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IS INTELLECTUAL DIVERSITY AN ENDANGERED SPECIES ON AMERICA'S COLLEGE CAMPUSES?

HEARING

BEFORE THE

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS UNITED STATES SENATE

ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

ON

EXAMINING INTELLECTUAL DIVERSITY ON AMERICA'S COLLEGE CAMPUSES, FOCUSING ON THE PROBLEM OF FREEDOM OF EXPRESSION, POLITICIZED INSTRUCTION, AND CORE CURRICULA

OCTOBER 29, 2003

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IS INTELLECTUAL DIVERSITY AN ENDANGERED SPECIES ON AMERICA'S COLLEGE CAMPUSES?

WEDNESDAY, OCTOBER 29, 2003

U.S. SENATE,
COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS,
Washington, DC.

The committee met, pursuant to notice, at 1:55 p.m., in room SD–430, Dirksen Senate Office Building, Senator Gregg, (chairman of the committee), presiding.

Present: Senators Gregg, Alexander, and Sessions.

OPENING STATEMENT OF SENATOR GREGG

The CHAIRMAN. We will get started. There are other members who are going to be coming and we are a little early, but I have a fairly lengthy opening statement and I don't want to tie up our witnesses. I will make this statement and get the thing rolling, and as other members come, we will proceed.

I consider this to be a very important hearing from my standpoint, my focus. This whole issue of intellectual diversity is something I am very concerned about and the deterioration, in my opinion, of the quality of education in this country is tied to the failure of our higher education community to recognize that they are basically becoming single-dimensional and that they need more diversity in the area of intellectual activity.

The word diversity is quite popular today, and nowhere is that more true than on our Nation's college campuses. There is no doubt that our Nation's colleges and universities have in recent years devoted vast resources toward the goal of establishing ethnic and gender diversity on their campuses, and they are certainly to be credited for doing that.

This hearing, however, will focus on a different and yet equally important kind of diversity and that is intellectual diversity. This is the kind of diversity that comes from having the full marketplace of ideas represented on a campus rather than just a narrow slice, the kind of diversity characterized by the free exchange of ideas and the honest debate on the issues of the day rather than by restrictions on free speech and one-sided curriculum.

I believe that, with rare exception, the intellectual diversity of academia has diminished significantly over the last 30 years. My view is not unique and it is not new. Others have been pointing to what I see as a lack of intellectual diversity in academia for years and we will hear some of those voices today. However, new

evidence is beginning to show just how pervasive and damaging this lack of intellectual diversity really is.

The Foundation for Individual Rights in Education, FIRE, has just launched a website that catalogs hundreds of speech codes at colleges and universities across our Nation. The Independent Women's Forum has just released a report documenting the decline of fundamental liberal arts courses at the top ten liberal arts schools in our country. They found these courses are being replaced by trendy courses focused on race and culture and gender.

A soon-to-be-published survey of the American College Faculty shows that the academy leans to the political left by a wide margin in contrast to 30 years ago. Ultimately, this is a quality issue. While college tuitions go up and up, it is fair to ask just what are our students and our parents getting for their money? Hopefully, this hearing will shed light on just how this lack of intellectual diversity is hurting the quality of education received by college students. That is what this hearing is about.

Now, let me say a brief word concerning what this hearing is not about. It is not about restricting anyone's academic freedom or having the Federal Government dictate college curriculum; just the opposite. One can see evidence of the lack of intellectual diversity in higher education if one looks at the course offerings in certain fields. Whereas at one time traditional approaches to history and literature, for example, were featured prominently in the curriculum, along with new approaches like social history, today, those traditional approaches are being squeezed out in favor of a uniform curriculum based more on the interest group politics than on academic merit.

A study by the National Association of Scholars shows that only one of the top 50 colleges in the country required undergraduate students to take an introductory history course in 1993. That is down 60 percent from 1964.

A recently released report by the Independent Women's Forum, looked at the top ten liberal arts colleges as ranked by U.S. News and World Report and found that, for example, a freshman at Amherst is not offered an overview course in American or European history, that Carleton College's history department offers only one broad overview course.

What is replacing such traditional and educationally sound courses? The answer is a proliferation of classes focused on race, class, gender, with little intellectual substance. At Antioch College in Ohio, for example, students can take classes in the "Ethnopsychiatry," "Queer British Fiction," and "Ecology and Feminism." The University of Texas offers an English course which teaches students that there is nothing grammatically wrong with the sentence, quote, "Nobody didn't leave." Vanderbilt University offers courses entitled "Pornography and Prostitution in History." Swarthmore offers courses in "Illicit Desires in Literature and Fictions in Identity."

These are just a few examples, but increasingly, they represent the norm. It would not be so bad if these examples were simply courses in a structure of many courses that were being offered that was a balanced structure. The problem is, it is not a balanced structure as traditional courses are being eliminated, such as the

overview courses in American and European history. It has gotten so bad that some professors have actually started new professional associations in fields like history and literature as an alternative to the new uniformity that they see in these fields.

Campus speech codes that seek to punish students for exercising their First Amendment rights are also rampant on colleges today. These codes typically define forbidden speech in overly broad terms that cannot help but have a chilling effect on open, rigorous, and thoughtful dialogue. Some recent examples include any, quote, "jokes and stories experienced by others as harassing." That is a Bowdin College speech code. Any speech that causes a loss of, quote, "self-esteem." That is a Colby College speech code. Any, quote, "verbal behavior that produces feelings of impotence, anger, or disenfranchisement." That is a Brown University speech code. Any, quote, "inappropriately directed laughter," a University of Connecticut speech code.

The Foundation for Individual Rights in Education has cataloged hundreds of these speech codes and has fought several of them in court. FIRE, which is the acronym for the Foundation, estimates that approximately two-thirds of our U.S. colleges have speech codes of some kind.

In addition to speech codes in the past few years, we have seen the rise of another strange new development on campuses, the free speech zone. These zones are created by college administrators to limit students' protests and demonstrations only to certain areas on campus. The implication, of course, is that free speech can and will be restricted in places outside those zones.

With policies like these in place, one must seriously question whether freedom of expression really exists for today's college student. They stifle the voices of public criticism, commentary, and satire and teach students to engage in self-censorship so as to avoid causing even the slightest offense.

Another serious barrier to intellectual diversity on campus is the political and ideological bias of the faculty and the outright indoctrination practices by too many professors and administrations. A soon-to-be-published survey of 1,500 faculty members at 140 American colleges and universities conducted by the Angus Reid polling firm and directed by Professor Stanley Rothman of Smith College found that 72 percent of the faculty members described themselves as politically liberal, while only 15 percent described themselves as politically conservative.

In the humanities and social sciences, where social and political issues are more likely to arise and where bias most impacts classroom teaching, this bias is even more pronounced. Eighty-one percent of professors in the humanities and 75 percent of professors in the social sciences identify their views as strongly or moderately liberal, while only nine percent hold conservative views.

Rothman points to evidence that over the last 30 years, we have witnessed a startling shift toward the left in academia. According to the Carnegie Commission on Higher Education survey conducted in 1969, 45 percent of faculty classified themselves as politically liberal that year. That compares to 72 percent today.

It seems clear from this data that the American professor is unrepresentative of the full range of views in America today. Not only

is the faculty biased, but this bias impacts what goes on in the classroom, as well. There appears to be an increasing number of instances in which alternative viewpoints are either silenced or ignored in the classroom, often with hostility or disdain. It has gotten so bad that a new, nonpartisan website sprang up a year ago to catalog these sorts of incidents and has so far registered scores of examples.

A couple of examples are these. At the University of Maryland at College Park, a course on "Art of Ancient America" was derailed by the professor's frequent tirades on U.S. foreign policy and the oppression of Middle East people, in which he pretended to strap a bomb to himself as a terrorist would. Examples like this that disparage the State of Israel are unfortunate and all too common.

A Notre Dame professor's stated goal in his introduction to American government class was to, quote, "win students over to the cause of liberalism." A student reported the professor spent so much time discussing his political bent that few of the required readings were actually covered.

Another example of this type of bias concerns students at Citrus College in California. As part of a speech class at that institution, one professor offered her students extra credit if they wrote letters to President Bush protesting the war in Iraq. Those who wrote the letters praising the Iraq campaign or who refused to actually mail their letters were refused credit for the assignment.

What is more, universities are not even trying to hide what they are doing. The University of California in Berkeley recently repealed its longstanding policy against politicizing the classroom, calling it, quote, "outdated."

It is not just that classrooms in some colleges have instituted mandatory freshman orientation programs and diversity training workshops, run by administrative entities with names like the Prejudice Reduction Committee. These efforts at thought reform often involve paid consultants whose job it is to reeducate students and faculty to accept the view of multiculturalism based on the victim mentality and group rather than individual rights. In recent years, the classified section of the Chronicle of Higher Education has included hundreds of advertisements for these consultants, demonstrating just how pervasive such an effort has become.

Students on many of America's college campuses are being exposed to only a narrow range of viewpoints through the politicized course offerings and the ideologically homogeneous faculty that fosters an atmosphere where dissenting views are either quashed or ridiculed and significant restrictions are placed on free speech.

Simply put, this lack of intellectual diversity in higher education shortchanges students by depriving them of the exposure to a robust debate on the issues of the day. There is nothing wrong with having a dominant liberal view on our campuses. It is to be expected. It is the nature of higher education. But allowing that dominant view should not eliminate the opportunity for dialogue of other views on the campus.

How can students be liberally educated if they are only receiving part of the story? What do we teach students about freedom when they see that some views are discouraged or even forbidden? What does free speech stand for if it is not allowed on a campus? What

are we teaching them about our American traditions if traditional subjects like political and constitutional history are shoved aside to make room for trendy courses of the cultural elite? How can students lacking in exposure to the full marketplace of ideas be expected to thrive after college in a world where opinions and perspectives differ greatly?

[The prepared statement of Senator Gregg follows:]

PREPARED STATEMENT OF SENATOR GREGG

The word "diversity" is quite popular today, and nowhere is that more true than on our nation's college campuses. There is no doubt that our nation's colleges and universities have, in recent years, devoted vast resources toward the goal of establishing ethnic and gender diversity on their campuses. And certainly, we all applaud the fact that the doors of higher education today are now open to all, regardless of gender or race.

This hearing, however, will focus on a different, and yet equally important, kind of diversity—intellectual diversity. This is the kind of diversity that comes from having the full marketplace of ideas represented on campus, rather than just a narrow slice; the kind of diversity characterized by the free exchange of ideas and honest debate on the issues of the day, rather than by restrictions on free speech and a one-sided curriculum.

I believe that, with rare exceptions, the intellectual diversity of the academy has diminished significantly over the last 30 years. My view is not unique, and it is not new. Others have been pointing to what they see as a lack of intellectual diversity in the academy for years, and we will hear some of those voices today. However, new evidence is beginning to show just how pervasive, and damaging, this lack of intellectual diversity really is. For example, the Foundation for Individual Rights in Education (FIRE) has just launched a website that catalogues hundreds of speech codes at colleges and universities across the nation. The Independent Women's Forum has just released a report documenting the decline of fundamental liberal arts courses at the top 10 liberal arts colleges. They found these courses are being replaced by trendy courses focused on race and gender. Also, a soon-to-be-published survey of American college faculty shows that the academy leans to the political left by a wide margin, in contrast to 30 years ago.

Ultimately, this is a quality issue. While college tuitions go up and up, it's fair to ask just what students and parents are getting for their money. Hopefully, this hearing will shed light on just how this lack of intellectual diversity is hurting the quality of education received by college students. That is what this hearing is about. Now let me say a brief word concerning what this hearing is not about. It is not about restricting anyone's academic freedom or having the federal government dictate college curricula.

One can see evidence of the lack of intellectual diversity in higher education if one looks at the courses offered in certain fields. Whereas at one time traditional approaches to history and literature, for example, were featured prominently in the curriculum, along with new approaches like social history, today those traditional approaches are being squeezed out in favor of a uniform curriculum based more on interest-group politics than academic merit.

A study by the National Association of Scholars showed that only one of the top 50 universities in the country required undergraduates to take an introductory history class in 1993, down from 60% in 1964. And a recently released report by the Independent Women's Forum looked at the top 10 liberal arts schools as ranked by U.S. News and World Report, and found, for example, that a freshman at Amherst isn't offered an overview course in American or European history, and Carleton College's history department offers only one broad overview course.

What is replacing such traditional and educationally sound courses? The answer is a proliferation of classes focused on race, class, and gender, with little intellectual substance. At Antioch College in Ohio, students can take classes in Ethnopsychiatry, Queer British Fiction, and Ecology and Feminism. The University of Texas offers an English course which teaches students that there is nothing grammatically wrong with the sentence: "Nobody didn't leave." Vanderbilt University offers a course entitled Pornography and Prostitution in History. Swarthmore offers courses in Illicit Desires in Literature, and Fictions in Identity. These are just examples, but increasingly they represent the norm. It has gotten so bad that some professors have actually started new professional associations in fields like history and literature, as alternatives to this new uniformity they see in those fields.

Campus speech codes that seek to punish students for exercising their First Amendment rights are also rampant on college campuses today. These codes typically define forbidden speech in overly broad terms that cannot help but have a chilling effect on open, rigorous debate. Some recent examples include: any jokes and stories "experienced by others as harassing" (Bowdin College); any speech that causes a loss of "self-esteem" (Colby College); and any "verbal behavior" that produces "feelings of impotence, anger, or disenfranchisement" (Brown University). The Foundation for Individual Rights in Education (FIRE) has catalogued hundreds of these speech codes, and has fought several of them in the courts. FIRE estimates that approximately two-thirds of U.S. colleges have speech codes of some kind.

In addition to speech codes, in the past few years we have seen the rise of another strange new development on campus—the "free speech zone." These zones are created by college administrators to limit student protests and demonstrations only to certain areas on campus. The implication, of course, is that free speech can, and will, be restricted in places outside the zone.

With policies like these in place, one must seriously question whether freedom of expression really exists for today's college student. They stifle the voices of public criticism, commentary, and satire, and teach students to engage in self-censorship so as to avoid causing even the slightest offense.

Another serious barrier to intellectual diversity on campus is the political and ideological bias of the faculty, and the outright indoctrination practiced by too many professors and administrators. A soon-to-be published survey of more than 1500 faculty members at 140 American colleges and universities, conducted by the Angus-Reid polling firm and directed by professor Stanley Rothman of Smith College, found that 72% of faculty members describe them-

selves as politically liberal, while only 15% describe themselves as politically conservative. In the humanities and social sciences, where social and political issues are most likely to arise and where bias most impacts classroom teaching, this bias is even more pronounced. 81% of professors in the humanities and 75% of professors in the social sciences identify their views as strongly or moderately liberal, while only 9% hold strongly or moderately conservative views. Furthermore, Rothman points to evidence that the last 30 years have witnessed a startling shift toward the left in academia. According to the Carnegie Commission on Higher Education survey conducted in 1969, 45% of faculty classified themselves as politically liberal that year. That compares to 72% today.

It seems clear from this data that the American professorate is unrepresentative of the full range of views in America today. Not only is the faculty biased, but this bias impacts what goes on in the classroom as well. There appear to be an increasing number of incidents in which alternative viewpoints are either silenced or ignored in the classroom—often with hostility or disdain. It has gotten so bad that a new, nonpartisan website sprang up a year ago to catalogue these sorts of incidents, and has so far registered scores of examples.

For example, a University of Maryland, College Park course on the Art of Ancient America was derailed by the professor's frequent tirades on U.S. foreign policy and the oppression of Middle Eastern people, in which he pretended to strap a bomb to himself as a terrorist would. Examples like this that disparage the state of Israel are unfortunately, all too common. Also cited is a Notre Dame professor, whose stated goal in his "Introduction to American Government" class was to "win students over to the cause of liberalism." A student reported that the professor spent so much time discussing his political bent that few of the required readings were actually covered.

Another example of this outrageous bias concerns students at Citrus College in California. As part of a speech class at that institution, one professor offered her students extra credit if they wrote letters to President Bush protesting the war in Iraq. Those who wrote letters praising the Iraq campaign or who refused to actually mail their letters were refused credit for the assignment.

What's more, universities are not even trying to hide what they are doing. The University of California, Berkeley recently repealed its long-standing policy against politicizing the classroom, calling it "outdated."

And it's not just in the classroom. Some colleges have instituted mandatory freshman orientation programs and "diversity training workshops." Run by administrative entities with names like the "Prejudice Reduction Committee," these efforts at thought reform often involve paid consultants whose job it is to "re-educate" students and faculty to accept a view of multiculturalism based on a victim mentality and group, rather than individual, rights. In recent years, the classified section of the Chronicle of Higher Education has included hundreds of advertisements for these consultants, demonstrating just how pervasive such efforts have become.

Students on many of America's college campuses are being exposed to only a narrow range of viewpoints through politicized

course offerings, an ideologically homogenous faculty that fosters an atmosphere where dissenting views are either quashed or ridiculed, and significant restrictions on free speech. Simply put, this lack of intellectual diversity in higher education shortchanges students by depriving them of exposure to a robust debate on the issues of the day. How can students be liberally educated if they are only receiving part of the story? What do we teach students about freedom when they see that some views are discouraged or even forbidden? What are we teaching them about our American traditions if traditional subjects like political and constitutional history are shoved aside to make room for trendy courses designed to appeal to grievance-based politics? How can students lacking in exposure to the full marketplace of ideas be expected to thrive after college in a world where opinions and perspectives differ greatly?

I look forward to hearing our witnesses testify about these issues.

The CHAIRMAN. This hearing is about these problems and about this concern, and therefore, I greatly appreciate the fact that our witnesses are willing to take the time to come here and testify.

We have a very talented and knowledgeable panel today. I will introduce everybody and then we will begin.

I will start with Anne Neal, who is President of the American Council of Trustees and Alumni, a nonprofit organization dedicated to academic freedom and excellence in higher education. Ms. Neal has served as General Counsel for the National Endowment of the Humanities, as well as a First Amendment and communications lawyer with two different law firms.

We also have Robert David Johnson, a professor of history at Brooklyn College and Graduate Center of the City University of New York. Dr. Johnson, I understand, is now completing a book on Congress and the Cold War.

We have with us Greg Lukianoff, who is Director of Legal and Public Advocacy for the Foundation for Individual Rights in Education, a nonprofit foundation devoted to free speech, individual liberty, and academic freedom in higher education. He attended Stanford University, where he focused on the First Amendment and constitutional law and practiced law in Northern California.

And we have a student with us today, Anthony Dick, a third-year student at the University of Virginia. Anthony is majoring in philosophy, and cognitive sciences, with a concentration in neuroscience, and is a columnist and former opinion editor for UVA's daily student newspaper. He recently founded the Individual Rights Coalition, a student group dedicated to preserving free speech and free thought on the campus. It is great to have you here today, Anthony. Do you like to be called Anthony or Tony?

Mr. DICK. Anthony is fine.

The CHAIRMAN. All right. Thank you. We will go this way and we will start with you, Ms. Neal.

