-flight institutions where the dreaded scientific method, and thinking about complex problems, is required. In the same vein, the Ames team writes a bit later that ‘the faith-based reasoning of Christian fundamentalism (and by extension most socio-cultural conservatives) is essentially incompatible with the mission of contemporary research universities.’”²⁵

In other words conservatives and Christians have no place at schools like the University of Pittsburgh. Do you agree with this statement?

Q: Do you think a Christian conservative applying for a faculty position in the Political Science Department at the University of Pittsburgh could be fairly judged by its department chairman and his three colleagues who think that conservatives and Christians are simple-minded people whose views are “essentially incompatible with the mission of contemporary research universities?”

Q: Does this question concern you?

Q: Do you have any oversight committee that might look into this matter and see if there is a fair hiring practice in the political science department and for that matter the other Pitt departments I have mentioned that require a leftist outlook among their students?

Q: While we’re on this subject, with so many programs already strongly focused on equality, might it not be academically valuable – in the interest of intellectual diversity —to have some that concentrate as strongly on liberty?

Q: The American Council on Education, the American Association of University Professors, and twenty-one other higher education organizations recently stated that that “intellectual diversity and academic freedom are central principles of American higher education.” Wouldn’t such programs, if academically sound, greatly strengthen Pitt’s commitment to these principles?

Q: Pitt’s Faculty Assembly has at various times endorsed the value of intellectual diversity within the faculty (see the *University Times*, for instance, of August 28, 1997). Pitt is strongly committed to racial, ethnic, and gender diversity. What, if anything, is Pitt doing to foster the principle of intellectual diversity? Could it not be doing more? Would you consider creating an office of Intellectual Diversity and Professional Standards in your administration to look into these matters?

III. APPENDICES

Pennsylvania House Legislation HR 177

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 177 Session of 2005

INTRODUCED BY ARMSTRONG, BARRAR, BENNINGHOFF, BIRMELIN, BOYD, CALTAGIRONE, CLYMER, CRAHALLA, CREIGHTON, FAIRCHILD, FICHTER, FORCIER, GABIG, GILLESPIE, GINGRICH, HERSHEY, JAMES, W. KELLER, KILLION, LEH, METCALFE, R. MILLER, MUSTIO, PHILLIPS, READSHAW, ROBERTS, ROHRER, SCHRODER, STERN, R. STEVENSON, E. Z. TAYLOR, TRUE, WILT, YOUNGBLOOD, DENLINGER, CIVERA, RAPP, FLEAGLE, FLICK, BASTIAN, BROWNE, HARPER AND PAYNE, MARCH 29, 2005
AS AMENDED, HOUSE OF REPRESENTATIVES, JULY 5, 2005

A RESOLUTION

Establishing a select committee to examine the academic atmosphere and the degree to which faculty have the opportunity to instruct and students have the opportunity to learn in an environment conducive to the pursuit of knowledge and truth at State-related and State-owned colleges and universities and community colleges in this Commonwealth.

WHEREAS, Academic freedom and intellectual diversity are values indispensable to the American colleges and universities; and

WHEREAS, From its first formulation in the General Report of the Committee on Academic Freedom and Tenure of the American Association of University Professors, the concept of academic freedom has been premised on the idea that human knowledge is a never-ending pursuit of the truth, that there is no humanly accessible truth that is not, in principle, open to challenge, and that no party or intellectual faction has a monopoly on wisdom; and

WHEREAS, Academic freedom is likely to thrive in an environment of intellectual diversity that protects and fosters independence of thought and speech; and

WHEREAS, Students and faculty should be protected from the imposition of ideological orthodoxy, and faculty members have the responsibility to not take advantage of their authority position to introduce inappropriate or irrelevant subject matter outside their field of study; therefore be it

RESOLVED, That a select committee composed of the Subcommittee on Higher Education of the Education Committee, plus one member appointed by the Speaker of the House of Representatives and one member appointed by the Minority Leader of the House of Representatives, examine, study and inform the House of Representatives on matters relating to the academic atmosphere and the degree to which faculty have the opportunity to instruct and students have the opportunity to learn in an environment conducive to the pursuit of knowledge and truth and the expression of independent thought at State-related and State-owned colleges, univer-

sities and community colleges, including, but not limited to, whether:

(1) faculty are hired, fired, promoted and granted tenure based on their professional competence and subject matter knowledge and with a view of helping students explore and understand various methodologies and perspectives;

(2) students have an academic environment, quality life on campus and reasonable access to course materials that create an environment conducive to learning, the development of critical thinking and the exploration and expression of independent thought and that the students are evaluated based on their subject knowledge; and

