

# The “Crystallizing of a Consensus”:<sup>1</sup> Confronting Visible and Invisible Wars on Post-9/11 Academic Freedom

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## The Post-9/11 Ethos

In a corner of the Oak Grove on the Indiana University of Pennsylvania campus stands a partially crumpled supporting girder from the fallen World Trade Center that now serves as memorial to victims of the 9/11 attacks. The structure resides between the administrative building, Sutton Hall, and the Patrick J. Stapleton Library. The symbolic irony of its spatial positioning between management and knowledge, institutional power and epistemological power, should not be missed, since it resonates as well with the relations between political power and academic freedom. In addition to its myriad symbolic representations, what remains particularly striking about the WTC girder is its very *invisibility*: over the past seven years the structure has lost much of its 9/11-ness and become part of the landscape as industrial garden sculpture. Indeed, the presence of the object reminds us of how a post-9/11 ethos has permeated the university space. Most of us on campus walk by the memorial every day without even blinking,<sup>2</sup> just as most of us at this state-supported university take for granted certain freedoms accorded through collective bargaining agreements between management and faculty. Yet the doubleness is worth noting: that is, the play between the memorial's hulking obviousness and the all-too-often invisible powers of empire in the age of neoconservative politics and neoliberal capitalism. Such critical explorations and the ways in which intellectual activism can be used to confront them are the shared concerns of this volume.

As you will see from the essays that follow, since 9/11 there have been many startling instances where the dominant culture's rhetoric of terrorism and fear have cast a pall over the terrain of academic freedom. Several prominent and often highly controversial cases have reached the national media in the last few years, including those of Ward Churchill, Norman Finkelstein, Sami Al-Arian, Joseph Massad, and Nadia Abu El-Haj, to name but a few.<sup>3</sup> In fact, it was only shortly after the University of Colorado at Boulder (UCB) Board of Regents announced the dismissal of Ward Churchill on the grounds

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of research misconduct in July 2007 that David and I began our work on this special volume of *Works and Days*. Most in academe agree that, because of the open assault on a tenured faculty member and the extramural political premise upon which the UCB review itself was predicated, the Churchill case remains at the time of this writing one of the more visible post-9/11 academic freedom battles of the early twenty-first century (Jaschik n. pag.).

If we accept the premise that September 11 further opened the door to various encroachments upon civil liberties, we can also understand better how the Bush doctrine to “use authority at will” (Chomsky, *Hegemony* 32) is the very same mechanism adopted in the pursuit of Churchill by the New York and Colorado governors, political representatives, and the university regents. While Churchill attempted to respond (however bluntly) to the reverberating “Why do they hate us?” in the aftermath of 9/11, “the country failed to engage in a serious, sustained, deeply probing examination of the possible answers to that question” (West, *Democracy* 12).<sup>4</sup>

Rather than engage in critical inquiry of domestic or foreign policies, the Bush administration instead armed itself with a political license to squelch critiques deemed unpatriotic and/or as terroristic threats to national security. As some contributors to this volume address in detail, de facto reflection of post-9/11 state policy radiated from an array of media sources. The UCB Investigative Committee review of Churchill’s scholarly record makes this point clear: The corporatized media, *not the academy*, were permitted to steer the debate on academic freedom toward the ideological.<sup>5</sup> As with other examples of orchestrated censorship, privately owned news outlets found themselves in tandem with the government, willing and “able to block out, eliminate whatever might introduce qualification, ambiguity, or dialogue—anything that might weaken or complicate the holistic force of their creation, of its *total* impression” (Wolin 2; emphasis in original). Thus the political reality of American universities was temporarily altered alongside the changing face of democracy. The structural shift has largely resulted in chickens of a different order coming home to roost in the political unconscious.<sup>6</sup> In hindsight, among the many teachable moments presented to us by the Churchill case—as with Finkelstein, Al-Arian, Massad, El-Haj, and others—we learned most importantly that in today’s world, and the post-9/11 university particularly, “[t]elling the truth is controversial—people don’t like to hear it” (Chomsky qtd. in *American Radical*).<sup>7</sup>

There is in fact a disturbing contemporary parallel between state policy and academic freedom, a feedback loop of low-intensity conflict evident during the layered procedural hunt for Churchill’s dismissal.<sup>8</sup> In an unforeseen way, Norman Finkelstein’s remarks on the “crystallization of a consensus” referred to in the title of this introduction (and made several years before his tenure bid with DePaul—see note 1) point to the often unseen hand of the political in the academic, the subtle behind-the-scenes forces that manipulate discourse, elicit censor/censure, and co-opt the production of knowledge.<sup>9</sup> Just as the “Bush administration took advantage of the tragedy of 9/11 by adopting and justifying [policies] that blatantly privileged security over freedom” (Giroux, *The Terror* 2), similarly,

we find that new policies of repression (and terror) have entered the university, affecting academic tolerances in ways that are generally seen as being more severe than during pre-9/11 conditions.<sup>10</sup> With increased surveillance taking place in American cities almost immediately after September 11, FBI agents as well began revisiting the nation's campuses in a Cold War-styled regimen of interviewing researchers and scrutinizing their activities.<sup>11</sup> Essentially, 9/11 provided points of entry for governmental and academic administrations to justify manifold *casus belli*, overt and covert, visible and invisible, here and abroad. Consider that since the USA PATRIOT Act—a piece of legislation “virtually unique among federal statutes” in that it “was adopted without any hearing in any committee of Congress”—various kinds of antidemocratic legislation have since begun to invoke Orwellian extremes (Chemerinsky qtd. in *Lockdown* n. pag.).<sup>12</sup>