STATEMENTS OF ANNE NEAL, PRESIDENT, AMERICAN COUNCIL OF TRUSTEES AND ALUMNI, WASHINGTON, DC.; ROBERT DAVID JOHNSON, PROFESSOR, BROOKLYN COLLEGE AND THE GRADUATE CENTER OF THE CITY UNIVERSITY OF NEW YORK, BROOKLYN, NEW YORK; GREG LUKIANOFF, DIRECTOR OF LEGAL AND PUBLIC ADVOCACY, FOUNDATION FOR INDIVIDUAL RIGHTS IN EDUCATION, PHILADELPHIA, PENNSYLVANIA; AND ANTHONY DICK, STUDENT, UNIVERSITY OF VIRGINIA, CHARLOTTESVILLE, VIRGINIA

Ms. NEAL. Thank you very much. A pundit has described our colleges and universities as islands of oppression in a sea of freedom. While the comment is humorous, the observation is quite serious. Threats to intellectual diversity in our colleges and universities should be of profound concern to all of us interested in the education of the next generation.

As early as 1991, Yale President Benno Schmidt warned that the most serious threats to free expression existed on college campuses. "The assumption seems to be," he said, "that the purpose of education is to induce correct opinion rather than to search for wisdom and to liberate the mind." Retiring Harvard President Derek Bok also 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."

My organization, the American Council of Trustees and Alumni, was founded in 1995 and is a bipartisan network of trustees and alumni across the country dedicated to academic freedom and excellence. 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 confirms these presidents' worst fears. Rather than fostering intellectual diversity, the robust exchange of ideas that the center has talked about, the very essence of a college education, our colleges and universities are increasingly bastions of political correctness, hostile to the free exchange of ideas.

Before I go any further, I want to make one principle perfectly clear. There is no more important value to the life of the mind than academic freedom. This is the value that Thomas Jefferson vividly outlined for the University of Virginia. "We are not afraid," said Jefferson, "to follow truth wherever it may lead, nor to tolerate any error so long as reason is left free to combat it." And that means permitting academics of all political stripes to engage in that exercise.

But what is at issue here today is the students' right to academic freedom, the students' right to learn and hear both sides of controversial issues of the day. While there is much thoughtful teaching, there are also many examples of teaching and learning being put into the service of politics and ideology.

Threats to free exchange of ideas come in many forms, but as you have heard earlier, typically manifest themselves in the following ways: Disinviting of politically incorrect speakers; sanctions against speakers who fail to follow the politically correct line; instruction that is politicized; virtual elimination of broad survey courses in favor of trendy and often politicized classes; intimidation of stu-

dents who seek to speak their mind; political discrimination in college hiring and retention; speech codes and campus newspaper theft and destruction.

In my written testimony, there are numerous examples of these problems, but because we are limited for time, today I will highlight only a few. Let us look first at politicized courses.

At the University of California, a course description for "The Politics and Poetics of Palestinian Resistance" stated that, and I quote, "Conservative thinkers are encouraged to seek other sections." The university called the description a failure of oversight and announced that it would monitor the class to ensure that it did not discourage varying viewpoints. The professor, a leader of the Students for Justice in Palestine, was not reprimanded and the class is now full.

At the University of South Carolina, a professor provided students with a set of discussion guidelines that asked them to, and I quote, "acknowledge that racism, classism, sexism, heterosexism, and other institutionalized forms of oppression exist," and called upon them to "agree to combat actively the myths and stereotypes about our own groups and other groups so that we can break down the walls that prohibit group cooperation and group gain." I should note students are not asked to evaluate this thesis but to absorb it.

As outlined in my full testimony, there are studies which have found that a substantial majority of faculty define themselves as politically liberal or left of center. Now, this alone would not be troubling if students were exposed to varying points of view. But, as the previous examples indicate, that is not the case.

Indeed, the very concept of balance appears to be out of favor in contemporary academe. This, as we heard from Senator Gregg, is starkly underscored when the University of California Faculty Senate adopted a new regulation on academic freedom. This new provision removed the long-term prohibition against using the classroom, quote, "as a platform for propaganda" on the grounds that in this new age, academic freedom does not distinguish between interested and disinterested scholarship. At a time when postmodernism reigns on our campuses, the concept of the disinterested search for the truth has too often been supplanted by a conception that views issues in terms of race, class, and gender are the focus.

Even this approach would not be fatal if students were given the knowledge and background that empowers them to think for themselves. But survey after survey by ACTA and others shows that students are no longer even being exposed to broad areas of knowledge. Rather than being introduced to foundational subjects, such as history, natural science, literature, government, and economics, students are permitted to pick and choose from a smorgasbord of classes that are often trendy and tendentious.

In two studies conducted by the American Council of Trustees and Alumni, "Losing America's Memory and Restoring America's Legacy," we discovered that not one of the top 50 colleges requires a course in American history of all its graduates, and only five required any history at all. Instead, students are picking from course offerings ranging from, and I quote, "From Hand to Mouth: Writ-

ing, Eating, and the Construction of Gender" at Dartmouth, "Global Sexualities" at Duke, to "Witchcraft, Sorcery, and Magic" at Williams.

Given substantial evidence that college students' freedom to learn is in jeopardy, this committee is to be commended for raising public awareness of this issue. Sunlight, as Justice Brandeis once observed, is a great disinfectant. The next question, of course, is what the remedy ought to be.

ACTA respectfully submits that the solutions are not legislative mandates but, in fact, fall within the purview of college and university faculty, administrators, and boards of trustees. Statutory edicts on curricular matters are bound to raise academic freedom problems of their own. The remedy, as Madison wrote in The Federalist, would be worse than the disease.

Therefore, ACTA recommends that the onus should rest upon boards who have a fiduciary obligation to protect academic freedom of both faculty and students from internal as well as external threats.

In my full testimony, ACTA offers eight recommendations. Let me focus on just a few.

Trustees should adopt a statement that all faculty are expected to present points of view other than their own in a balanced way and respect and nurture students' ability to make up their own minds on contentious issues. Trustees should adopt a policy underscoring that the focus of courses is intellectual development and acquisition of knowledge, not the manipulation of attitudes or engaging in political activism. Trustees should insist that their institutions offer broad-based survey courses designed to expose students to the best that has been done and said. Trustees should insist that university speaker programs present a range of views, and trustees should make clear that they will not tolerate ideological or political discrimination in the hiring, firing, or promoting of faculty.

In sum, the challenges are great, but they are not insuperable. This committee has done a great service by bringing this important issue into public view. Thank you.

The CHAIRMAN. Thank you, Ms. Neal.

[The prepared statement of Ms. Neal may be found in additional material.]

The CHAIRMAN. Dr. Johnson?

Mr. JOHNSON. Thank you. As a historian of the Senate, I have written two books on the Senate and foreign policy and I am just finishing a book on Congress and the Cold War, as the Senator mentioned. It is a great honor for me to testify here today.

I survived an attempt by Brooklyn College to deny me tenure, not on the basis of my scholarship, which the college praised, or my teaching, which the college also praised, but on my academic and intellectual values and beliefs, and as such, this was an attack on the principle of intellectual diversity on campus. Brooklyn's decision, which was based on the grounds of collegiality, which was not in the bylaws of the City University of New York or in the faculty contract, was ultimately overturned by CUNY Chancellor Matthew Goldstein and by the CUNY Board of Trustees.

As it turned out, the basis of the college's case was a series of secret letters that were revealed to me by CUNY after the case was

settled that came to be labeled the "Shadow File." The "Shadow File" letters made three principal charges on my alleged uncollegiality. These were written by senior members of the history department at Brooklyn.

My first allegedly uncollegial act was having objected along with other, but tenured, colleagues to the college's decision to sponsor as an educational event a teach-in after the September 11 attacks that contained no speakers who were favorable to either U.S. or Israeli policy in the Middle East. My argument was not that anti-war speakers should not be heard on campus, but only that if the college was going to bill the event an educational one—the provost actually invited professors to dismiss their classes to attend the teach-in—that all views be represented.

Second, I was condemned for joining other, again tenured, colleagues in recommending that the history department, during the search for a new hire in European history, base its hire on the values of academic merit as revealed in candidates' personnel and application files rather than concerns of gender or personality, and this came only after the department was briefed by the college affirmative action officer that giving undue preference on the basis of gender would be violative of Federal law.

And third, I was condemned in these secret letters because of a hostility to the fields that I teach. I teach political, diplomatic, and constitutional history at Brooklyn, fields that are perceived as conservative. Even though I am not a conservative, I was attacked as such out of the fear that these fields only represented the views of dead white men.

Indeed, one of the "Shadow File" letters argued for my dismissal on the grounds that I taught about, quote, "figures in power," which the "Shadow File" author dubbed an old-fashioned approach to the field that appealed only to young white males whose narrow-minded intellectual interests explained why they chose to study American political, diplomatic, or constitutional history.

That such a letter could be written and that the author of such a letter would expect this argument to be persuasive within the college community as a whole testifies to the pervasive nature of the bias against fields perceived as conservative, like political, diplomatic, and constitutional history within the academy.

Indeed, as Aaron O'Connor, a professor of philosophy at the University of Pennsylvania and author of the influential academic web log "Critical Mass" recently wrote, "Since scholarship centered on questions of identity, oppression, and power relations is in turn a sign of a particular political commitment, faculty diversity will only be pursued insofar as it ensures and perpetuates ideological uniformity."

My case attracted a good deal of media attention partly because of a perception in both the academy and the media that it illustrated broader patterns within the academy that disturbed many people on both the left and the right who respect the principle of intellectual diversity within college campuses.

If you look through the websites of 30 large State public universities for their departments of history, you will find an interesting thing in terms of the specialists in U.S. history. In these 30 history departments, 22 of the 30 have less than a quarter of their

Americanist faculty, faculty who teach U.S. history, who deal in any way with topics dealing with political, diplomatic, or constitutional history, topped off by the University of Michigan and the University of Washington which have only one professor on their faculty in history dealing with these important topics. Instead, the departments focus on social history, trendy issues, as the Senator mentioned in his opening statement.

As bad as this situation is, the situation is often worse at smaller schools, again public, that often fly below the radar screen because of insufficient attention devoted by alumni and trustees. This is particularly true at smaller State public institutions that fall under the influence of national organizations like the American Association of Colleges and Universities and the American Association of Higher Education that promote radical revisions of college curricula away from the acquisition of knowledge and toward the study of diversity and multiculturalism.

For instance, at Washington State's Evergreen College, there are two courses, and only two, for students who wish to take offerings in 20th century U.S. political, diplomatic, or constitutional history. One is a course in the history of American injustice. The second is a course in the history of the United States since 1950 which is entitled, "Inherently Unequal," and asserts as a premise, not as a subject for debate, that racist opposition and a resurgence of conservativism in all three branches of the Federal Government have barricaded the road to desegregation.

It is important to note that I am advocating, and I think most in the academy are not advocating that the government should impose a curricula on college. All that we want is some sense of balance, that if courses are offered that reflect one clear ideological point of view, their commitment to intellectual diversity be established by administrators, by trustees, and by the Federal Government as a whole.

And so what can be done to solve these problems? Well, it is not as if these issues have been ignored entirely by the academy. As the Senator mentioned in his opening statement, some people within the historical profession, for instance, have founded an organization called the Historical Society, which is designed to promote the study of history free from ideological polarization and based instead on research and the acquisition of knowledge.

However, since this is largely a problem created by a lack of intellectual diversity among the faculty, it is very unlikely that this issue is going to be solved by faculty action alone, and so administrators and trustees have a very important role in this case, as well. For instance, at CUNY, the Chancellor, Matthew Goldstein, has made the raising of standards and the promotion of intellectual diversity his hallmark goal and has intervened at local campuses when necessary to promote that goal. The CUNY trustees have done likewise. And so the Goldstein-CUNY trustees in this sense are a model for other administrators to follow in the promotion of intellectual diversity.

And finally, the Federal Government does, I think, have a role in this issue. First of all, through hearings such as this, it brings the matter to the attention of the public and it seems to me that it is impossible for any college or university to publicly defend the

offering of politicized curricula or hiring and promotion policies for faculty that base the judgment on political viewpoints or perceived conservativeness rather than academic merit. And in addition, targeted funding is also important.

I commend the Senator, Senator Gregg, for his sponsorship of the Higher Education for Freedom Act, which is designed to promote the study of democracy, of civic institutions, of liberal economics within our Nation's institutions of higher learning.

Four decades ago, William Fulbright, a longtime member of the Senate Foreign Relations Committed, said that the Senate's primary obligation to American political life was helping enable a national consensus through educating the public. I commend the committee for holding this hearing in an attempt to educate the public and I thank you for listening to me.

The CHAIRMAN. Thank you very much, Doctor, and thank you for the background. It is extremely enlightening. We very much appreciate it.

[The prepared statement of Mr. Johnson may be found in additional material.]

The CHAIRMAN. Mr. Lukianoff?

Mr. LUKIANOFF. Mr. Chairman, members of the committee, my name is Greg Lukianoff. I am the Legal Director of the Foundation for Individual Rights in Education, commonly known as FIRE.

Prior to working at FIRE, I was unaware of how common serious violations of students' basic free speech rights are on campus. Since working at FIRE, however, I have witnessed hundreds of cases in which private and public universities have demonstrated a distressing regard for free speech.

For example, despite the protections of the First Amendment at public colleges and powerful statements of commitment to free speech and academic freedom at most private liberal arts colleges, most campuses still promulgate speech codes. You may wonder what we mean by speech codes. FIRE defines a speech codes as any campus regulation that punishes, forbids, heavily regulates, or restricts a substantial amount of expression that would be protected in the larger society.

The current generation of speech codes come in many shapes and sizes, including, but not limited to, e-mail policies, diversity statements, and harassment policies that extend to speech that may merely insult or demean, in their own words. While they may not call themselves speech codes anymore, a speech code by any other name still suppresses speech.

To combat these codes, FIRE has established speechcodes.org, which was updated just this last summer, a website that catalogs speech restrictions at colleges across the country. FIRE has rated each of the nonsectarian universities using a lighting scheme. Green lights indicate we found no policy that seriously imperils speech. Yellow lights indicate that a university has some policies that could ban or excessively regulate speech. And red lights are awarded to universities that have policies that ban a substantial amount of what would be clearly protected speech in the larger society. Of the 176 universities that we have rated so far, only 20 have green light policies. Eighty earned yellows. Seventy-six, fully 43 percent of the schools we have done so far, earned red lights.

Some of these red light policies are bizarre. For instance, Hampshire College in Massachusetts bans psychological intimidation and harassment of any person or pet. Others are almost quaint, like Kansas State University, which bans the use of profane or vulgar language if it is used in a disruptive manner. It has been long settled in constitutional law that free speech is not limited to the pleasant or the pious.

Some codes are remarkably broad and vague, like that of Bard College in New York, which bans deliberately causing embarrassment, discomfort, or injury to others or to the community as a whole.

Another kind of speech code is a so-called speech zone policy, which limits protests, debates, and even pamphleteering to tiny corners of campus. FIRE has identified or fought these policies at over two dozen public universities. One example is that until FIRE intervened, Texas Tech University, a school with 28,000 students, provided only one 20-foot-wide gazebo to be used as a sole free speech area.

While it has been FIRE's experience that students and professors with orthodox religious views, conservative advocates, and bold satirists are more likely than other to be censored under the current campus climate, we all have an interest in free speech of our Nation's students. Not only are all students affected by these overbroad policies, and students of every political stripe are punished if they cross certain often arbitrary lines, but everyone suffers when any side of an important debate is stifled, silenced, or otherwise quashed.

And make no mistake about it. The war on free speech is often not ideological at all. Campus censorship is quite often a simple naked exercise of power. Take, for example, Shaw University, where a professor was fired for, quote-unquote, "faithlessness and disloyalty" for circulating a document that was simply critical of the university president. Colleges and universities too often view criticisms of their policies as tantamount to sedition.

If there is one constant in the history of free speech, it is that the censors of one generation often become the censored of the next. This vicious cycle of censorship teaches citizens to take advantage of any opportunity that they have to silence those on the other side. Students educated in this environment can hardly be blamed if they come to view speech as little more than a tool that one must do their best to deny their enemies, rather than as a sacred value.

FIRE hopes we can put an end to this vicious cycle of censorship with this generation. With the help of a coalition of individuals and organizations from across the political spectrum, we can teach the current generation that a free society's cure to bad speech is more speech.

FIRE believes that the best way for Congress to ensure intellectual diversity on campus is to work to remove the often unlawful restrictions on speech that currently exist. When students and faculty do not have to fear punishment for expressing their deeply-held beliefs, no matter how outrageous or unpopular, greater intellectual diversity will result.

The CHAIRMAN. Thank you very much.

[The prepared statement of Mr. Lukianoff may be found in additional material.]

The CHAIRMAN. Mr. Dick?

Mr. DICK. Mr. Chairman, thank you for the opportunity to speak here today. As you said in your introduction, I am a third-year student at the University of Virginia.

When I came to college 3 years ago, I expected to find an institution dedicated to free inquiry and the open competition of ideas. Now, for this expectation to be realized, however, it seems that two things must hold constant. First, the students must feel secure in their ability to speak and express any idea or viewpoint without fear of punishment, and second, the university must refrain from using any of its institutional power to privilege ideas, certain favored ideas, over others.

Now, in my time at UVA, I have seen that both of these principles have been compromised as certain individuals and groups have sought to take control of the university for a more politicized function. These individuals and groups seek to use universities and to politicize them and not treat liberal education as an end in itself, but as a means to a political goal, and this goal manifests itself variously in the eradication of social inequalities, the alleviation of oppression, or the rectifying of injustices.

So from these goals that they have in mind, they argue that the equal competition of ideas and the free speech that should be afforded to students in fact only perpetuates the past injustices that our society has allowed. So they argue that these things can be curtailed or privileged, depending on the views, with a progressive aim in mind.

So these advocates have succeeded to some degree at UVA, and as they have succeeded, liberal education has declined, and I am going to tell you a little bit about the policies that they have advanced. The policies are of two types, first, those that limit free expression, and second, those that unfairly privilege certain views over others.

Earlier this semester, as you also mentioned, myself and some other concerned students at the university founded the Individual Rights Coalition, which is a nonpartisan organization dedicated to the defense of liberal arts education and to the defense of the marketplace of ideas. One of the really heartening things that we have seen is the truly nonpartisan nature that we have been able to achieve. We have people on the left and the right who have stood up for free speech values. I, myself, am a liberal, but we have college Republican members and university Democrat members in the organization. Although all of us have a different vision of how we think society should be, none of us is willing to sacrifice the liberal arts environment to try to achieve our political goals.

So I am going to tell you a little bit about the different policies that we are trying to combat. In UVA's Discriminatory Harassment Policy printed in our Undergraduate Record this year, the policy warns students against unreasonably interfering with a person's work or academic performance through speech, an then it went on to list examples. These examples included directing racial or ethnic slurs at someone, ridiculing a person's religious beliefs, and my

personal favorite, telling persons they are too old to understand a new technology. [Laughter.]

At best, these examples imply a threat of punishment for constitutionally protected expression at a public university, at Thomas Jefferson's university, no less. But even worse, they lend definition to how the administration defines unreasonable interference.

Now, if these examples can be construed to unreasonably interfere with someone's educational pursuits, then a whole category of speech becomes threatened by analogy. Would religious satires count as ridiculing someone's religious beliefs? If Mark Twain were at the University of Virginia today, could he write all the things that he had? Do racial or ethnic slurs include passionate arguments that offend someone on the basis of race, when you get into arguments on racial preferences or affirmative action in higher education?