(3) that students are graded based on academic merit, without regard for ideological views, and that academic freedom and the right to explore and express independent thought is available to and practiced freely by faculty and students; and be it further

RESOLVED, That the chairman of the Subcommittee on Higher Education of the Education Committee of the House of Representatives shall be chairman of the select committee, that committee vacancies not affect the power of the remaining members to execute committee functions and that committee vacancies be filled in the same manner as the original appointment; and be it further

RESOLVED, That the committee may hold hearings, take testimony and conduct investigations within this Commonwealth as necessary; and be it further

RESOLVED, That if an individual makes an allegation against a faculty member claiming bias, the faculty member must be given at least 48 hours notice of the specifics of the allegation prior to the testimony being given and be given an opportunity to testify at the same hearing as the individual making the allegation; and be it further

RESOLVED, That the Chief Clerk, with the Speaker's approval, pay for the reasonable, appropriate and proper expenses incurred by the committee; and be it further

RESOLVED, That the committee make a report of its findings and any recommendations for remedial legislation and other appropriate action by June 30, 2006, and that the committee may extend the investigation for additional time, if necessary, but no later than November 30, 2006.

THE ACADEMIC BILL OF RIGHTS

Academic Bill of Rights

The Mission of the University.²⁶

The central purposes of a University are the pursuit of truth, the discovery of new knowledge through scholarship and research, the study and reasoned criticism of intellectual and cultural traditions, the teaching and general development of students to help them become creative individuals and productive citizens of a pluralistic democracy, and the transmission of knowledge and learning to a society at large. Free inquiry and free speech within the academic community are indispensable to the achievement of these goals. The freedom to teach and to learn depend upon the creation of appropriate conditions and opportunities on the campus as a whole as well as in the classrooms and lecture halls. These purposes reflect the values — pluralism, diversity, opportunity, critical intelligence, openness and fairness — that are the cornerstones of American society.

II. Academic Freedom

1. The Concept. Academic freedom and intellectual diversity are values indispensable to the American university. From its first formulation in the *General Report of the Committee on Academic Freedom and Tenure* of the American Association of University Professors, the concept of academic freedom has been premised on the idea that human knowledge is a never-ending pursuit of the truth, that there is no humanly accessible truth that is not in principle open to challenge, and that no party or intellectual faction has a monopoly on wisdom.²⁷ Therefore, academic freedom is most likely to thrive in an environment of intellectual diversity that protects and fosters independence of thought and speech. In the words of the *General Report*, it is vital to protect “as the first condition of progress, [a] complete and unlimited freedom to pursue inquiry and publish its results.”

Because free inquiry and its fruits are crucial to the democratic enterprise itself, academic freedom is a national value as well. In a historic 1967 decision (*Keyishian v. Board of Regents of the University of the State of New York*) the Supreme Court of the United States overturned a New York State loyalty provision for teachers with these words: “Our Nation is deeply committed to safeguarding academic freedom, [a] transcendent value to all of us and not merely to the teachers concerned.” In *Sweezy v. New Hampshire*, (1957) the Court observed that the “essentiality of freedom in the community of American universities [was] almost self-evident.”

2. The Practice. Academic freedom consists in protecting the intellectual independence of professors, researchers and students in the pursuit of knowledge and the expression of ideas from interference by legislators or authorities within the institution itself. This means that no political, ideological or religious orthodoxy will be imposed on professors and researchers through the hiring or tenure or termination process, or through any other administrative means by the academic institution. Nor shall legislatures impose any such orthodoxy through its control of the university budget.

This protection includes students. From the first statement on academic freedom, it has been recognized that intellectual independence means the protection of students – as well as faculty – from the imposition of any orthodoxy of a political, religious or ideological nature. The 1915 *General Report* admonished faculty to avoid “taking unfair advantage of the student’s immaturity by indoctrinating him with the teacher’s own opinions before the student has had an opportunity fairly to examine other opinions upon the matters in question, and before he has sufficient knowledge and ripeness of judgment to be entitled to form any definitive opinion of his own.” In 1967, the AAUP’s *Joint Statement on Rights and Freedoms of Students* reinforced and amplified this injunction by affirming the inseparability of “the freedom to teach and freedom to learn.” In the words of the report, “Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion.”

Therefore, to secure the intellectual independence of faculty and students and to protect the principle of intellectual diversity, the following principles and procedures shall be observed.

These principles fully apply only to public universities and to private universities that present themselves as bound by the canons of academic freedom. Private institutions choosing to restrict academic freedom on the basis of creed have an obligation to be as explicit as is possible about the scope and nature of these restrictions.