The simple fact that these questions can be asked illustrates a real problem because students don't know when they are going to be punished and oftentimes choose to silence themselves rather than risk being punished by the administration. So you get a situation the students are silencing themselves, and it is often the students who have views that are widely disfavored or views that are in the minority on the campus and you have people who see, when they see that their views disagree with the administration, they hesitate to express those views in a passionate way. And at Thomas Jefferson's university, of all places, this bespeaks a really sad State of affairs.

There are other examples of codes. Our Sexual Harassment Policy warns against jokes of a sexual nature or comments about physical attributes and things like this. So there is a definite amount of free speech that we feel is unduly infringed upon.

Now, as a columnist with the student newspaper, I have wondered how these policies have been applied in the past, so I have written university officials on a number of occasions, trying to get them to divulge the past case records, but I have been systematically denied under the supposed concern of confidentiality. The university has said that they can't release these records because they are protected under the Federal Educational Rights and Privacy Act. So together with the vague nature of these codes and the lack of knowledge of how they have been applied in the past, there really is a great chilling effect on free discourse at the university.

But the most evidence of the politicization of UVA is not in speech codes but rather in the recent efforts of some groups on campus to impose mandatory diversity training programs. Now, some of you may have heard of these things on other campuses, but it is basically that what has been proposed at UVA is a program centering on issues of race, ethnicity, gender, and other controversial social issues and this trying to be made mandatory. This is something that has been under discussion at the university and the mandatory part of it would be that students would be blocked from registering for classes until they completed this program, making it mandatory in the strictest sense of the word.

When this program was proposed, one administrator described the purpose of the program as providing entering students with the opportunity to gain insights into the way their cultural, ethnic, or

racial expectations and experiences influence their interaction with other students, faculty, and staff from different backgrounds, as if this were something that could be truly taught. And another faculty member described it as getting students to confront their own prejudices and areas of misunderstanding.

So this program is really motivated by the idea that students are coming to universities with prejudices and misunderstandings about issues of race and identity and different social issues and that students need to be cleansed of these different opinions and ideas that are unprogressive and unsatisfactory. So by using the administration's power to block students from classes or in other areas of students' life to sort of make students go through these training programs that include a certain partisan message.

So we have had some success, the Individual Rights Coalition, at combating this, but the administration maintains that such programs are still under serious consideration. A lot of the concern that we have had comes from what we have seen implemented at other universities, diversity training programs at other universities.

One quick example is something, a film called "Blue Eyed," which is a movie that is distributed to a bunch of different campuses. In it, a diversity trainer named Jane Elliott teaches a lesson about the nature of oppression and the plight of racial minorities on college campuses and the way she does this is she takes a group of blue-eyed individuals and she ridicules them and insults them and yells at them for a few hours on videotape, and supposedly, this is supposed to make it analogous to the situation that racial and ethnic minorities have in society every day.

So she yells at them. She pushes one individual to the brink of tears, at which she tells him, "You have no power, absolutely no power, quit trying," and then says, "What I just did to this individual today is what Newt Gingrich is doing to you every day and you are submitting to that oppression. I am doing this only for 1 day to little white children. Society does this to children of color every day." And then as a prescription for the problem, she says, "It is not enough for white people to stop abusing people of color. All U.S. people need a personal vision for ending racism and other oppressive ideologies within themselves."

The point of this film is clear, that America is an unbearably racist society, that it is threatened by overwhelming forces of oppression, and that these can only be overcome by sweeping institutional changes. Instead of treating this as a viable topic for debate, this is something that is being trained. This type of claim is being trained in the students at universities across the country. So that is something that we want to see not treated as an objective truth that students should be trained on, but something that should be open to debate.

So we think that this sort of thing is allowed because of the intellectual uniformity of our administration. Most of our administrators are overwhelmingly on the left of the political spectrum, but we don't see that as a problem necessarily as much as the fact that they are all of the same political view. So they are susceptible to use their power toward a partisan end because they see certain programs, like diversity training, not as viewpoint discriminatory,

but more as just a way to bring about a positive change. So we think that things could benefit from maybe a little bit of diversity of viewpoints there.

In summary, we really think that the two main areas that trouble UVA's intellectual climate are, first, the policies that restrict free speech, and second, policies that unfairly privilege certain views over others with a sort of progressive aim in mind. If liberal arts education is to be preserved, freedom of speech and freedom of thought must be firmly secured. Students and faculty must feel confident in their ability to enjoy the full protection of their free speech rights. The administration must also refrain from instituting mandatory training that seeks to direct or control student thought on controversial issues. And most importantly, for higher education to maintain its integrity, it must be treated and viewed not as a means to a political end, but as an end in itself, as a highest end, where people can come to critically enhance their minds and to learn about the free discussion of ideas. Thank you.

The CHAIRMAN. Thank you, Mr. Dick. I think that was an extraordinarily good summary of the issue, especially your closing comments as to what the purpose of a university should be and how it should be structured.

[The prepared statement of Mr. Dick may be found in additional material.]

The CHAIRMAN. I might direct my first questions to you, therefore. Do you run into colleagues, other folks attending the university, who are taking courses which clearly have a teacher who may have a strong political viewpoint, that find that if they express their viewpoint in the classroom, it may affect their grade or the way they are treated and, therefore, adjust their performance in the classroom to try to conform?

Mr. DICK. I certainly have, and this is something that—due to the nature of what I am studying, most of my classes haven't been very heavily political. I am taking classes in neuroscience and some nonpolitical philosophy. But I do know people who have taken classes in areas dealing with race and gender and things like that where they have had professors who are not only active in the university community, but are very vocal on the national scene so that their views are very well known.

Students often in those sorts of classes, when they have a professor who is very passionate about the issue, they will try to bring up objections to these things and they don't feel that they are being afforded a necessary degree of impartiality by the professor, that the class is seen as sort of getting students to accept a certain viewpoint rather than as a forum where students can discuss all different viewpoints and the professor will evaluate all those fairly based on just the strength of the argument, not on the content of that argument.

So I definitely have run into that and that is something that always really breaks your heart, especially when you are at a great university and you see all these opportunities for fair discussions to happen and you see professors who you are supposed to trust really subverting it.

The CHAIRMAN. Is there a forum at UVA where you can raise that issue? In other words, if you think that basically the course

is indoctrination that doesn't allow alternative views and you want to express an alternative view, is there some recourse?

Mr. DICK. That is what we are trying to provide with the Individual Rights Coalition. We have not been aware of anything that existed before. I mean, you could always go to the administration, I guess, but the feeling among most people I know is that the administration generally wouldn't take that kind of thing seriously. So that is what we are trying to do. We think that just getting people's awareness raised about these types of things will help. Just by writing about it in the newspaper and things like that, we hope to be able to provide a better area for people to think about those sorts of things.

The CHAIRMAN. You mentioned that with this diversity program that is being proposed, your concern is that it is going to be basically a reeducation-indoctrination program as versus an open free-for-all discussion of how people are treated in our society.

Mr. DICK. Correct.

The CHAIRMAN. Is that consistent with the Jeffersonian principle of education?

Mr. DICK. I would have to say not, which is one of the things that we are trying to use as a leverage in our discussion of this issue at the university and we hope that it is going to be successful.

The CHAIRMAN. I think Ms. Neal quoted Jefferson as saying something to the effect of it is all right for people to be wrong as long as people with reason are allowed to rebut them.

Mr. DICK. Yes.

The CHAIRMAN. I take it you don't think people of reason are necessarily given a chance to rebut on occasion.

Mr. DICK. That is correct.

The CHAIRMAN. Ms. Neal, I was interested in your proposal. I personally don't see that there is a significant Federal role that we can set forward. I am trying to use the sunshine effort here. But I was interested in your proposal that outlined a series of things that trustees could do. Do you have this in a format that was presented to trustees across the country and have you had any response from various groups of trustees on this statement of how a campus that is open to fair dialogue from all viewpoints should be functioning?

Ms. NEAL. A new organization called the Institute for Effective Governance has just been launched which focuses on providing services to trustees. This most definitely would be one of those, because clearly defending the academic freedom of the institution is one of the most critical jobs for a trustee. This is a fiduciary obligation of that trustee. And the Institute for Effective Governance certainly provides guidance, written and otherwise, to trustees on how to do that.

I think listening to Mr. Dick here talking about what are the best ways to find out whether there are various opinions being offered in classes or whether or not students are feeling that their opinions are suppressed really again falls back on trustees, and primarily to set up processes that allow administrators to monitor, if you will, or at least to review intellectual diversity in classes, to as-

certain whether students are exposed to diverse points of view, whether or not speaker series are open to diverse points of view.

I think this is something that trustees individually don't want to get involved in. What they want to do is establish procedures and make it clear to their administrators that these are important goals of academic freedom and intellectual diversity and that they expect to have their administrators uphold those goals and report back to them to establish the facts.

The CHAIRMAN. Is there a systemized way that you are planning to distribute this, or is it just going to be——

Ms. NEAL. Well, I am glad you have asked me. Most definitely, we will produce a document momentarily that will outline this.

The CHAIRMAN. I think it comes to Dr. Johnson's point. Dr. Johnson, in most universities, especially large universities, but I suspect it is true in smaller universities and colleges, isn't the dominant driver of what the philosophy and culture of the university is going to be, the faculty? And how does a board of trustees ever confront the fact that the faculty is so overwhelmingly influential and the fact that they usually, in many instances, are so politically correct?

Mr. JOHNSON. Well, I think there are two issues here. We use terms like "left" and "right" quite frequently in the political realm and in the academic realm, but they really do mean very different things in the academic realm.

The idea that the left within the academy is reflected at Brooklyn College would consider every member on this committee a conservative, because after all, you all are figures in power. It gives you a sense of what some of the ideas are.

The principles of academic freedom——

The CHAIRMAN. I will explain that to Senator Kennedy when I see him.

Mr. JOHNSON. Yes. [Laughter.]

Or you may explain to Senator Clinton. One of the strange things about my case is I supported Senator Clinton in 2000 and that was viewed as further evidence of my conservative nature. [Laughter.]

That is not a viewpoint that would be common, I suspect, on the floor of the U.S. Senate.

There is no way that any policy can violate academic freedom or faculty self-governance and go anywhere realistically. But also, we have to deal with the realistic fact that too many faculties, again at smaller and, I think, nonelite universities in particular, hold ideas that are fundamentally disrespectful of intellectual diversity and we have to find ways to get around that.

A lot of these institutions are funded by taxpayer dollars and taxpayers shouldn't be paying to have students receive one-sided political viewpoints. And so as Anne Neal mentioned, trustees do have a fiduciary responsibility. I think the media has a responsibility to expose these issues. And I think there is a limited role for both State and Federal Governments in the degree to which they either fund or highlight these issues.

Universities in the end can't sustain for long periods of time negative publicity. Administrators may not understand much, but they do understand that. And since these policies can't really be defended publicly, the extent to which they can be exposed is one way

to encourage administrators to uphold the principle that I think all of us share.

The CHAIRMAN. Mr. Lukianoff, I agree with that, and I am not sure what our Federal role should be. I am very hesitant to involve the Federal Government legislatively in any level in this debate, other than to have you folks come testify, and we intend to do a lot more of this, quite honestly, just to raise the visibility of the problem, which I think is acute.

Mr. JOHNSON. One issue at least you could raise is that a Federal policy should be to do no harm. For instance, the AACU, that organization that I mentioned, is sponsoring a federally-funded program funded by the Department of Education called "The Arts of Democracy." It is at 12 colleges and universities—Brooklyn College is among them—and it has as its stated goals that students who complete the program will understand the basic principles of American democracy and be able to make intelligent choices about contemporary issues in American foreign relations.

And yet the course cluster at Brooklyn College contains not even one course in history, political science, philosophy, or economics that deal with political, diplomatic, or constitutional topics at all. Instead, these students will get courses like "The Literature of Cultural Diversity" or "The Global Cinema." These are perfectly appropriate topics, but they aren't appropriate topics to teach students what democracy is or to teach students to make informed choices about international relations. It does seem to me that the Federal Government shouldn't be funding such programs on the grounds that they are teaching students what democracy is.

The CHAIRMAN. I certainly agree with that, and it leads to a question I have for Mr. Lukianoff. Your organization is concerned about free speech. But how do you create a concept of free speech on a campus where there is no educational function that teaches what constitutional law is, which teaches what the concepts of the Constitution are, which bring to light what the essence of free speech is, what its Western value, structure is, why it developed as really the gravamen of our rights as a nation?

It gets to Dr. Johnson's point, which is if you don't have broad overview courses which get into the basic philosophy of how you got to the Western value of free speech, how do you convince people that free speech has any relevance on a campus? I mean, isn't that one of your basic problems?

Mr. LUKIANOFF. Well, I think to some extent that that does. Although it would be great to have greater diversity in courses that are offered, I think it underestimates the power of the idea of free speech. Michael Kent Curtis is a historian of First Amendment law and explains that the First Amendment and free speech was largely protected in the 19th century, not through formal acts but just for the populist idea of speech.

It is a very powerful ideal that students do know even when they come to college. Even despite attempts to stifle it, FIRE has been largely effective just based on the fact that we are able to point out these injustices, to point out the violations of basic principles that Americans understand and thereby call universities to task, both public and private.

That being said, I do understand one thing that universities really could do is do a better job of teaching students about living in freedom. I mean, one of the examples that I find terrifying is the phenomena of newspaper thefts. Over the last decade, over five—there are at least five dozen circumstances that are well-documented in which students have basically stolen the entire press run of student publications when they have published articles that some student group didn't like. Now, that is horrifying enough, and in at least half-a-dozen of those situations, the papers were burned.

And what are universities doing to teach people not to do this, to respect the right of dissent and the right of free speech? Well, Berkeley recently passed a rule banning the theft of free student newspapers, but this was only after the Mayor of Berkeley, Tom Bates, was caught trying to throw out over 1,000 copies of a student newspaper that endorsed his opponent. At Hampton University in Virginia, an entire press run of a student paper was stopped because they refused to put a letter by the president of the university on the front page.

I mean, certainly at the very least we can ask them to teach by example. In some cases, this just requires us to hold university administrators to their First Amendment obligations.

Now ultimately, at some level, people have to start learning—and this is cyclical—to appreciate the value of free speech as an internalized value, as James Madison hoped we eventually would. From an overview of First Amendment and free speech history, this ebbs and flows throughout history.

But I have noticed that I do—and I am often accused of being overly optimistic—with the successes that FIRE has had, with the changes that I have seen on campus, I think that it is ready to happen. I think there are people on both sides of the aisles, whether Republican or Democrat or anything else, who want to see a return of ideals of individual rights and ideals of free speech. But as I said, I may be overly optimistic.

The CHAIRMAN. I hope you aren't. I absolutely hope you aren't.

Senator Alexander?

Senator ALEXANDER. Thank you, Mr. Chairman, for scheduling this hearing, and thanks to each of you for your comments.

Universities are historically somewhat subversive, I mean, whether in this country or any country. In fact, the reason Japan was slow to create universities in its modern age was because of that. The leaders of Japan were afraid that the universities, being subversive, would overthrow the established order and challenge norms and values and cultures. So we expect that, and it is undeniably true that, with only some exceptions, the attitudes of the faculty and the thoughts of the faculty and cultural attitudes set the tone of the campus and most of those head in a uniform direction and it is often politically to the left. And we generally accept that.

I think throughout our history we have thought, well, the children come out of a more conservative approach, by and large, and then when they go to college, they are exposed to different views and that makes them better people because their views are challenged.

Before I came here, I was on the faculty of the Kennedy School of Government at Harvard for a year and a half, which was a won-

derful experience, and the students there, even though that school made a very good effort, I think, to try to attract Republican students and more Republican faculty members and have more diversity, still many of the students said the people who get the best education here are the Republican students or the conservative students because their views are regularly challenged in the classroom, and those who get the least education are the more liberal students because their views are the same as their teachers and they are very rarely challenged.

So all of those are just things that have gone on for a long time. But what is disturbing to me, and I agree with Senator Gregg, it is hard to see exactly what the Federal Government remedy would be, is that we have created in our country these wonderful colleges and universities with enormous freedom, yet on those campuses, too often, all the discussion and thought goes one way. You are not honored and celebrated for having a different point of view. That is not really true in physics or in the sciences so often. You are often celebrated for having a divergent view and proving something different and testing something else. But certainly in many areas on campus, that is true.

It is true we have established enormous amounts of freedom. I mean, the Federal Government, in a way it resists doing for K through 12, pours lots of money into colleges and universities and gives it to the students and lets the money follow the students to the schools. I mean, that is a voucher. School choice is what we have in colleges and universities. Half the students have a Federal grant or loan to help pay for college and so they can go anywhere. They can go anywhere that is accredited and they can take these bizarre courses and we just let that go.

And then we have accepted that tenure is a right of the faculty members, and that has gone to excess, but we accept that. So faculty are free to say what they want. Trustees are often there for a while. Students can go wherever they want. There is an enormous amount of freedom, yet in this country that celebrates liberty and freedom above all, we allow the discourse to just go one way.

As an example of that, take the colleges of education, one of the most frustrating examples in American higher education. Even at very good colleges of education, all the thought is one way. You don't find 32-year-old young faculty members on their way to being dean doing great dissertations on how to expand the voucher program, or how to find new ways to reward teachers for teaching well, or how to encourage teaching of English as a second language. All those are not the accepted way to go.

While I was at Harvard last year, the speaker at the College of Education was the sponsor of the ballot in California that won overwhelmingly to basically reject bilingual education and put instead teaching English as a second language, and that person barely received a respectful hearing when he tried to make a speech there. It was embarrassing. It was embarrassing to think that at a great campus, different thinking would have been frowned upon.

So I have been listening and trying to think of how do we change with. I don't want to start here with laws, but the way we used to change it, the student newspapers used to have a lot to do with that. I mean, if you read Willie Morris's book on the Daily Texan

and what that used to do in the 1960s, they changed the campus of the University of Texas. Of course, they were liberals running against conservative trustees, but they did change it on our campus in 1962. We were segregated at Vanderbilt University. The student newspaper fought that. Even though the student body voted to keep it segregated, we raised enough hell about it that the trustees had to change the policy and integrate the campus.

So I wonder why the student newspapers aren't doing more. I wonder why there aren't faculty organizations that aren't doing more. I wonder why there is not a list in our country today—U.S. News publishes a list of the best buys, the best liberal arts colleges. Why not an equally well publicized list of the colleges that provide the most freedom of speech?

One thing we might do, Mr. Chairman, at this hearing is invite the accrediting agencies to come for a round. When I was Education Secretary, I noticed that the accrediting agencies were enforcing their politically correct ideas on the colleges themselves, which I thought was none of their business. So I invited them in and said, I will disaccredit you if you start disaccrediting colleges because of the viewpoints of the faculty members or the ideas there. We might see whether that is one proper role we could have. I am interested to see what we might do.

One other thought I would like to make, I would like to direct a question to Dr. Johnson. At the heart of all this in our country, I think, has been over the last 34 years a failure on the campus to recognize and honor the study of what one might call American exceptionalism. There is a professor named Seymour Martin Lipset, with whom you may well be familiar, who has written about that, and most average Americans would think about that as the study of America as a unique country, not always better, but different, and what are the qualities that cause us to be different and what are the ideas that hold us together.

That really is the conventional view of America, one I believe in and one which still I hope would be taught but is often not being taught. But my sense is that our politics and our universities and our dominant thought in our country of intellectuals is to reject that idea and to say America is just a lucky country, a big place where the people are from everywhere, who should be happy there are here and richer than most people and should not bother each other very much and celebrate where they came from and not worry too much about where they are.

Now, at least that ought to be a legitimate debate, and my sense of things is that in American history, U.S. history—you wouldn't be supposed to call it American history anymore, but in U.S. history, that argument between—the emphasis on diversity at the expense of unity is at the root of a lot of this problem on American campuses. But it seems to me that is also a wonderful invitation to various faculty members, student organizations, foundations, Congressmen, speakers, rabble-rousers from all directions to go out and complain about that and change that and become trustees of colleges and universities and make lists of places that do a good job of this and places that do the worst job of this.

I wonder, Dr. Johnson, what you run into as a professor of U.S. history in this discussion of American exceptionalism or lack of it

and whether you feel like that is at the root of the political correctness, or to what extent it might be.

Mr. JOHNSON. Well, I think that certainly since the 1960s, the academy with regards to professors of U.S. history has changed and there has been a great deal more attention to issues of race, class, and gender, people who were underrepresented, it was perceived, in the earlier studies of American history. And initially when this started, the idea was that it would create a more balanced view of the American past, which is a perfectly reasonable goal. I think what we have seen over the last ten or 15 years is a movement to interpret this as the only version of the American past.

I do think on this issue there is something of a tiered system which I find particularly troubling in American higher education. Senator Gregg mentioned that often students come from conservative backgrounds, small "c" conservative backgrounds, and they go to more liberal faculty and expand their knowledge, and I think that that is largely true at more elite institutions. These students come in often with good educations, and if they are being propagandized to by faculty, they can recognize that and they can challenge that.

At middle-level and less-elite institutions, a place like Brooklyn College, frequently our students don't come in with terribly impressive educations and this is their one chance to get a good education. And so if they are getting totally slanted views, they have no chance of remedying that.

I think that within the academy, at an institution like Harvard or even at the University of Virginia, there is enough peer pressure and particularly enough emphasis on research which creates new knowledge and makes dogmatism at least difficult to sustain, that it makes it hard to have a politicized curricula, whereas at mid-level schools, the emphasis on research sometimes is not quite so high and this is, I think, a proper area for administrators and trustees, that they can emphasize things like the promotion of research or the promotion of free speech that will not correct biases in and of themselves but will make it more likely to promote an intellectually diverse campus.

Senator ALEXANDER. Ms. Neal?

Ms. NEAL. I would like to pick up on your accrediting question because I think it is a very good one, on whether or not accrediting might not be an area for intervention. In fact, on the House side, there is a bill that has been introduced which would decouple the accrediting system from the provision of student loan moneys, in large part because of its belief that the accrediting system has not been effective, that, in fact, as you say, more often than not, it has imposed politically correct mandates on institutions, or if it has not done that, it has been watching while these various politically correct intrusions are occurring and has said nothing as we have seen this grow and grow and grow at different institutions.

So I think, to my knowledge, there is not a Senate version of that bill, but there might very well be some important look at it as a way of getting at some of these issues.

You also raised some questions about the need to be exposed to broad areas of learning. This is an area in which the American

Council feels very, very strongly. We have put out a book called Becoming an Educated Person: Towards a Core Curriculum, because it is our belief that for students to be able to make up their own mind, to speak to their professors and to be engaged as intelligent citizens, that they need broad exposure to general areas of knowledge. And as you have heard from any number of us here today, that is not the case. If students obtain a coherent education, it is often out of luck rather than out of the requirements that institutions offer.

In our booklet, we highlight various institutions, including Brooklyn, which has had a marvelous core curriculum in the past and that has definitely exposed students to general areas of knowledge. We think this is very important and we hope that more and more institutions will do that.

You raised the question of teacher ed, I think also a critically important area worthy of focus. Again, the American Council has a project called Trustees for Better Teachers, because again, we feel trustees should be concerned about the quality of teachers being produced, the need for those teachers to have strong understanding of substantive courses and disciplines and not simply focusing on pedagogy, which in many instances has been shown to be virtually social engineering rather than instruction. So we agree with you that that is a problem and it is something that trustees can be actively involved.

We think another solution here again is an organization like the Institute for Effective Governance, which is there working with trustees, providing them independent sources of information so that they are not entirely reliant on administrators, to be able to address these very, very important issues of freedom and quality on college and university campuses.

Senator ALEXANDER. Mr. Chairman, I guess my time is probably about up, but I mentioned my time at Harvard for a year and a half. I didn't want to be too critical there because I found at the same time, as Dr. Johnson said, one would have to be pretty dull not to find some diversity there. I mean, there is Harvey Mansfield teaching constitutional law and Samuel Huntingtom, a great political scientist, and Paul Peterson doing work on school choice. So there is plenty of diversity there if one would go look for it, and the dean of the school where I was, I am sure, in a not very popular decision, supported President Bush's decision on Iraq.

When it is a good institution and the leaders of the institution make a special effort to see that many views are represented, that solves most of the problem, it seems to me, and that is what we really ought to be encouraging ways to do more of.

The CHAIRMAN. Thank you, Senator.

Senator Sessions?

Senator SESSIONS. Thank you, Mr. Chairman. It is a fascinating subject. I have felt that in the recent years that there has been a failure in the academy, a moral and political failure to lead effectively, to understand the challenges that America faces, and we can all disagree. Maybe I am in error, but I would say that the American people have got pretty good judgment about these matters and there is a tremendous gap, between faculty on most of our college campuses and the mainstream American values.

I saw the numbers—I think I have them here. I don't know if you have talked about them, Mr. Chairman. In the IPSO-Reed Survey, 72 percent of the faculty members at 140 American colleges described themselves as politically left. Only 15 percent claimed to be politically right. An even smaller percent, 14 percent, claimed to be in the middle. The bias was found to be worst among the humanities and social science faculty, which often discuss political and social issues in their classes. That is where these matters are discussed. This bias can be found in the classroom.

If liberal arts colleges represented a variety of ideas and provided a student with well-rounded education, it would serve them well in their life. As a graduate of a liberal arts college myself, Huntington College, I am an absolute believer in the liberal arts. I think it is just wonderful and I cherish that. I am on the Board of Trustees of my college. I was the chairman of the alumni association. I try to support that institution.

But I have seen and talked with students on a regular basis that causes me to believe it is not so free, is not so liberal in the classical sense of what liberalism is. It is more of an environment in which our freedom is not respected and different views are not respected.

I remember as Attorney General, and Ms. Neal, I would like to ask you a little bit about this, we had a situation involving whether or not the United States military—and you are a lawyer, I understand—whether the United States military, a JAG officer could come on the campus of the University of Alabama School of Law, one of the top 50 law schools in America. Based on this accrediting agency's decision that President Clinton's policy of "don't ask, don't tell," they declared it discriminatory. Therefore, they would not allow the United States military, who protects our liberties and freedoms, to even come on the campus to interview students about perhaps making the military a career, which you want the best students and the best universities with the most open minds as lawyers in the military. So we ended up passing a statute in the Alabama legislature that specifically said they could come on campus.

I recently have received information on the accrediting agency for universities. Auburn University is one of the best academic institutions and is just doing exceedingly well. They are not happy, the accrediting agency, with Auburn's Board of Trustees. They think they micromanage the business and they are also concerned about the firing of the football coach and they are talking about not accrediting Auburn University because they have disagreements about this.

First of all, is there a concern that some of these entities have political biases and that it intimidates universities and liberal arts colleges, and in order to get good evaluations and be accredited, they sometimes feel pressured to be politically correct on the issues that they might not otherwise?

Ms. NEAL. I certainly feel that the accrediting—we have looked at it at the American Council and have found that the organizations look very much at inputs rather than what the institution is actually producing, rather than looking at outputs. But there is no question that there have been past cases where various, if you will, PC criteria were brought to the accrediting process. And, of course,

this can be costly and can take significant amounts of time on the part of the institution.

We think that, clearly, the fact that we are finding institutions that have no core, where academic freedom is being diminished, where prices are going up, all the while that the accrediting associations have supposedly been responsible for overseeing the quality, that it does raise serious questions about the usefulness of the accrediting system as it now exists.

As I indicated, there is a bill that would decouple, but I think there is also a great opportunity to give the States the accrediting responsibility, as well, so that you have competition within the accreditation system. Right now, you have a set of regional accreditors and there is virtually no competition, and so as you say, institutions are intimidated or at least have very little choice when the accreditation system has to go into play. If States were allowed to provide an alternative source of accreditation, you would at least bring some competition to that system. You presumably could get a greater focus on outputs, what our institutions are actually producing, as opposed to simply looking at inputs.

Senator SESSIONS. Well, I certainly think so. I know my little alma mater of Huntington College, they are very intimidated by this group. They want to get a successful rating.

Well, who are they? How do they get selected? What kind of government money do they get? Where do they come from? How do they have this power?

The CHAIRMAN. Would the Senator yield on that? We are going to be holding a hearing where we will answer the questions of the Senator. We are looking forward to that. Senator Alexander suggested it, and obviously your interest suggests it. I think it is worth holding a hearing on, so we will be pursuing those questions.

Senator SESSIONS. I won't pursue that a lot longer, then, but I appreciate your comments because it is something I have now seen in at least three different instances that have concerned me significantly. As an American that believes in democracy, I like to know who people are, where they come from, and by what authority do they get to raise these questions and make these demands.

Mr. Dick, I have talked to a lot of young people that worked for me and in other instances about what goes on on the campuses and I get the impression that students are just sort of hunkering down in a lot of these classrooms and letting it go over the top of their heads. I notice a recent survey by Harvard University Institute of Politics found that the number of students who declared themselves as Democrats has decreased from 34 percent to 29 percent from 2000 to 2003. The number of Independents has increased from 33 to 41 during the same period. This is during a time in which the ratio of Democrat to Republican professors in the top-ranked colleges was ten-to-one, 1,397 Democratic professors to 134 Republican professors.

Well, I think a Republican can teach a class fairly and I think a Democrat can teach a class fairly, but I have a sense that college students are, rather than engaging their professors, either intimidated or just sitting down, turning in their paper, and not really engaging in the ideas. Is that fair?

Mr. DICK. Well, it is interesting that you brought up the fact that more students seem to be becoming conservative at a time when both the administration and the faculty are becoming more liberal and I think that part of that has to do with the fact that there is a natural instinct toward rebellion. I mean, one of the best ways you can make a college student more conservative, I think, is to get a bunch of liberals in power doing a bunch of ridiculous things. Just out of natural resentment, they are going to say, just for spite, we are going to rebel against this.

But yes, certainly there is the sense that if you have a professor who is some radical who just rants about things and doesn't respect anybody's views, then students are going to say, okay, I am just going to get done what I need to to get my grade and I am going to kind of treat this as an obstacle that I have to jump over rather than as something that I can engage in.

So it seems that there is a certain responsibility and the opportunity is there for professors who could treat things, treat subjects as genuine areas of inquiry, and a lot of times, I think that the temptation is just too great when the professor has a subject and they feel strongly about it and they almost want to use their power just to convince students rather than encouraging a dialogue. So, yes, I think that is a very interesting point that you make.

Senator SESSIONS. I salute you for the leadership you and your colleagues and friends there at the University of Virginia are taking to restore the great democratic ideal of Thomas Jefferson, who swore opposition to any domination of the mind of man, as I recall.

Mr. Chairman, I share your dubiousness about how much legislation we ought to pass. If accrediting agencies are authorized and funded by us, maybe we need to look at that, and I am glad you are.

I don't take the matter lightly. I feel that a student ought to be able to go to a State university and have some sort of balance of opinion at that university, and I think trustees, taxpayers, and politicians have a right to be concerned if there is an excessive, obsessive almost, movement in one political direction as opposed to fairness and objectivity. It goes against our heritage, and we have all these examples of just ludicrous actions by faculty that strike at the heart of freedom and seem to be just amazing.

I will ask one more question if you will allow me, Mr. Chairman. I thought of the great debate we had a number of years ago about the right to burn the flag. We have now declared that the right to burn the flag is a constitutional right. But at Central Michigan University, a student was criticized for displaying the American flag on his door. I mean, what is happening here? What is behind this mentality? Because they thought it would offend some students on the campus.

Mr. LUKIANOFF. Oh, he wasn't just criticized, Senator. He was actually made to take it down. That, in addition to anti-Osama bin Laden posters, and this is right in the wake of September 11. The RA and the other administrators thought that students from other nations would find that offensive.

Senator SESSIONS. Well, things offend me. Nobody worries about me being offended. [Laughter.]

Would anyone like to speculate on the mentality here? I know you could talk for hours. We don't have that time.

Mr. LUKIANOFF. Sure.

Senator SESSIONS. But just briefly, what is it that causes people who ostensibly are great believers in free speech to somehow drift into curtailing what we have classically understood to be free speech?

Mr. LUKIANOFF. Well, for one thing, a lot of these administrators take incredibly paternalistic and patronizing approaches to their students, believe that they essentially—at Florida State University, for example, as part of its disciplinary process, it says flat out part of our goal is to reeducate students about their attitudes, beliefs, etc.

In that environment, peace and quiet has been placed as being more important than cantor and debate. If you want to keep everything quiet, then yes, let us have uniformity of belief. We will punish people who dissent and, therefore, we can avoid the nasty and painful process of actually thinking hard about things.

And even though I just played it optimistic, I am going to play quite cynical right now. I actually—from what I have seen and just the incredible knee-jerk sort of reaction that a lot of these universities have to any opinion that offends them, to silence it, I believe that we are raising a generation of students, if they have certain political beliefs, who don't even know how to defend them anymore because they have never had to.

I see that there is an incredible double standard in the application of speech codes and of all these rules. To say that views that are crushed are conservative is also, as Professor Johnson pointed out, not really conveying the whole idea. I mean, the idea that an American flag an anti-Osama bin Laden poster would be offensive—I am a Democrat, I consider myself a liberal, but obviously, the idea that that is not perfectly within the idea of protected speech means that there is something seriously gone wrong with the respect for free speech on college campuses.

Mr. DICK. I also would like to comment real quickly on that. You were asking for the underlying motivation for somebody who would want to take down an American flag in a residence hall. I think that often that something like that being censored is really harmful to intellectual diversity, but it is often done in the name of diversity, and diversity of a type of ethnic, racial, or national diversity, and that you see administrators and people who are in the Office of Housing and Life and they see themselves as having the responsibility to make their campus more welcoming to attract racial and ethnic minorities and they see the American flag as something that would be sort of, you know, a really patriotic symbol that would make someone from another country or another culture uncomfortable.

So they say that in order to create a welcoming environment, that they have to take this thing down. I don't know how they construe the American flag to be some sort of offensive or unwelcoming symbol, but it seems that that is the view. And so a lot of this censorship that is done to harm intellectual diversity is done in the name of diversity, just diversity of a different kind.

The CHAIRMAN. That is a brilliant answer, by the way, and very accurate.

I would just note for the record that so far, three of the four members of this panel have identified themselves as liberals. [Laughter.]

Nobody can say we stacked this panel. [Laughter.]

In any event, we do intend to continue to pursue this issue with sunshine. We will be holding hearings on textbooks, specifically textbooks in high schools dealing with American history, and we will be holding a hearing on accreditation, and we will be holding other hearings on this issue of how we open our campuses up so that different views can be heard without people being subjected to some sort of penalty, either direct or indirect.

We thank you very much. This has been an extraordinarily good panel. Thank you for your time.

The subcommittee is adjourned.

[Additional material follows.]

ADDITIONAL MATERIAL

PREPARED STATEMENT OF ANNE NEAL

Mr. Chairman and members of the Committee: One pundit on higher education has described our colleges and universities as islands of oppression in a sea of freedom. While the comment is humorous, the observation is quite serious. The lack of intellectual diversity on our college and university campuses is increasingly troublesome and of profound concern to all of us interested in the education of our next generation of leaders.

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 similarly 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."

My organization, the American Council of Trustees and Alumni, was founded in 1995 and is a bipartisan network of college and university trustees and alumni across the country dedicated to academic freedom and excellence. 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 confirms these eminent university presidents' worst fears.

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.

Before I go any further, I want to make one principle perfectly clear. There is no more important value to the life of the mind than academic freedom. This is the value that Thomas Jefferson so vividly articulated in reference to the University of Virginia: "We are not afraid," said Jefferson, "to follow truth wherever it may lead, nor to tolerate any error so long as reason is left free to combat it." And that means permitting academics of all political stripes—with partisan or ideological commitments counting neither for nor against them—to engage in that exercise.

But what is at issue here today is the other side of the equation, the student's right to academic freedom, the student's right to learn and hear both sides of controversial issues of the day. While there is much thoughtful teaching and superb scholarship across the country, there are also many examples—as I will outline in the next few minutes—of teaching and learning being put into the service of politics and ideology. As a consequence, our colleges and universities are failing at their responsibility to educate the next generation of leaders by rigorous and balanced exposure to significant— theories and thoughtful viewpoints.

Threats to the robust exchange of ideas on our college and university campuses come in many forms, but typically manifest themselves in the following ways:

1. Disinviting of politically incorrect speakers;
2. Mounting of one-sided panels, teach-ins and conferences;
3. Sanctions against speakers who fail to follow the politically correct line;
4. Instruction that is politicized;
5. Virtual elimination of broad-based survey courses in favor of trendy, and often politicized, courses;
6. Reprisal against or intimidation of students who seek to speak their mind;
7. Political discrimination in college hiring and retention; and
8. Speech codes and campus newspaper theft and destruction.

Here are some examples.

DISINVITED SPEAKERS

Former Secretary of State Henry Kissinger was disinvited by the University of Texas-Austin president because of threats by a fringe student group. The heckler's veto reigns.

University of California trustee and recognized public figure Ward Connerly was disinvited by Columbia on the grounds that the university could not provide adequate security. Again, the protesting few limited the rights of the majority.

ONE-SIDED PANELS OR TEACH-INS

Yale sponsored a teach-in examining the events of September 11 but was publicly criticized by Professor of Classics Donald Kagan for its utter failure to include a single spokesman in favor of military action.

Brooklyn College sponsored a post 9/11 panel without any representatives of the U.S. or Israeli government's point of view. Professor Robert David Johnson condemned the panel as one sided, and—as you will learn—paid dearly for doing so.

At Columbia University, college professors convened a six-hour anti-war "teach-in." One student, quoted in the campus newspaper, described the teach-in as nothing more than a "fervid presentation of an exclusive viewpoint . . . where professors could express their viewpoints unopposed."

SANCTIONS AGAINST THE POLITICALLY INCORRECT

In these cases, professors or students are singled out for punishment because of the content of their views. In the wake of September 11, a number of professors were sanctioned for being pro-war, while very few cases arose of professors being taken to task for anti-war views.

Duke University shut down a faculty member's website after he included an article advocating a vigorous military response to terrorism. The website was later reinstated, but the professor must now include a disclaimer that his views do not reflect the views of the university. Duke has never before required such a disclaimer.

A University of Massachusetts administrator revoked a permit for a pro-war rally, while allowing an anti-war rally to proceed.

A Florida Gulf Coast dean instructed employees to remove "Proud to be an American" stickers until negative public reaction prompted her to revoke the decision.