All faculty shall be hired, fired, promoted and granted tenure on the basis of their competence and appropriate knowledge in the field of their expertise and, in the humanities, the social sciences, and the arts, with a view toward fostering a plurality of methodologies and perspectives. No faculty shall be hired or fired or denied promotion or tenure on the basis of his or her political or religious beliefs.

No faculty member will be excluded from tenure, search and hiring committees on the basis of their political or religious beliefs.

Students will be graded solely on the basis of their reasoned answers and appropriate knowledge of the subjects and disciplines they study, not on the basis of their political or religious beliefs.

Curricula and reading lists in the humanities and social sciences should reflect the uncertainty and unsettled character of all human knowledge in these areas by providing students with dissenting sources and viewpoints where appropriate. While teachers are and should be free to pursue their own findings and perspectives in presenting their views, they should consider and make their students aware of other viewpoints. Academic disciplines should welcome a diversity of approaches to unsettled questions.

Exposing students to the spectrum of significant scholarly viewpoints on the subjects examined in their courses is a major responsibility of faculty. Faculty will not use their courses for the purpose of political, ideological, religious or anti-religious indoctrination.

Selection of speakers, allocation of funds for speakers programs and other student activities will observe the principles of academic freedom and promote intellectual pluralism.

An environment conducive to the civil exchange of ideas being an essential component of a free university, the obstruction of invited campus speakers, destruction of campus literature or other effort to obstruct this exchange will not be tolerated.

Knowledge advances when individual scholars are left free to reach their own conclusions about which methods, facts, and theories have been validated by research. Academic institutions and professional societies formed to advance knowledge within an area of research, maintain the integrity of the research process, and organize the professional lives of related researchers serve as indispensable venues within which scholars circulate research findings and debate their interpretation. To perform these functions adequately, academic institutions and professional societies should maintain a posture of organizational neutrality with respect to the substantive disagreements that divide researchers on questions within, or outside, their fields of inquiry

FOOTNOTES

¹ See Appendix i.

² December 18, 2005.

³ See Appendix ii

⁴ See David French testimony below.

⁵ See Stephen Balch testimony below.

⁶ See Appendix ii.

⁷ *Pennsylvania Hearings*, p. 26, l. 11-16

⁸ Kermit Hall, "A Cautionary Tale on Academic Rights and Responsibilities, *The President*, October-December 2005.

⁹ http://www.temple.edu/vpfaculty/TU_Faculty_Handbook.pdf

¹⁰ See Anne Neal testimony below for survey evidence on this particular form of abuse across the country.

¹¹ See Balch testimony below.

¹² *Pennsylvania Hearings*, pp. 111, l. 1-6

¹³ http://courses.temple.edu/ih/ihstest/ih52/revolution/marx/marx_facpersp.htm

¹⁴ See Zelnick testimony below.

¹⁵ *Gendered Voices: Selected Readings from the American Experience*, Keith Gumery, ed.; *Exploring Language*, Gary Goshgarian, ed.; *Great Divides: Readings in Social Inequality in the United States*, Thomas M. Shapiro, ed.; and *Writing Lives: Exploring Literacy and Community*; Garnes, et al., eds.

¹⁶ This text has been edited. A complete version is available at www.nas.org

¹⁷ Questions Submitted by the Senate Appropriations Committee to Penn State University president Graham B. Spanier on February 22, 2006

¹⁸ <http://guru.psu.edu/POLICIES/OHR/hr64.html#A>"<http://guru.psu.edu/POLICIES/O>

¹⁹ Lionel Lewis, *Cold War on Campus*. 1988, p. 277

²⁰ See Anne Neal testimony above.

²¹ Questions submitted by the Pennsylvania Senate Appropriations Committee to Mark A. Nordenberg, Chancellor of the University of Pittsburgh, February 22, 2006

²² <http://guru.psu.edu/POLICIES/OHR/hr64.html#A>"<http://guru.psu.edu/POLICIES/O>

²³ <http://www.pitt.edu/HOME/PP/policies/02/02-02-03.html>

²⁴ Stanley Fish, "Save The World On Your Own Time," *The Chronicle of Higher Education*, Jan. 23, 2003; Fish has written a book on the same subject, *Professional Correctness*, Oxford University Press, 1995.

²⁵ <http://www.frontpagemag.com/Articles/Printable.asp?ID=20874>

²⁶ This is a modified version of Princeton's mission statement, as quoted on p. 62 of Alan Kors and Harvey Silverglate,

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