POLITICIZED INSTRUCTION

At the University of California, a course description for "The Politics and Poetics of Palestinian Resistance" stated that "conservative thinkers are encouraged to seek other sections." The University called the description a failure of oversight and announced it would monitor the class to ensure it did not exclude or discourage points of view. The professor, a leader of the Students for Justice in Palestine, was not reprimanded.

At the flagship campus of the University of Massachusetts (along with at least 30 institutions across the country, including Princeton and the University of California) students enroll in "whiteness studies." At Massachusetts, the enrollees are required to participate in a "privilege walk." According to the Washington Post, the field is "based on a left-leaning interpretation of history by scholars who say the concept of race was created by a rich white European and American elite, and has been used to deny property, power and status to nonwhite groups for two centuries." Note: students are not asked to evaluate this thesis but to absorb it.

At the University of South Carolina a professor provided students with a set of discussion guidelines that asked them to "acknowledge that racism, classism, sexism, heterosexism, and other institutionalized forms of oppression exist" and called upon them to "agree to combat actively the myths and stereotypes about our own groups and other groups so that we can break down the walls that prohibit group cooperation and group gain."

At Arizona State University, a course on Navajo history restricted enrollment to American Indian students.

Several Spanish courses at Florida International University are closed to non-Hispanic students.

ONE-SIDED FACULTY

An Academic Study Survey conducted by Stanley Rothman, Emeritus Professor of Political Science at Smith College, the results of which are being released today, finds that half of American professors identify with the Democrats, a third call themselves independent, while a tenth of the respondents identify with the Republicans. A much higher percentage of faculty members surveyed-72%-describe their own ideology as "left," while 15% self-describe their ideology as "right." Eighty one percent of professors in the humanities and 75% in the social sciences identify their views as strongly or moderately left, while only 9% of respondents in these two fields hold strongly or moderately conservative views. Even in the science, math, business, and medicine sectors, faculty who identify themselves as Republican are in the minority.

This would not be so bad if professors consistently offered different points of view. However, the concept of balance appears to be out of favor with contemporary acad-

emicians. This was starkly underscored this fall when the Faculty Senate at the University of California adopted a new regulation on academic freedom. This new provision removed the long-term prohibition against using the classroom "as a platform for propaganda" on the grounds that in this new age "academic freedom does not distinguish between 'interested' and 'disinterested' scholarship." At a time when postmodernism reigns on our college and university campuses, the concept of the disinterested search for the truth has been supplanted by a conception of the world that views every issue in terms of race, class and gender.

DISAPPEARING CORE CURRICULA

Even this ideological imbalance would not be fatal if students were given the knowledge and background that empowers them to think for themselves. But survey after survey by ACTA and others also show that students are no longer even being exposed to broad areas of knowledge.

Rather than being introduced to foundational subjects such as history, natural science, literature, government, and economics, students are permitted to pick and choose from a smorgasbord of academic offerings that are often trendy and tendentious. In two studies conducted by ACTA, Losing America's Memory and Restoring America's Legacy, we discovered that not one of the top 50 require a course in American history of their graduates. Only five institutions required any history at all. Instead, students are picking from course offerings ranging from "From Hand to Mouth: Writing, Eating and the Construction of Gender" at Dartmouth and "Global Sexualities" at Duke to "Witchcraft, Sorcery and Magic" at Williams College.

In this atmosphere, faced often with only one viewpoint and having very little or no information on which to make up their own minds, our next generation is truly being disserved.

Now, many will argue that these are isolated anecdotes, that political correctness and the lack of intellectual diversity are not really a problem, that courses are handled fairly and that teachers are well aware of the need to let students speak their mind.

But the fact is there are too many alarms from too many quarters to ignore what is happening. Whether it is ACTA or FIRE, Nadine Strossen of the ACLU, or the late Supreme Court Justice William Brennan (who once said, regarding college speech codes, "They ought to just abolish all of them"), evidence of widespread limitations on intellectual diversity on our college campuses is now overwhelming.

Only last weekend, two recent college graduates bewailed the state of affairs in the Wall Street Journal. And I quote: "One would not dare question certain 'truths' in the classroom for fear of being ostracized, vilified—or receiving a 'grade adjustment.' An independent-minded renegade chooses instead to bite his tongue rather than face the inevitable wrath of his peers and, worse, his instructor, who ought to be facilitating an honest, open dialogue."

Given this substantial evidence, this committee is to be commended for raising awareness of this most critical academic freedom issue. "Sunlight," as Justice Louis Brandeis once observed, "is a great disinfectant." By contrast, to ignore a problem or to be less than candid about it discourages a remedy.

The next question, of course, is what is that remedy ought to be.

The American Council of Trustees and Alumni respectfully submits that the solutions for this problem are not legislative mandates—but instead fall within the purview of college and university faculty, administrators, and boards of trustees. Statutory edicts on curricular matters are bound to raise academic freedom problems of their own. The remedy, as Madison wrote in The Federalist, would be "worse than the disease." Therefore, ACTA recommends the following.

Boards have a fiduciary obligation to protect the academic quality and academic freedom of their institutions. They should protect academic freedom—of both faculty and students—from internal as well as external threats. Faculty and administrators likewise have this obligation but, at many universities, they have clearly defaulted on this responsibility.

Trustees should adopt a statement or resolution that all faculty are expected to present points of view other than their own in a balanced way and respect and nurture students' ability to make up their own minds on contentious issues.

Trustees should adopt a policy underscoring that the focus of courses is intellectual development and the acquisition of knowledge and skills, not the manipulation of attitudes or engaging in political activism.

Trustees should insist that their institutions offer broad-based survey courses designed to expose students to the best that has been done and said.

Trustees should insist that speaker programs sponsored by the university present a range of points of view.

Trustees should make clear that they will not tolerate ideological or political discrimination in the hiring, firing, or promoting of faculty. Trustees should monitor tenure decisions—both granting and denying—on a regular basis.

Trustees should direct administrators and faculty to engage in an "intellectual diversity inventory" to see whether students are exposed to diverse points of view in classroom readings, speakers series, etc., and whether partisan or ideological bias is influencing hiring and retention.

Congress should hold periodic hearings to raise public awareness of this problem, and should encourage faculty, administrators, and boards of trustees voluntarily to conduct intellectual diversity reviews and to make the results public so that students, parents and taxpayers can see what the facts are.

Congress should target federal grants to promote the study and teaching of American history, politics and the law. ACTA commends Senator Gregg for sponsoring S.1515, the Higher Education for Freedom Act, which focuses on this need. Thank you.

PREPARED STATEMENT OF ROBERT DAVID JOHNSON

Mr. Chairman, and Members of the Committee: My name is Robert David Johnson. I am a professor of history at Brooklyn College and The Graduate Center of the City University of New York, where I teach courses in U.S. political, diplomatic, and constitutional history.

As a historian of the Senate, I am particularly honored to appear before the Committee. I have written books on the interwar Senate and on former Alaska senator Ernest Gruening, both published by Harvard University Press. I am now completing a study of Congress and the Cold War, which Cambridge University Press will publish.

I survived an attempt by Brooklyn College of the City University of New York to deny me tenure on the basis of my ideas and academic values, an attempt amounting to an attack on the principle of intellectual diversity on campus, and as such, perhaps, of interest to this body. Though conceding that my accomplishments as a scholar and a teacher were first-rate, the college based its case on a handful of senior colleagues' secret letters, which came to be labeled the "Shadow File." CUNY chancellor Matthew Goldstein ultimately overturned Brooklyn's decision.

The "Shadow File" letters, which attacked not only me but also several other untenured professors, condemned me for three violations of prevailing campus orthodoxy. First, I was deemed uncollegial for having objected, along with other, but tenured, professors that a college post-9/11 forum was unbalanced because none of its speakers supported either U.S. or Israeli foreign policy. The provost had termed the forum an educational event and allowed professors to dismiss their classes to attend it; I argued only that the college should not label a one-sided event educational.

Second, I drew criticism for the standards that I employed in a search for a new professor in European history, when I joined several colleagues in urging the department to base its choice on the candidates' demonstrated records as researchers and teachers. My critics instead advocated granting a disproportionate role to subjective comments on the candidates' personalities and to gender considerations, despite the college affirmative action officer's having cautioned that the department's existing gender diversity would make such an approach violative of federal law.

Third, the significance of my scholarship and teaching was downgraded because of the kind of history that I teach. Scholars perceived as politically conservative, or even those who taught fields perceived as conservative—such as political, diplomatic, or constitutional history—were to face a huge disadvantage in personnel decisions at Brooklyn College.

In some ways, my case represented an anomaly in the academic world. Those who want to fire someone because of his beliefs or academic specialty rarely put their opinions in writing, as did the "Shadow File" professors. Because of my credentials, I attracted support from dozens of national political and diplomatic historians of varying ideological persuasions. I benefited from all but perfect legal representation. Finally, CUNY, rather than Brooklyn, possessed the final say on my tenure. I can only wonder what happens to job applicants or untenured faculty from my fields who are rejected for reasons similar to those offered by Brooklyn, but who lack the advantages that I possessed.

These events attracted unusually widespread media attention because they illustrated troubling patterns within the academy as a whole, such as how considerations relating to departmental or campus politics can arbitrarily override merit in the tenure process; or how some professors impose ideological litmus tests as preconditions for hiring and promotion.

Within the historical community, some also saw Brooklyn's action as part of a broader assault on the fields of political and diplomatic history. Jonathan Zasloff, a professor at UCLA Law School who also holds a Ph.D. in diplomatic history from Harvard, noted that the controversy highlighted "the decline of the history of American foreign policy as a subject of academic study-not because it isn't still critically important, but rather because it is simplistically dismissed as studying dead white men. The 'new social history' that focuses on studying the working class, unemployed people, minorities, women and gays is critically important as well—but the academy, in its quest for novelty, has really thrown the baby out with the bathwater." Ironically, this dismissal has come at a time when the study of diplomatic history has never been more intellectually diverse, ranging from the multitude of recent studies that have considered factors like race and gender in the history of American foreign relations to the exemplary Cold War International History Project, a truly multicultural intellectual enterprise if ever there was one.

The contents of the "Shadow File" confirmed Zasloff's observations. One of the file's contributors, a specialist in women's history, denigrated my teaching and scholarship on the grounds that I taught courses dealing with "political history, focused on figures in power." Such an "old-fashioned approach to our field," this professor mused, attracted only "a certain type of student, almost always a young white male," whose interest in such "narrow" topics implied limited intellectual abilities. The former department chairman, who has since been reassigned, termed this document the "reasoned consideration" of a senior colleague.

Since the early 1960s, the academy has witnessed an explosion of interest in race, class, and gender in U.S. history. These developments have produced more nuanced views of American history as a whole. They have, however, come with a cost. Marc Trachtenberg, a history professor at the University of Pennsylvania, has lamented how many adherents of this "new social history" have seemed "interested in pushing fields like diplomatic history—and to a certain extent even political history as a whole, not to mention a whole series of other fields—to the margins of the profession." As a result, vast areas of U.S. history addressing our core values—democracy, foreign policy, the law—have been deemed unworthy of instruction.

That my colleague was willing to commit to paper her comment that a professor teaching about "figures in power" constituted grounds for condemnation testifies to just how certain she and others have become of support for these views among the professorate. In the academy as reflected by Brooklyn College, someone like me, whose first two books studied left-wing congressional dissenters and who wore a Hillary Clinton button during the 2000 Senate campaign, was deemed holding views too "conservative" to be tolerated. We now have a culture to which many academics conform without giving much thought to the absurdity of some of the culture's central tenets. Indeed, of the current Members of Congress, perhaps only Maxine Waters would not fall under the definition of "conservative" as offered by academics who see the study of "figures in power" as somehow catering to sexism or racism.

These patterns certainly are not confined to Brooklyn College. Again to quote Trachtenberg, advocates of the new social history "talked a lot about 'diversity,' but in practice they certainly did not embrace a live-and-let-live philosophy." An outside observer might have expected that departments would add faculty positions in social history fields as a complement to pre-existing positions in political, diplomatic, or constitutional history. Instead, these newer topics too frequently have taken the place of more "traditional" approaches, as a representative sample of history departments—from 30 large state universities around the country—suggests. If anything, such a sample would seem likely to reveal a disproportionately high percentage of political and diplomatic historians, both because of the size of these departments and because these schools get much of their funding from the government, and thus would seem less likely to avoid entirely topics that most in the country consider crucial for students to learn. Instead, a majority of full-time U.S. history professors in only three of the sampled departments (Ohio State, Virginia, and Alabama) have research interests that deal with politics, foreign policy, the law, or the military in any way. At 20 of these schools, less than a quarter of the Americanists address such topics in any aspect of their scholarly work. The University of Michigan has 25 full-time department members teaching U.S. history: only one publishes on political history, as opposed to 11 professors examining race in America and seven specialists in U.S. women's history. Of the 11 Americanists in the University of Washington's history department, only one studies politics, the law, or foreign policy—and he specializes in American socialism and communism.

The situation can be even more depressing at lower-profile public institutions, since some administrations tolerate students receiving U.S. political history only through a distorted lens. This is particularly true at schools promoting the agenda of the American Association of Colleges and Universities (AAC&U). Though a na-

tional organization to which dozens of colleges belong, the AAC&U's curricular program is dominated by a handful of members committed to using banal rhetoric of diversity and inclusion to defend curricula that present one-sided viewpoints on controversial political issues.

Washington's Evergreen College, for example, features two courses on 20th century U.S. political history: "Dissent, Injustice, and the Making of America," and "Inherently Unequal." The latter course, which addresses U.S. history since 1950, holds as an indisputable premise that in the 1990s, "racist opposition to African American progress and the resurgence of conservatism in all branches of government barricaded the road to desegregation." California State University-Monterey Bay, another AAC&U-oriented school, likewise presents students with only two, clearly biased, courses examining the history of American government institutions. Those wanting more U.S. political history are invited to take such classes as "History According to the Movies," "California at the Crossroads," and "Multicultural History in the New Media Classroom."

The historical profession needs balance, not intolerance. No one denies that students should have the opportunity to sample such offerings from the new social history as "History According to the Movies." But courses in American political, diplomatic, and legal history are at least as important. Groups such as The Historical Society, which has brought together historians of all viewpoints to champion a return to a discipline based on reasoned appeals to evidence rather than promotion of an ideological agenda, have resisted the exclusion of whole fields from college history departments. In addition, the Miller Center for Public Affairs, housed at the University of Virginia, has launched an ambitious project to promote and fund innovative new scholarship in the history of American political development. Still, historians seem unlikely to create an intellectually diverse profession on their own. As recently noted by University of Pennsylvania professor Erin O'Connor, publisher of the weblog Critical Mass, since "scholarship—centered on questions of identity, oppression, and power relations—is in turn a sign of a particular political commitment," faculty diversity will "only be pursued insofar as it ensures and perpetuates ideological uniformity."

With faculty unwilling or unable to create an intellectually diverse campus, administrators and trustees must step forward, as my case suggested. Chancellor Goldstein used my case to affirm his previously stated commitment to improving standards and promoting intellectual diversity. Several trustees likewise used the matter to articulate the basic principles under which CUNY personnel policy would operate. In the contemporary climate, responsible administrators and trustees should require careful accountings of hiring, tenure, and promotion decisions coming from academic departments. These same administrators and trustees should be ready and willing to act when such decisions prove to have been made to satisfy personal ideological wish lists rather than educational and scholarly needs.

Simply paying lip service to the principle of teaching students about American democracy will not suffice. An unfortunate example of this trend comes in a federally funded grant, distributed to 12 colleges through the AAC&U, with an apparently non-controversial name ("The Arts of Democracy") and mission (promoting "a deeper understanding of, debate about, and practice of democracy"). Brooklyn's "Arts of Democracy" program promises to produce students who will understand the heritage of American civic ideals; be able to resolve moral dilemmas posed by U.S. foreign policy; and comprehend the fundamental premises of U.S. democracy.

Despite these promising claims, the program contains not even one political science, history, economics, or philosophy course exploring American government or international relations. Instead, "Arts of Democracy" students learn that democracy entails support for a multicultural political agenda and what the college terms a "community of diversity," by taking courses such as "Literature and Cultural Diversity," "Introduction to Global Cinema," and "Peoples of the United States."

By underwriting "The Arts of Democracy," the federal government itself is not only undermining the teaching of political and diplomatic history, but providing for a program that views the entire modern liberal democratic project, from its inception in 17th century England and the 18th century European Enlightenment to the present, as a sustained effort to suppress and marginalize one group or another in the interests of maintaining power, privilege, and profits. Even taking the stated goals of the "Arts of Democracy" at face value, one wonders how American students, as citizens of a country that for nearly a century has possessed unprecedented global power, could be expected to resolve the ethical dilemmas associated with that power if the students lack a well-rounded understanding of its past uses as well as abuses.

In the end, restoring intellectual diversity on campus requires support from the outside—from alumni, trustees, and government. As a historian of the U.S. Con-

gress, I know as well as anyone how the lessons of the McCarthy era suggest the dangers of Washington excessively involving itself in college instruction. But Congress possesses an array of powers through which it could encourage intellectual freedom on today's campuses, without the risk of heavy-handed intervention.

Hearings such as this one can help frame the issue for public discussion and force colleges to adopt transparent standards in personnel and curricular matters. Doing so would indirectly stimulate intellectual diversity. No institution can publicly admit that its promotion and tenure process is weighted against professors who teach about American politics or foreign policy, or that it wants to indoctrinate students through politically one-sided course offerings.

In addition, specifically targeted federal grants to promote the study and teaching of American politics, foreign policy, and the law are very much needed. In this regard, I especially commend Senator Gregg for his sponsorship of S. 1515, the Higher Education for Freedom Act, which would create a targeted grant program aimed at reviving postsecondary teaching and research about our political institutions and the philosophical and cultural background out of which they emerged. This legislation will complement the Teaching American History Grant Program authored by Senator Byrd, which focused on the elementary, middle, and high school levels of American education. The emphasis on grants for new program creation is especially well-conceived, since the development of new programs is probably the best way of ensuring that there will be faculty lines in existence, and graduate training available, for future historians and other scholars who wish to make careers studying subjects related to political and constitutional institutions.

Four decades ago, William Fulbright theorized that the Senate's "primary obligation" to political life came in contributing "to the establishment of a national consensus" through educating the public. This function remains vitally important for the Senate. I commend the Committee's efforts to educate the public on the need for campus intellectual diversity, and I thank you for your consideration.

PREPARED STATEMENT OF GREG LUKIANOFF

Mr. Chairman and members of the Committee: My name is Greg Lukianoff, and I am the director of legal and public advocacy for the Foundation for Individual Rights in Education, commonly known as FIRE. For four years now, FIRE has been fighting for free speech and academic freedom on college and university campuses across the nation, following through on the analysis and recommendations contained in a book written by FIRE's co-founders, Alan Charles Kors and Harvey A. Silverglate—The Shadow University: The Betrayal of Liberty on America's Campuses. Prior to working for FIRE, I was unaware of how common serious violations of students' basic free speech rights are on today's campuses. Since working at FIRE, however, I have witnessed hundreds of cases in which private and public universities have demonstrated a distressing disregard for free speech. FIRE has come to the defense of anti-war protestors, pro-war demonstrators, satirists, political activists from across the political spectrum, student newspapers, and students and faculty who often have done little more than criticize an administration or its policies, or who have tried constructively and peaceably to address pressing social or political concerns.

While violations of basic expressive rights are always troubling, it is especially disturbing when they take place at our colleges and universities—institutions that depend on an open exchange of ideas in order to fulfill their most basic mission. Colleges and universities should be the institutions where individuals enjoy the greatest possible free speech rights. Sadly, students and faculty too often have to fight for the right to express opinions that citizens outside of academia would simply take for granted as enjoying full legal protection.

Despite the protections of the First Amendment at public universities and the powerful statements of commitment to free speech and academic freedom at most private liberal arts colleges and universities, many campuses still promulgate speech codes. You may wonder what we mean by "speech codes." FIRE defines a speech code as any campus regulation that punishes, forbids, heavily regulates, or restricts a substantial amount of expression that would be protected in the larger society. Our definition is straightforward and applies to all university policies whether they call themselves "speech codes" or not. In contrast to the way that such codes were put into effect during their heyday in the late 80s and early 90s, colleges today are loath to label their policies "speech codes" even when they restrict or forbid clearly protected speech. This may be a result of a series of court cases in which university speech codes were struck down as unconstitutional, or perhaps it is a reaction to public relations disasters that were generated by early attempts to regulate student speech.

But make no mistake, as Harvey Silverglate and I explain in our attached article, speech codes are alive and well on college campuses.

The current generation of speech codes come in many shapes and sizes, including but not limited to e-mail policies that ban "derogatory comments," highly restrictive "free speech zone" policies, "diversity statements" with provisions that outlaw "intolerant expression," and so-called "harassment policies" that extend to speech that may "insult" or "demean." While they may not call themselves "speech codes" anymore, a speech code by any other name still suppresses speech.

FIRE has been combating speech codes as a part of its general operations for the last four years. We have come to the defense of thousands of individuals who have been the victims of rules and regulations that should have no place on our campuses. Drawing from that experience, we decided to undertake a colossal program that seeks to catalog the restrictive speech policies on every college and university campus across the country. The preliminary results of this massive research undertaking can be found on a public website, speechcodes.org. The website—which, according to our research, is current through this past summer—now features nearly 200 hundred public and private colleges and universities. FIRE has rated each of the non-sectarian universities using a "lighting scheme": green lights indicate that we found no policy that seriously imperils speech; yellow lights indicate that a university has some policies that could ban or excessively regulate protected speech; and red lights are awarded to universities that have policies that ban a substantial amount of what would be clearly protected speech in the larger society. Of 176 rated universities only 20 have earned green lights, while 80 earned yellows. A distressing 76—forty-three percent of the institutions rated—earned red lights.

Some of these red light polices are truly bizarre. For instance, Hampshire College in Massachusetts bans "psychological intimidation, and harassment of any person or pet." Others are almost quaint, like Kansas State University, which bans the use of "profane or vulgar language" when it is used in a "disruptive manner." It has long been settled in constitutional law that free speech is not limited only to the pleasant or the pious.

Some codes are remarkably broad and vague, like that of Bard College in New York, which states, "It is impermissible to engage in conduct that deliberately causes embarrassment, discomfort, or injury to other individuals or to the community as a whole." By banning speech that "discomforts," Bard takes a position that has been adopted by many colleges and universities: valuing and promoting peace and quiet at the expense of robust debate and intellectual engagement. To be sure, politeness is a commendable value, but it simply does not compare in importance to unfettered debate and discussion in a pluralistic democracy. Furthermore, it is not the place of college administrators to force students to speak in any particular fashion. Civility should, perhaps, be inculcated when a student is young, by his or her elementary school teachers and by parents. In college, it should be learned by example. Furthermore, conditioning speech on civility virtually denies the existence of justified moral outrage.

Other codes define the "protected class" of the speech code so broadly as to ban even the most basic forms of free speech. The University of California-Santa Cruz, for example, warns against speech that shows "disrespect" or "maligns" on the basis of, among other categories, "creed," "physical ability," "political views," "religion," and "socio-economic status or other differences." One can only imagine what dreary places colleges would be if students weren't even allowed to express passionate political criticisms.

Still others dangerously trivialize society's most serious crimes in an effort to get at "offensive speech." Ohio University's "Statement on Sexual Assault," for example, declares that "Sexual assault occurs along a continuum of intrusion and violation ranging from unwanted sexual comments to forced sexual intercourse." One should be very concerned about any university that cannot make a principled distinction between loutish comments and rape.

Most colleges, however, rely on this strategy: they redefine existing serious offenses to include protected expression. Hood College in Maryland, for example, defines "harassment" as "any intentionally disrespectful behavior toward others." While "disrespectful behavior" may be rude, it certainly does not rise to the level of the crime of harassment. No one denies that a college can and should ban true harassment, but hiding a speech code inside of a "racial-harassment code," for example, does not thereby magically shield a college or university from the obligations of free speech and academic freedom.

A particularly pernicious brand of speech code goes beyond punishing what one says and extends to what one feels, thinks, or believes. Transylvania University in Kentucky bans "oral, and written actions that are intellectually . . . inappropriate" if they touch upon a broad list of protected classes. Florida State University's "Gen-

eral Statement of Philosophy on Student Conduct and Discipline" states, "Since behavior which is not in keeping with standards acceptable to the University community is often symptomatic of attitudes, misconceptions, and emotional crises, the treatment of these attitudes, misconceptions, and emotional crises through re-education and rehabilitative activities is an essential element of the disciplinary process." All citizens should be very concerned when state universities, which often offer only a bare minimum of due process, take upon themselves the "re-education" of adult students and empower themselves to compel correct "attitudes." That is not worthy of a free nation.

Another kind of speech code is the so-called "speech zone" policy, which limits protests, debates, and even pamphleteering to tiny corners of campus. FIRE has identified or fought these polices at over two dozen public universities. Until this past summer, Western Illinois University provided students with only one "Free Speech Area." This area was only available during business hours and had to be reserved five days in advance. Even within the "Free Speech Area," additional speech restrictions applied. Until FIRE intervened, Texas Tech University—a school with 28,000 students—provided only one 20-foot-wide gazebo to be used as a "Free Speech Area." Protests, demonstrations, pamphleteering, speeches, and even the distribution of newspapers had to receive prior, official approval if they were to occur outside of the "free speech" gazebo and requests had to "be submitted at least six university working days before the intended use."

Texas Tech has since expanded the number of speech zones on campus, but FIRE continues to fight, along with a broad coalition that includes the Alliance Defense Fund in the courts and a new student group called Students for Free Speech on the ground. We are determined to make Texas Tech grant its students the full freedoms that students at an institution of higher learning deserve—not just the bare legal minimum.

Lest anyone think that these speech codes might not be such a threat if they are applied judiciously and fairly, they need only consult our website at www.thefire.org. In the past year alone we have seen dozens of examples of blatant violations of the free speech rights of students and faculty members. At Harvard Business School, an editor was threatened with discipline for publishing a mildly critical political cartoon. We continue to work on behalf of a professor who was fired for "faithlessness and disloyalty" for daring to criticize the policies of the president of Shaw University in North Carolina. At California Polytechnic State University we came to the assistance of a student who had been subjected to a seven-hour hearing and found guilty of disruption for posting an "offensive" flier advertising an upcoming speech by a black conservative. The flier only contained information about the speech, the name of the speaker's book, and a photo of the speaker. FIRE is currently helping a fifty-five-year-old grandmother who is a student at SUNY Suffolk and has been found guilty of "harassment" and "intimidation" for using a single profanity in an e-mail accidentally sent to a professor. At Roger Williams University in Rhode Island, just within the past few weeks, administrators froze an entire year's worth of printing funds for a student newspaper, The Hawk's Right Eye, when it published number of controversial articles. At this very moment, FIRE is involved in half a dozen other cases involving serious infringements upon the free speech rights of students and faculty, and these cases keep on coming.

Free speech is not, nor should it ever be, a partisan issue. Part of the brilliance of our form of government is that it binds the rights of each individual to the rights of all citizens. As a society, we only enjoy the rights that the least of us receive. Therefore, all of our rights depend on the protection of even the most controversial or "politically incorrect" of us—and, rest assured, the definition of "political correctness" changes dramatically over time. However, since colleges and universities recognize that if they were really to ban all speech that offends anyone all colleges and universities would be reduced to silence, they often apply their speech restrictions with an unconcealed double standard.

While it has been FIRE's experience that students and professors with orthodox religious views, conservative advocates, and bold satirists are more likely than others to be censored under the current campus climate, we all have a common interest in the free speech of our nation's students. While it may be the more conservative students who today feel the brunt of speech codes on campuses, it was only a generation or two ago when the shoe was on the other foot and liberal students bore that burden. The problem is censorship, pure and simple. The group that bears the brunt of censorship at any given moment in history is of academic interest, but the existence of censorship that can silence you one year and your opponent the next is the ongoing problem. Not only are all students affected by these overbroad policies—and students of every political stripe are punished if they cross certain, often

arbitrary, lines—but everyone suffers when any side of an important debate is stifled, silenced, or otherwise quashed.

And make no mistake about it, the war for free speech is often not ideological at all. Campus censorship is quite often a simple, naked exercise of power. For example, at Hampton University in Virginia, the entire press run of last week's Hampton Script was confiscated by administrators who were angry about the paper's refusal to run a letter from the university's acting president on the front page. College and university administrators too often view criticisms of their policies as tantamount to sedition. Furthermore, many administrators censor viewpoints not to achieve an ideological purpose or ideological homogeneity, but rather to avoid having offended students conduct noisy demonstrations that embarrass the administration. But this kind of "trouble"—loud, vociferous, and often unruly dissent—is indispensable to higher education; it is not an embarrassment or an inconvenience that needs to be stamped out. American freedom may occasionally be more troublesome than the order that exists in a police state, but it is our most precious birthright.

As noted earlier, if there is one constant in the history of free speech, it is that the censored of one generation often become the censors of the next. This vicious cycle of censorship teaches citizens to take advantage of any opportunity that they have to silence those on the other side. Students educated in this environment can hardly be blamed if they come to view speech as little more than a tool that they must do their best to deny their enemies, rather than as a sacred value. That is a terrible threat to American liberty.

FIRE hopes that we can put an end to this vicious cycle of censorship with this generation. With the help of a coalition of individuals and organizations from across the political spectrum, we can teach the current generation that a free society's cure to "bad" speech is more speech.

It is important to mention, however, that there are grave dangers that you must avoid in congressional involvement to return free speech to campus or through any other attempt to legislate an expansion of intellectual diversity. Well-intentioned legislation designed to protect the interests of different groups of students is all too often used as an excuse for censorship. For example, the sexual harassment regulations issued by the Office for Civil Rights of the Department of Education (OCR) have been abused and misinterpreted so commonly to justify regulations that punished merely "offensive" speech that the OCR decided it needed issue a letter of clarification this past summer. This letter of clarification stated what one might think would be a self-evident point: no federal regulation may be used as a justification for denying students or faculty the free speech rights that are protected under the First Amendment. The OCR incident is only the most recent example of how regulations that were passed with the best of intentions can be turned into weapons of censorship.

History shows that efforts to control either speech or the content of speech almost always result in abuse, leading to the suppression of unpopular ideas or opinions. Any bill that would ban "indoctrination" on campus, for example, or that would promise "unbiased teaching," could too easily result in a nightmare of abuse and suppression as different sides fight to label the other sides' arguments as "indoctrination" and their own as simply "truth." The best way for Congress to ensure intellectual diversity on campus is simply to work to remove the often unlawful restrictions on speech that currently exist. When students and faculty do not have to fear punishment for expressing their deeply held beliefs—no matter how outrageous or unpopular—greater intellectual diversity will result.

Yet any such legislation should be crafted with great care so as to avoid undue governmental control of or influence over institutions of higher learning, particularly at private institutions. Legislation should remind public universities that they have not only a moral, but also a legal duty to protect rather than infringe upon free speech, and that speech restrictions that would be unconstitutional in the outside world are likewise unconstitutional on public university campuses, regardless of whether or not administrators believe that such restrictions would advance other values. Legislation affecting private colleges should avoid imposing the same obligations that are imposed on public campuses, since true diversity requires that private institutions be allowed to deviate and vary from the norm. What would be most helpful would be legislation that simply required private institutions to fulfill whatever promises they make in their catalogues and literature. Thus, if a private college promises intellectual diversity and academic freedom, it should be required to deliver it. FIRE is in favor of true disclosure and of private institutions living up to their promises and assurances, rather than of governmental efforts to dictate the values to which such institutions should be dedicated. If ABC College says that it is a liberal arts institution devoted to academic freedom, then it should deliver this

or else be held accountable for breaking its contractual assurances to its students. Fraudulent inducement is not a part of academic freedom.

While any remedial action should be considered carefully and thoroughly, the cost of leaving things as they are is too high. One chilling example of how poorly free speech is understood and how little it is respected in higher education today is the phenomenon of newspaper thefts. For over a decade in at least five dozen documented instances, students have stolen and destroyed tens of thousands of copies of student-run newspapers on colleges and universities across the country in an effort to silence viewpoints with which they disagree. In some cases these newspapers were thrown out, and—in at least a half dozen cases—they were burned. I hope I do not need to remind you of the fate of societies of the previous century when they began burning books. In fact, this form of mob censorship has become so commonplace that this month the Berkeley City Council passed an ordinance making newspaper theft illegal. This was in part a response to an incident involving Berkeley's current mayor, Tom Bates, who stole 1,000 copies of a student newspaper after it endorsed his opponent in the mayoral race. With those in power teaching the current generation these kinds of lessons about free speech, how can we expect them to defend their own basic rights when they are threatened? It would truly be a terrible thing to have a whole generation of students so unfamiliar with their basic liberties that they would not even know if they lost them.

["Speech Codes: Alive and Well at Colleges . . . By Harvey A. Silverglate and Greg Lukianoff may be found in the issue dated August 1, 2003 of The Chronicle of Higher Education.]

PREPARED STATEMENT OF ANTHONY DICK

Mr. Chairman and Members of the Committee: Thank you for the opportunity to be here today to discuss with you the important issue of intellectual diversity in higher education.

When I came to college three years ago, I expected to find an environment firmly devoted to free inquiry and the open competition of ideas. In order for such an atmosphere to be sustained, however, two core principles of liberal education must hold strong: First, universities must respect the freedom of every individual to express any idea or opinion without fear of punishment. Second, universities must allow all ideas to compete on an equal footing, without using institutional power to privilege certain viewpoints above others. At UVA, both of these principles have eroded as the University has strayed from strict liberal arts education and moved toward a more politicized function.

Judging from my experience over the last three years, many in the UVA community view a university education not as an end in itself, but merely as a means to achieving some higher political goal. This "higher goal" manifests itself in various causes such as the rectifying of historical injustices, the eradication of social inequalities, or the alleviation of racial or socioeconomic oppression. It is a common view among many that the equal competition of ideas and the equal right to free expression together serve only to perpetuate various prejudices and injustices that linger from our less-than-perfect past. From this premise, they argue that certain viewpoints should be either curtailed or privileged in a deliberate manner, with a progressive aim in mind.

These advocates of politicized education have succeeded to some degree in influencing the state of affairs at UVA. As they have succeeded, liberal arts education has suffered. On the one hand, they have propagated policies that stifle the expression of certain viewpoints. On the other hand, they have worked to establish mandates and requirements privileging certain favored opinions above all others. With the selective application of administrative power both to restrict some ideas and favor others, the marketplace of ideas has lost balance. In many controversial fields of discussion at UVA, the competition of opposing views has become slanted in one particular direction, and the situation threatens to become much worse.

Earlier this semester, a group of concerned students and I founded the Individual Rights Coalition (IRC) at UVA. We also launched a website, www.freeuva.com. Our motivation stems from our belief in the enduring value of liberal arts education. Following in the tradition of Thomas Jefferson, the father of UVA, we believe that our university should treat education as an apolitical end in itself, and that social progress is best assured when the realm of ideas is kept as free as possible from interference at the hands of authority. Further, we hold that the best way to ward off such authoritarian interference is to foster an equal respect for the individual rights of all people in all circumstances. We are a truly non-partisan group, with members on all sides of the traditional left-right political divide. I was raised in a liberal family, I am a registered Democrat in the state of Virginia, and I maintain

liberal views on many political issues. Although each of us in the IRC has a different vision of the ideal society, none of us is willing to sacrifice liberal arts education in an effort to see our vision realized.

In UVA's "Discriminatory Harassment Policy" printed in this year's Undergraduate Record, students are warned against engaging in any type of expression that "unreasonably interferes with [a] person's work or academic performance or participation in University activities, or creates a working or learning environment that a reasonable person would find threatening or intimidating." The policy then proceeds to list examples of expressions for which students should be "reported for review." These examples include: "Directing racial or ethnic slurs at someone," "Telling persons they are too old to understand new technology," and "ridiculing a person's religious beliefs."

At best, these examples imply a threat of punishment for engaging in constitutionally protected expression. But even worse, they seem to lend definition to the Administration's conception of "unreasonable interference." If these examples could be construed to unreasonably interfere with another person's educational pursuits, then a wide range of other offensive speech becomes threatened. As a result, some students I know at UVA are unsure about exactly what they can write or say without having to fear punishment. Would a religious satire in the tradition of Mark Twain count as "ridiculing a person's religious beliefs?" Do "racial or ethnic slurs" include passionate arguments that offend anyone of another race? The simple fact that these questions need to be asked illustrates the chilling effect of a speech code that is both vague and potentially overbroad.

Similar problems arise from UVA's Sexual Harassment Policy, which warns against sex-related expressions that create an "offensive working or learning environment." In its discussion of sexual harassment, UVA's Office of Equal Opportunity Programs lists some "examples of problematic behavior." These include "jokes of a sexual nature," "suggestive comments about physical attributes or sexual experience," "sexually suggestive emails," and "sexual comments that bear no legitimate relationship to the subject matter of a course."

As a columnist with UVA's student newspaper, I often have wondered how the University's Discriminatory Harassment Policy and Sexual Harassment Policy have been applied in the past. Last year, I wrote to University officials on three separate occasions to try to obtain records of past cases that have been prosecuted under the Policies. At first, I received a reply that the documents I sought were considered "education records" under the Family Educational Rights and Privacy Act. Therefore, "even if they were found, [they] would ultimately have to be withheld from disclosure because of federal law." Eventually, the University Judiciary Committee (UJC) offered to search their records and release the number of cases prosecuted under the Policies, as long as I would pay ten dollars per hour for their research. Because this would have amounted to hundreds of dollars that I did not have, and because this paltry information would have told me nothing about the type of speech to which the Policies were applied, I did not accept the offer.

UVA's vague Sexual and Discriminatory Harassment Policies, along with the University's unwillingness to release details about how these policies have been applied, create an environment where the protection of free expression is uncertain. According to the Policies, and especially in light of the provided examples, it seems that some speech can be punished simply for being "offensive." The result of this uncertainty is largely intangible, as some UVA students simply choose to silence themselves rather than risk punishment for their potentially "offensive" views. Not surprisingly, the types of views that are silenced in this way are usually those that are widely and vocally disfavored by both the majority of the UVA community and by the UVA Administration. At Thomas Jefferson's University, of all places, this unnatural conformity of opinion bespeaks a sad state of affairs.

The politicization of UVA is most evident in the University's recent efforts to establish a mandatory "diversity training program." This program centers on topics such as race, ethnicity, gender, identity, and other controversial social issues. One UVA administrator has described its purpose to me as "instilling community values" in students. The impetus for this "training" draws strength from the idea that incoming UVA students are burdened with certain prejudices and misunderstandings regarding social issues, and that they must be "trained" to abandon these prejudices. This function of the University falls far outside of its traditional role of providing a liberal arts education, and extends into the realm of bringing about directed social change.

At the beginning of the summer in 2003, the Charlottesville Daily Progress and The Cavalier Daily (the UVA student newspaper) reported that the UVA Administration had mandated an online "diversity training" program to be imposed upon undergraduates at the University. In a June 12 news story, one administrator de-

scribed the mandatory program: "The purpose of the online diversity training system is to provide entering students with the opportunity to gain insights into the way their own cultural, ethnic or racial expectations and experiences influence their interaction with other students, faculty and staff from different backgrounds with whom they come into contact as members of the University community."

In the same news story, a member of the faculty steering committee for the mandatory program stated that the training was created to get students "to confront their own prejudices and areas of misunderstanding" with regard to diversity-related topics. From my personal conversations with administrators and media reports, the planned method of enforcing this requirement is to block students from registering for classes until they complete the training—making it mandatory in the strictest sense of the word. Thus, with the backing of administrative power to force people to attend them, whatever views are included in this particular mandatory training program will necessarily be privileged over competing views.

Since the co-founding of the IRC at UVA, administrators fortunately have distanced themselves somewhat from the idea of mandatory diversity training. This is due largely to the strong student support that the IRC has garnered, as well as the IRC's articulation of the inadvisability of using administrative power to privilege certain controversial views over others. Issues pertaining to diversity are far too fluid and complex for the Administration to act as if there is an objective truth about them that students can be "trained" to understand. However, top administrators still maintain that such training is under serious consideration at UVA, and plans for the implementation of this program are still under way. Most importantly, the spirit of support for such a program remains strong among many in the UVA community who want to abandon the University's strict focus on liberal arts education in favor of a more extensive political function.

Much of the IRC's opposition to mandatory diversity training at UVA comes from our knowledge of how similar diversity training programs have been implemented at other colleges and universities. In an invasive exercise at Swarthmore College in 1998, students were lined up in their dormitories according to their skin color, from lightest to darkest, and asked to speak about their feelings regarding their place in line. In Skin Deep, a nationally distributed diversity training film, students are summarily informed, "intolerance has once again become a way of life" on America's campuses. The movie's "study guide" goes on to assert dogmatically the necessary and proper role of racial preferences in higher education, the undeniable problem of white privilege, and the need for students to fight against the "internalized oppression" that lurks within each of them.

In another widely used training film titled Blue Eyed, a diversity trainer by the name of Jane Elliott spends a day abusing and ridiculing a group of blue-eyed men and women in order to teach viewers a lesson about the nature of oppression and the plight of racial minorities in American society. She forces them to sit on the floor, yells at them incessantly, and reminds them, "You have no power, absolutely no power . . . quit trying." After viciously pushing one sullen blue-eyed individual to the brink of tears, Elliott announces, "what I just did to him today Newt Gingrich is doing to you every day . . . and you are submitting to that, submitting to oppression." To get her message across more clearly, she proclaims, "I'm only doing this for one day to little white children. Society does this to children of color every day." As a prescription for this supposed problem, the written guide accompanying the movie baldly states, "It is not enough for white people to stop abusing people of color. All U.S. people need a personal vision for ending racism and other oppressive ideologies within themselves." The point of the film is clear: America is an unbearably racist society, dominated by sinister forces of oppression that can only be overcome by sweeping institutional changes. Instead of being treated as viable topics for free debate, claims like these are now the regular subject of "training" sessions at universities across the country.

At UVA, administrators themselves typically do not take the initiative to conceive and implement illiberal policies and programs. Rather, they often implement such programs under significant pressure from vocal student groups who champion so-called progressive causes. UVA administrators by and large constitute an extremely risk-averse and reactive body. They are careful to avoid criticism at almost any expense, as they have their own careers to look after. Thus, on any given issue, they have proven themselves with great reliability to take whichever side seems least likely to generate negative publicity for them. When high-profile incidents occur relating to racial or ethnic insensitivity, administrators are harshly accused of inaction and failure to provide a welcoming community for minority students. In order to deflect such criticism, they readily accede to radical demands from student groups offering drastic solutions to the University's alleged problems. As a result, administrators can be trusted to defend individual rights and academic integrity only to the

extent that they perceive such defense will grant them favor in the eyes of the University community and of society at large.

Further, from my experience, the overwhelming majority of administrators at UVA could be described as either left or far left on the political spectrum. Regardless of the reason for this, it translates simply into a greater danger of administrative power being used for partisan ends. This is not due to some innate ambition for power inherent in their political views—the same problem would arise under a solidly conservative administration. The problem is simply that when administrators all think in roughly the same way about certain political issues, they seem less likely to recognize certain programs as wrongly viewpoint—discriminatory, and more likely to view such efforts simply as instruments of social justice and positive change.

Thus, two relevant features describe administrators at UVA: First, they are highly susceptible to pressure from groups who pose a legitimate threat of career-damaging criticism. And second, they are somewhat pre-disposed to sympathize with requests for administrative action on behalf of a particular political ideology.

At UVA, "diversity" is the focus of an amazing amount of attention. All too often, though, it is discussed only in terms of the superficial characteristics of students and faculty. Differences in race, ethnicity, and gender are praised and sought after with great fervor, but significantly less attention is given to the intellectual diversity of the University community. This problem is exacerbated by the efforts of some who seek to shape the University into a vehicle for social change as opposed to an impartial guardian of the liberal arts. To these people, vibrant intellectual diversity is not so much a boon to the development of the mind as it is an obstacle to the achievement of political ends.

If liberal arts education is to be preserved at UVA, freedom of speech and freedom of thought must be firmly secured. Students and faculty must feel confident in their ability to enjoy the full protection of their free speech rights as accorded by the First Amendment of the Constitution. The University Administration must also refrain from implementing any form of mandatory "training" that seeks to direct or control students' thinking on controversial social issues. For higher education to maintain its integrity, it must be treated not as a means to any political end, but as an invaluable end in and of itself.

PREPARED STATEMENT OF STANLEY ROTHMAN

I would like to thank the Chairman, Senator Gregg, the Ranking Minority Member Senator Kennedy, and the other members of the Senate Committee on Health, Education, Labor and Pensions for the opportunity to submit this statement.

For purposes of identification, Stanley Rothman is Mary Huggins Gamble Professor of Government Emeritus at Smith College, and the Director of the Center for the Study of Social and Political Change. He received his Ph.D. in Government from Harvard University. He is the author, co-author or editor of 18 books including European Society and Politics (1970), Roots of Radicalism (1982) and The Media Elite (1986). His more recent books include American Elites (1996), Hollywood's America: Social and Political Themes in Motion Pictures (1996) and Environmental Cancer: A Political Disease? (1999). The Least Dangerous Branch? Social and Political Consequences of Judicial Activism was published published in the fall of 2002.

Professor Rothman is also the author, or co-author, of over 140 articles in professional and popular journals. Most of his work in recent years has dealt with various leadership groups in the United States and their role in social change. He has emphasized the role of individuals and groups who help define cultural values.

THE 1999 ACADEMIC STUDY SURVEY

The 1999 Academic Study Survey provides data on ideological attitudes of American and Canadian faculty, students and Administrators. This American faculty random sample consists of 1520 faculty members drawn from 140 universities and colleges in the US. The sample is stratified by institution type according to the Carnegie classifications of Doctoral, Comprehensive, and Liberal Arts schools. The survey was conducted for professors Seymour Martin Lipset, Neil Nevitte and Stanley Rothman in 1999 by Angus Reid (now Ipsos-Reid), a survey research firm. Response rate among faculty was 72 %. Professor Rothman is the director of the study

IDEOLOGY OF US FACULTY

The 1999 Academic survey shows that ideological orientation of the US faculty is significantly tilted to the left. Half (50 %) of American professors identify with the Democrats, a third (33 %) call themselves independent, while a tenth (11 %) of the

faculty respondents identify with the Republicans. Similarly, a much higher percentage of faculty members describe their own ideology as "left" than "right" (72 and 15 %). The rest (14 %) regard themselves as holding middle of the road views. (Table 1).

IDEOLOGICAL SELF-IDENTIFICATION OF FACULTY BY ACADEMIC FIELDS AND DEPARTMENTS

The 1999 Academic Study Survey shows large differences in ideological orientation of the faculty by academic fields and disciplines. Faculty members in the humanities and the social sciences are the most supportive of left of center ideology and the Democratic Party. Eighty one percent of professors in the humanities and 75 % in the social sciences identify their views as strongly or moderately left, while only 9 % of respondents in these two fields hold strongly or moderately conservative views. Sixty two percent of professors in the humanities and 55 % in the social sciences identify with the Democratic Party compared to 6 and 7 % who identify with Republicans. Although the science and math faculties, and professors of business, and medicine are more likely to identify with the right than their counterparts in the humanities and the social sciences, supporters of right-wing ideological views and the Republican party in these fields are also in the minority. (Table 2).

Similar differences exist among academic disciplines. For example, 88 % of professors of English, 84 % of faculty in theater, drama and dance departments, 83 % of professors in fine arts, 81 % of political scientists, 80 % of philosophers, and 77 % of sociologists and historians express strongly or moderately left leanings. In contrast, only 2 % of political scientists, 3 % of professors of English, 5 % of philosophers, 8 % of professors in fine arts, 9 % of sociologists, 10 % of historians, and 17 % of faculty in theater, drama and dance departments embrace right of center views. The remainder of the respondents identify themselves as middle-of-the-road. (Table 3).

Left self-identification is less prevalent among faculty in business schools (49 %), engineering (51 %), economics (54 %), chemistry (64 %), physics (66 %) and mathematics (69 %). Comparatively higher proportions of faculty, but still the minority, in these disciplines express moderately right or strongly conservative views. This applies to faculty in business schools and economics departments (39 %), chemistry (29 %), engineering (19 %), and to lesser extent, to faculty in mathematics (17 %), and physics (11 %). (Table 3).

Similar pattern characterizes support for political parties. For example, three-fifths i.e., 59 % of sociologists, prefer the Democratic Party compared to 0 % who prefer the Republican Party. Analogous patterns of party preferences characterize political scientists (58 and 8 %), historians (70 and 4 %), philosophers (62 and 11 %), psychologists (63 and 7 %), linguists (64 and 2 %), and faculty in the departments of English (69 and 2 %), education (55 and 7 %), music and musicology (56 and 6 %), theater, drama, and dance (63 and 2 %), fine arts (55 and 4 %), and mass communications (52 and 3 %). This contrasts with support for Democratic and Republican parties by the faculty in business (26 and 26 %), agriculture (31 and 24 %), nursing (32 and 26 %), chemistry (41 and 25 %), engineering (34 and 13 %), and computer science (43 and 21 %). (Table 4).

COMPARISON OF FACULTY WITH OTHER LEADERSHIP GROUPS

A comparison of ideological attitudes of faculty in the 1999 Academic Study Survey with the ideological orientation of other elite groups in the 1995 Elite Survey shows that academics are more liberal than most other elites, many of which are more liberal than the general public.[1] The two surveys asked the same questions on a number of political and social issues. Because responses to questions on each of these issues were closely related, political and social ideology indexes were created by means of factor analysis from a combined sample of the faculty and administrators in the Academic Study Survey and elite groups in the Elite Survey. Index scores were standardized at the mean of 100 and standard deviation of 10. A higher score signifies more liberal attitudes.

The political ideology index is derived from questions dealing with the government role in ensuring that everyone has a job, reducing the income gap between rich and poor, and attitudes towards competition, and views of the relative impor-

[1] The 1995 Elite Survey was based on random samples of the following elite groups in the United States: bureaucrats, business leaders, federal judges, lawyers, media, religious leaders, and TV/Movie makers. The sample size was over 1900. For details, see Rothman, Stanley and Amy Black. "Elites Revisited: American Social and Political Leadership in the 1990s." International Journal of Public Opinion Research 11 (2), 1999, pp. 169-195.

tance of freedom and equality.[2] The social ideology index is created from questions on a woman's right to decide whether or not to have an abortion, attitudes toward a couple living together without intending to get married, and whether homosexuality is as acceptable a lifestyle as heterosexuality.

On the political ideology index, the faculty (101.89) is more liberal than the business elite (90.72), judges (95.68), lawyers (96.50), and bureaucrats (96.53), but professors, taken as a whole, are more conservative than media elites (103.10). Political ideology of faculty, as measured by this index, is close to ideological preferences expressed by religious elite (101.92), and TV and movie elites (100.35). On the social ideology index, faculty (101.67) is more liberal than religious elites (87.59), judges (95.68), business elites (98.00), lawyers (100.42), and bureaucrats (100.74) but more conservative than media elite (105.39) and TV and movie elites (106.11). (Table 5). Once again the views of academics in the humanities and the social sciences are considerably further to the left. On the political ideology index they are further to the left than any other group in either study (1.03.56; 104.45). On the social ideology index (104.57; 104.34) they are only outpaced by the media and Hollywood elites), but are far to the left of any other group in either sample.

CHANGES IN IDEOLOGICAL ORIENTATION

A comparison of the 1999 Academic Study Survey with previous surveys of American faculty indicates a significant shift to the left, but one should note that differences in question wording may have affected survey results. The 1969 Carnegie Commission on Higher Education Survey revealed that 45 % of faculty classified their political views as left or liberal, 27 % as middle of the road, and 28 % as moderately or strongly conservative.[3] The 1975 Carnegie Commission Survey and the 1984 Carnegie Foundation for the Advancement of Teaching Survey showed only minor ideological changes. The left and liberal faculty members constituted 41 % in 1975 and 40 % in 1984. Twenty-eight and 27 % of the respondents occupied middle of the road positions, 31 and 34 % of the faculty identified their views as moderately and strongly conservative.[4] As noted, 72 % of the faculty respondents in the US in 1999 placed themselves on the left of the 10 point ideological scale, compared with 14 % in the middle and 15 % on the right.

The data on political party identification show a similar shift to the left. Half, 50 % of faculty in the 1999 Academic Study Survey, compared to 37 % in the 1972 Ladd/Lipset Survey, described themselves as Democrats. The proportion of Republicans was 11 % in 1999 and 13 % in 1972, while the proportion of independents declined from 49 % to 33 %.[5]

[2] The political ideology index for the Elite Study does not include question on competition.

[3] Ladd, Everett Carl and Seymour Martin Lipset. The Divided Academy: Professors and Politics. Mc Graw-Hill Book Company, 1975, p. 369.

[4] Hamilton, Richard F. and Lowell L. Hargens. "The politics of the professors: self-identifications, 1969-1984." Social Forces 71(3), 1993, p. 608.

[5] Ladd and Lipset, pp. 223-224. We find that self professed Democrats are more liberal than self professed independents on on both the political (104.82 vs 99.90) and social (105.30 vs 100.54) ideology scales.

Table 1. Political party and left-right identification of the faculty, 1999 Academic Study Survey, percent

Generally speaking, do you think of yourself as a Republican, a Democrat, an Independent, or do you have some other political affiliation?	Political Party identification
Republican	11
Democratic	50
Independent	33
Other	5
D/K/N/S	1
Total	100
N	1643
How would you place your views on this scale, generally speaking – where 1 means "very Left" and 10 means "very Right"?	Left-right self-identification
Strongly Left	18
Moderately Left	54
Middle-of the-road	14
Moderately Right	12
Strongly Right	3
Total	100
N	1026

Note: Percentages may not add up to 100 percent due to rounding.

Table 2. Ideological orientation of the faculty by field, 1999 Academic Study Survey, percent

	Social Sciences	Humanities	Sciences & Math	Other
Left-right Self-identification				
Strongly Left	22	21	15	13
Moderately Left	53	60	54	48
Middle-of the-road	16	11	12	17
Moderately Right	8	7	16	17
Strongly Right	1	2	3	4
Total, percent	100	100	100	100
N	219	314	191	302
Political Party Identification				
Republican	7	6	14	16
Democratic	55	62	45	40
Independent	30	27	36	38
Other	6	5	5	4
D/K/N/S	1	0	0	2
Total, percent	100	100	100	100
N	289	449	339	566

Note: Percentages may not add up to 100 percent due to rounding.

Table 3. Ideological self-identification of the faculty in the US by department, 1999 Academic Study Survey, percent

Department	Strongly Left	Moderately Left	Middle-of the road	Moderately Right	Strongly Right	N
Sociology	25	52	14	5	4	47
Political Science	25	56	17	2	0	55
Philosophy	28	52	15	5	0	21
English	32	56	10	3	0	72
Education	22	39	11	23	6	52
History	23	54	14	9	1	48
Economics	9	46	6	35	4	25
Business	5	44	12	24	15	56
Social work	30	53	17	0	0	11
Nursing	0	53	6	41	0	12
Theology/Religious studies	8	75	12	5	0	18
Linguistics	23	42	24	10	1	37
Psychology	14	70	9	6	2	53
Communication	21	49	17	13	0	21
Music/Musicology	5	69	19	5	3	25
Theater/Drama/Dance	10	74	0	7	10	20
Fine arts (e.g. painting)	22	61	9	3	5	22
Arts (unspecified)	49	25	13	9	5	21
Arts & Sciences (unspecified)	35	43	10	12	0	17
Sciences (unspecified)	23	38	21	17	0	11
Mass communications (e.g. journalism)	11	67	11	11	0	15
Mathematics	11	58	14	17	0	20
Physics	3	63	24	11	0	20
Chemistry	18	46	8	26	3	30
Engineering	2	49	30	19	0	44
Geography	34	29	24	13	0	12
Biology	15	60	8	17	0	34
Geology	0	93	0	7	0	12
Computer science	10	64	0	26	0	24
Other[1]	17	54	16	10	3	145
DK/NS	18	60	15	3	4	24

[1] Departments with 10 or less faculty members are included into other.

Table 4. Political party identification of the faculty by department, 1999 Academic Study Survey, percent

Department	Republican	Democrat	Independent	Other, D/K, N/S	N
Sociology	0	59	32	9	61
Political Science	8	58	30	5	67
Philosophy	11	62	21	6	26
English	2	69	22	7	87
Education	7	55	33	6	88
History	4	70	22	4	62
Economics	17	36	32	15	44
Business	26	26	40	8	101
Agriculture	31	24	45	0	22
Nursing	26	32	35	7	32
Theology/Religious studies	16	49	35	0	26
Linguistics	2	64	26	8	53
Psychology	7	63	25	5	68
Communication	16	34	41	10	31
Music/Musicology	6	56	35	3	53
Theater/Drama/Dance	2	63	30	6	31
Fine arts (e.g. painting)	4	55	41	0	36
Arts (unspecified)	6	46	39	9	39
Arts & Sciences (unspecified)	8	51	32	9	23
Sciences (unspecified)	9	33	39	18	18
Mass Communications (e.g. journalism)	3	52	45	0	24
Speech communication	9	67	24	0	11
Mathematics	15	43	34	8	49
Physics	5	48	38	9	37
Chemistry	25	41	32	2	52
Engineering	13	34	48	5	90
Geography	7	33	53	7	14
Biology	13	56	26	5	59
Geology	7	54	34	5	16
Computer science	21	43	29	7	44
Other[2]	12	54	30	4	172
DK/NS	16	44	35	5	37

[2] Departments with 10 or less faculty members are included into other.

Table 5. Political attitudes of faculty and elite groups in the United States, the 1999 Academic Study Survey and the 1995 Elite Survey

	Political Ideology Index	Social Ideology Index
Faculty	101.89	101.98
Faculty by field		
Social Sciences	103.56	104.57
Humanities	104.45	104.34
Sciences & Math	100.06	100.49
Other	100.15	99.69
Elite groups		
Bureaucrats	96.53	100.74
Business	90.72	98.00
Judges	95.68	95.68
Lawyers	96.50	100.42
Media	103.10	105.39
Religion	101.92	87.59
TV/Movie	100.35	106.11

Note: Percentages may not add up to 100 % due to rounding.

STATEMENT OF THE AMERICAN JEWISH CONGRESS

The American Jewish Congress (AJCongress) is a membership organization of American Jews with members throughout the United States. It is committed to protecting fundamental constitutional freedoms and American democratic institutions, particularly the civil and religious rights of Jews and of all Americans. It is also committed to advancing the security of the State of Israel and to supporting its search for peaceful relations with its neighbors in the region.

In the implementation of this mandate, AJCongress has always been particularly concerned with issues involving the education of America's youth. It has taken strong positions with respect to issues of equality in schools, separation of church and state, and in recent years, the problem of anti-Semitism and anti-Zionism on college campuses. Through our interest in the latter subject we have been made aware of the problems of bias and distortion in certain K-12 teacher outreach programs emanating from Mid-East area and language studies centers funded by Title VI of the Higher Education Act.

Our own investigation revealed that anti-American and anti-Israel bias permeated materials distributed at Title VI funded teacher workshops conducted by Mid-East centers at the University of California at Santa Barbara; Connecticut Central State University; and Georgetown University. And we have become aware of the criticism of Title VI programs by such knowledgeable critics as Stanley Kurtz, Martin Kramer and Daniel Pipes.

To further our investigation of these outreach programs, AJCongress sought, through a Freedom of Information Act request, copies of the reports sent by the Title VI funded Mid-East centers to the Department of Education concerning their activities. Our examination of many hundreds of pages of these reports showed that the Department of Education was given detailed information about the place, time, subject, title and number of attendees at outreach activities. However, no information was requested or given as to the content of these programs. Thus, the Department of Education has no way of assessing whether the K-12 teacher workshops it

is funding give a fair, historically accurate and balanced view of the subjects presented and thus fulfill the statutory purposes of providing not only language instruction, but "full understanding of areas, regions and countries in which such language is commonly used."

When AJCongress realized not only that the funded programs lacked accuracy and balance but that the criteria employed by the DOE did not even include these qualities as a basis for selection, we filed the attached Petition. The Petition asks the Department of Education (DOE) to amend the criteria they employ in awarding funds to Title VI grantees. It gives examples of the bias and distorted anti-American and anti-Israel materials distributed in some of these Title VI funded programs. It also requests that DOE require that in considering grant proposals its reviewing readers "determine the extent to which the teaching faculty and staff [of the grantee] represent the full range of scholarly and political views on the subjects taught," and the "extent to which the content of the courses and materials are objectively presented without bias and reflect the full range of political and scholarly views on the subject taught."

This suggested change in the selection criteria is clearly in accord with DOE's responsibility to only fund grantees that will fulfill the purposes of the authorizing statute. The Higher Education Act of 1965 reflected Congress' belief that "systematic efforts [were needed] to enhance the capacity of institutions of higher education in the United States to not only produc[e] graduates with international and foreign language expertise" but to "disseminate information about world regions, foreign languages and international affairs throughout education . . . government, business, civic and nonprofit sectors."

Based on this finding and these purposes, the Secretary is authorized to make grants to national language and area studies centers which shall be national resources for "teaching of any modern foreign language" and for "instruction in fields needed to provide full understanding of areas, regions or countries in which such language is commonly used." Clearly, if the information disseminated in teacher workshops is inaccurate, biased, distorted and does not reflect all political and scholarly views, the workshops are not fulfilling their statutory purpose of providing "full understanding" and DOE is without power to, and should not fund, such programs.

Nevertheless, officials of the Department of Education have told AJCongress informally that they believe the Department is without power to influence the content of any of the Title VI funded programs. Despite having received from us additional evidence of anti-American and anti-Israel propaganda in a more recent Title VI program, the Department has yet to send AJCongress a formal reply to our petition requesting amendments to the Title VI selection requirements.

This state of affairs makes clear, and the House of Representatives in enacting H.R. 3077 appears to agree, that Title VI of the Higher Education Act requires significant amendment.

Title VI grantees must be put on notice of what their responsibilities are under the statute. Clearly, DOE is now remiss in its duty to properly implement and administer the statute when it fails to require accurate and balanced material and presentations at the teacher workshops, and if fails to monitor the presentations and materials developed for the workshops to assure that the grantees are fulfilling the statutory purpose. Surely, the role of the Department of Education with respect to Title VI K-12 outreach programs is not merely to count how many teachers attend and how many speeches are made to the community, and then just send money.

Neither academic freedom nor respect for local control of education compels DOE to be a passive conduit of federal monies funding anti-American and anti-Israel propaganda. Whereas at one time K-12 education was the sole province of state and local governments, that day is long past. The Bush Administration prides itself on enacting the "No Child Left Behind Act," whose myriad regulations concerning teacher quality, accountability, test scores improvement and extra help for needy students must be observed as a condition for obtaining federal funds. That same Administration cannot in good conscience continue to claim it may not monitor the use of federal funds to achieve balance and accuracy in K-12 teacher workshops dealing with international affairs.

We urge the Committee to pass legislation to amend Title VI to assure, as the House enacted bill does, that courses and instructions for K-12 classrooms be "representative of a full range of views on the subject matter." We also urge that there be a general requirement that the Secretary of Education, in making and evaluating grants t language and areas centers, must consider whether they are presenting "diverse perspectives" and are reflecting the "full range views on the subject matter."

Finally we urge the Committee to provide oversight and accountability for the Title VI programs through the creation of an advisory board.

Thank you for the opportunity to offer these views.

AMERICAN JEWISH CONGRESS,
NEW YORK, NY 10028,
March 10, 2003.

Hon. RODNEY PAIGE,
Secretary of Education,
U.S. Department of Education,
Washington, DC 20202-0100.

CITIZENS PETITION

RELIEF REQUESTED

The American Jewish Congress ("Petitioner") petitions the Secretary of Education ("Secretary") under 5 U.S.C. §553(e) and 20 U.S.C. §1232(d), the General Education Provisions Act, to amend the selection criteria required to be employed by the Secretary in evaluating an application for a grant to fund comprehensive National Resource Centers authorized under Section 602 of the Higher Education Act as amended, 20 U.S.C. §1122.

Thirty-four C.F.R. §656.21(b) authorizes the Secretary in evaluating such an application to make certain determinations as to the qualifications of teaching faculty and staff for Center activities and training programs. Petitioner seeks to amend this regulation to require that the Secretary in making this determination also "determine the extent to which the teaching faculty and staff represents the full range of scholarly and political views on the subjects taught." Petitioner also seeks an amendment to 34 C.F.R. §656.21(f)1, which already grants points based on the quality of the Centers' non-instructional program and extent of the Centers' course offerings in a variety of disciplines, to require that the Secretary also consider "the extent to which the content of the courses and materials are objectively presented without bias and reflect the full range of political and scholarly views on the subjects taught."

STATEMENT OF INTEREST

The American Jewish Congress is a membership organization of American Jews committed to the protection of American constitutional rights and liberties and to the well-being of the State of Israel.

REASONS FOR REQUESTING AMENDMENTS

Petitioner seeks these amendments to the Secretary's criteria for making grants to National Language and Area Centers Program because of persistent reports and persuasive documentary evidence which we believe to be true that at least some centers, particularly centers devoted to the study of the language and culture of the Middle East, have conducted outreach programs for teachers of primary and secondary schools that have been biased, and lacked balance and academic rigor. See Stanley Kurtz, Anti Americanism in the Classroom, Hudson Institute OnLine, page 1, May 16, 2002, concerning the Center for Middle East Studies at the University of California; Maryellen Fillo, Mideast Course Gets Mixed Reviews, Hartford Courier, page 12, August 3, 2002, concerning Central Connecticut State University Middle East Summer Institute; Leonard Felson, State Auditors to Review Process That Led to Funding of Controversial Program on Mideast, The Jewish Ledger, November 24, 2002, concerning Central Connecticut State University; Martin Kramer, Ivory Towers on Sand, passim, concerning Middle East Centers generally.

While Petitioner recognizes that with respect to controversial aspects of the curriculum there may not be any one accepted view, with respect to such subjects, it is particularly important that the diversity of perspectives be presented and that all academically supportable sides of a disputed subject be set forth as fairly and dispassionately as possible. Our own examination of the materials distributed in the various Outreach Programs for Middle School and Secondary School teachers funded under Title VI indicate that this appears not to be happening in many workshops. In other instances, some elements of the curriculum materials distributed do not meet the test of academic or intellectual rigor since they are not supported by credible facts.

University of California at Santa Barbara

In the materials distributed in connection with a teachers workshop entitled "The September 11 Crisis: A Critical Reader," held by the Middle East Studies Center,

University of California, Santa Barbara on October 13, 2001, there are at least five articles (Attachment A) that in the guise of supposedly explaining the "cause" of the 9/11 disaster contain "explanations" that are inaccurate, and contain significant amounts of anti-Israel and anti-United States bias. The piece by Aruhndati Roy, The Algebra of Infinite Justice, is typical. She writes:

For strategic, military and economic reasons, it is vital for the US government to persuade its public that their commitment to freedom and democracy and the American Way of Life is under attack. In the current atmosphere of grief, outrage and anger, it's an easy notion to peddle. However, if that were true, it's reasonable to wonder why the symbols of America's economic and military dominance-the World Trade Centre and the Pentagon-were chosen as the targets of the attacks. Why not the Statute of Liberty? Could it be that the stygian anger that led to the attacks has its taproot not in American freedom and democracy, but in the US government's record of commitment and support to exactly the opposite things-to military and economic terrorism, insurgency, military dictatorship, religious bigotry and unimaginable genocide (outside America)? It must be hard for ordinary Americans, so recently bereaved, to look up at the world with their eyes full of tears and encounter what might appear to them to be indifference. It isn't indifference. It's just augury. An absence of surprise. The tired wisdom of knowing that what goes around eventually comes around. American people ought to know that it is not them but their government's policies that are so hated.

The September 11 attacks were a monstrous calling card from a world gone horribly wrong. The message may have been written by Bin Laden (who knows?) and delivered by his couriers, but it could well have been signed by the ghosts of the victims of America' old wars. The millions killed in Korea, Vietnam, and Cambodia, the 17,500 killed when Israel-backed by the US-invaded Lebanon in 1982, the 200,000 Iraqis killed in Operation Desert Storm, the thousands of Palestinians who have died fighting Israel's occupation of the West Bank. And the millions who died, in Yugoslavia, Somalia, Haiti, Chile, Nicaragua, El Salvador, the Dominican Republic, Panama, at the hands of all the terrorists, dictators and genocidists whom the American government supported, trained, bankrolled and supplied with arms. And this is far from being a comprehensive list. [1]

The materials distributed at the Santa Barbara October workshop contain no articles giving the more conventional, and, we believe, clearly accurate, explanation for Bin Laden's attack on the World Trade Center.

Even where effort is made to provide some balance, as in the case of the alleged massacre at Deir Yassin during the 1948 Arab Israel War, nine pages are devoted to a so-called "eyewitness account" which supports the Palestine version, as compared to two pages devoted to the Israeli version. [2] (Attachment B)

Resource materials and readings distributed by this same Middle East Center in connection with a workshop on the Israel/Palestine Conflict held June 18-21, 2002 are similarly biased, with no real attempt to convey the diversity of views on this controversial subject. For example, the materials treating the 1948 Arab-Israeli conflict, particularly the reasons for the exodus of Arabs from their villages in 1948 adopt without reservation the controversial position of the "revisionist" Israeli historians (Attachment C). These historians conclude, in contradiction to the accepted Israeli view that the Arab villagers left voluntarily that (1) there was no blanket order for Palestinians to evacuate their homes and villages; (2) there were efforts by Arab leaders to stem the exodus; and (3) there was evidence of direct, hostile Jewish Haganah/IDF operations against Arab settlements, although it was not official Israeli policy to drive the Arabs out, though it did fit in with their plans and made it easier to settle more Jews on the land.

The essays of the two Israeli historians included in the distributed materials adopt this new revisionist history approach and set forth the traditional Israeli view that the Israelis did not try to drive the Palestinians out only to attack it. The piece by the Palestinian historian attacks even these revisionist pieces and suggests that the evidence of the new historians that the Israelis sometimes used force or "nudged" the Palestinians to leave was, in fact, evidence of a pre-ordained de facto forcible transfer policy of the Israelis in 1948. In short, evidence of only one version of a sharply contested event is given.

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[1] Arundhati Roy, The Algebra of Infinite Justice, Guardian, Saturday September 29, 2001, included in The September 11 Crisis: A Critical Reader, prepared for "the September 11 Crisis and Teaching Our Children: A Workshop for K-12 Teachers," hereinafter "Reader."

[2] Dr. Meir Paul, Dr. Ami Isseroff, Deir Yassin, Mier Paul's Eyewitness Account (attached), presented by Peace Middle East Dialog Group in "Reader" and Mitchell G. Bard, Myths and Facts: A Guide to the Arab Israeli Conflict, p. 172 (2001) (attached).

Other materials distributed as part of this June 2002 course (Attachment D) emphasize that Israel established a military administration to govern the Palestinian residents of the occupied West Bank and Gaza denying basic political rights and civil liberties and criminalizing Palestinian nationalism and even punishing acts of non-violence.[3] This treatment makes no distinction between the time before and after the first and second Intifadas when the Israelis suffered increasing acts of terrorism coming from the territories and responded more harshly as the terrorist acts increased.

Other historians not represented in the workshop materials state that

early in the Israeli occupation Israeli authorities did try to minimize the impact on the population in the territories. Except for requirements that school texts in the territories be purged of anti-Israel and anti-Semitic language, the authorities tried not to interfere with the inhabitants. They did provide economic assistance, for example to Palestinians in the Gaza Strip who were moved from camps to new homes. Arabs were given freedom of movement. They were allowed to travel to and from Jordan. In 1972 elections were held in the West Bank. Women and non-landowners, unable to participate under Jordanian rule, were now permitted to vote.[4] After the six day war the traditional pro-Jordanian leadership continued to hold many civil service positions and were paid by Jordan. Israel also attempted to shift increasing responsibilities from the military to civilian administrations and to Palestinians.

Efforts to give Palestinians greater responsibility for their affairs were undermined by the Intifada. During the uprisings Palestinian Arabs who worked to cooperate with Israel came under attack and were silenced either through intimidation or murder.

Israeli law prohibits arbitrary arrest of citizens; defendants are considered innocent until proven guilty and have the right to writs of habeas corpus and other procedural safeguards. Some prisoners, particularly Arabs suspected of terrorism, were interrogated using severe methods that have been criticized as excessive by many Israelis as well as others.

Israel's Supreme Court issued a landmark ruling in 1999 prohibiting the use of a variety of abusive practices, including violent shaking, painful shackling in contorted positions, sleep deprivation for extended periods of time and prolonged exposure to extreme temperatures. The death penalty has been applied just once, in the case of Adolph Eichman, the man largely responsible for the "Final Solution." No Arab has ever been given the death penalty, even after the most heinous acts of terrorism. Under law which Israel inherited from the British, administrative detention is permitted under certain circumstances, in security cases involving violent offenders the detainee is entitled to counsel and may appeal to the Supreme Court.[5]

None of this is presented in the materials distributed at the Santa Barbara teachers' workshops. On the contrary, they present an unrelentingly bleak and exaggerated picture of the treatment of the Palestinians by the Israelis which is far from the reality of that complex and changing relationship marked by Israel's willingness to engage in self-examination and self-criticism. The materials state:

Hundreds of Palestinian political activists have been deported to Jordan or Lebanon, tens of thousands of acres of Palestinian land confiscated and thousands of trees have been uprooted. Since 1967 over 300,000 Palestinians have been imprisoned without trial, and over half a million have been tried in the Israeli military court system. Torture of Palestinian prisoners has been a common practice since at least 1971, and dozens of people have died in detention from abuse or neglect.[6]

This, we submit, is on a par with the now discredited and disproved accounts of alleged Jewish massacres in the Palestinian city of Jenin. There are other evidences of bias too numerous to mention in the rest of the Beinin, Haggar materials presented in the workshops. Samples are annexed to this Petition.

Central Connecticut State University

Materials recently received relating to a federally funded Middle East Studies Summer Institute for Teachers evidences similar bias. Attached are numerous published articles and letters in Connecticut newspapers and journals attesting to the one-sided nature of the presentation there (Attachment E).

Our information is that similar biased programs have been presented at other centers. As we obtain more material we will forward it, but we feel we have pre-

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[3] Joel Beinin, Lisa Hajjar, Palestine, Israel and the Arab-Israeli Conflict, pp. 8-9, produced online by the Middle East Research and Information Project.

[4] Mitchell G. Bard, Myths and Facts: A Guide to the Arab Israel Conflict, pp. 89-90, Maryland (2001).

[5] Id. at 232-234.

[6] Beinin, Hajjar, supra.

sented enough evidences of bias to warrant the amendments to the regulations we seek.

CONCLUSION

Petitioners believe that in this era of globalization it is essential to the security of the United States that American teachers understand and convey to their students an accurate, complete and unbiased understanding of the history, economics, politics and culture of the various parts of the world far from American shores with which Americans must interface. Petitioners contend that this goal is explicitly spelled out under Purposes of the Act[7] pursuant to which these grants are authorized and that regulations that implement the Act must be designed to help achieve these Purposes. The current regulations fail to do so. As the United States seems poised to go to war in this volatile part of the world, a citizenry informed about the culture, politics and history of this area is particularly important. One way to achieve such a citizenry is to require that the comprehensive foreign language and area studies centers and programs funded by the United States government for the purpose of outreach to the community are staffed by teachers who are qualified and that the materials they present are as objective, accurate and balanced as possible.

Requiring the Secretary to employ selection criteria with these goals in mind will prevent distorted, one-sided and biased presentations and should go far to achieve fairness.

WHEREFORE, the American Jewish Congress respectfully petitions the Secretary to add the suggested new selection criteria to those already set forth in 34 C.F.R. §656.21(b)1 and 34 C.F.R. 656.21(f)1 to assure that the faculties and course offerings at the Comprehensive National Resource Centers funded by the government give their students a fair, historically accurate and balanced view of the history, politics, economics and culture of the areas studied.

Respectfully Submitted,

NEIL GOLDSTEIN,
Executive Director.

[Whereupon, at 3:27 p.m., the subcommittee was adjourned.]

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[7] 20 U.S.C. §1121.