After the initial passage of the PATRIOT Act (October 26, 2001, and renewed as PATRIOT Act 2 on March 9, 2006), further invisible wars on freedom were waged. In an even more aggressive move toward totalitarian authority, HR 5122, otherwise known as the “John Warner Defense Authorization Act of 2007,” was signed into law by Bush on “October 17th, 2006, in a private Oval Office ceremony” to revise both the Insurrection Act (10 U.S.C. 331-336) and the Posse Comitatus Act (18 U.S.C. 1385) (Morales n. pag.). The reworking of such integral pieces of legislation is significant, especially given their long-standing presence in our legal system (since 1807 and 1878, respectively). The two acts are fundamental to democratic freedoms, crucial governmental articles that “helped to enforce strict prohibitions on military involvement in domestic law enforcement” (Morales n. pag.). Moreover, National Security and Homeland Security Presidential Directives such as NSPD-51 and HSPD-20 were passed into law as recently as May 9, 2007, with hardly a whimper from the public or the Congress. Beyond the antidemocratic principles by which such legislation is advanced, what makes these contemporary directives so chilling are not only their historical legacies that go back to the dawn of the Cold War (thereby setting the stage for such a political ethos to diffuse into social and academic realms), but also the veiled intentions embedded in them to consolidate all government power to the executive branch. NSPD-51, or “Executive Order 51” as it is also known, is derived from government continuity plans drafted under the Truman administration and the specter of nuclear war, now since modified by Bush to permit martial law in the wake of any undefined national “catastrophic emergency.” Under this rubric, “which could include a terrorist attack or a natural disaster [. . .]” Bush’s new directive says: “The President shall lead the activities of the Federal Government for ensuring constitutional government” under the aegis of the “unitary executive” (Cohn 6-7).<sup>13</sup>

Could pedagogy, civil disobedience, or the dissemination of ideas deemed “radical” constitute “catastrophic emergency?” Though difficult for some to imagine, it has happened before and in our not-so-distant past.<sup>14</sup> Those of us working in the post-9/11 university would be well-advised to recall that terms like “security” and “terrorism” echo back to the “Red Scare” and bogey of communism, leading some to acknowledge the rise of a New McCarthyism whose “chill is

descending across the country [. . .] frostbiting immigrants, students, journalists, academics and booksellers" (Rothschild 19).<sup>15</sup> Along with political scrutiny paid to "controversial" scholars such as Churchill and Finkelstein, even the passive resistance of librarians refusing to turn over patron records (PATRIOT Act) has resulted in FBI investigation and defamatory "terrorist" labeling.<sup>16</sup> The adoption of post-9/11 terminology is, after all, what allowed David Horowitz to launch his Academic Bill of Rights (ABOR) campaign. (It bears noting here that Horowitz's *FrontPage Magazine* has made a variety of conflation between the left and terror [Horowitz and Perazzo] and imitated government agencies by referring to the American Library Association (ALA) as "a terrorist sanctuary" [Walfield n. pag.].) The amorphousness of national "catastrophic emergency" leads us to answer in the affirmative the question of whether academic freedom can subsequently be viewed as a threat to unitary executiveship. With the alteration of preexisting constitutional checks and balances and the advancement of antidemocratic principles, the U.S. executive branch now has unprecedented authority in the arbitrary ways it chooses to enforce security, define national crises, and/or intercede militarily to "suppress public disorder" and legally protected forms of dissent.<sup>17</sup>

The latest round of civil liberties violations, of distinct concern to academics as well as business persons, involves the random search and seizure of international travelers' (U.S. or non-U.S. citizens') laptops, PDAs, cellphones, and any paper documentation (including conference and meeting notes, etc.), security measures which officials have ambiguously acknowledged as having "long been in place" (Nakashima A1). Initial stories of the policy results were made visible by mainstream media only after "public interest in the matter" in the summer of 2008, months after the passage of legislation in April of that year when "the United States Court of Appeals for the Ninth Circuit ruled that the Customs and Border Protection agency could conduct searches without reasonable suspicion" (Nakashima A1; Bogues A17). Beyond the indiscriminate searches of travelers' personal documentary possessions and data, this new legislation also permits agents under the auspices of the U.S. Department of Homeland Security to seize, copy, and house materials for what the government deems "a reasonable period of time" (Nakashima A1).

As of this writing, the exercising of executive branch privileges continues to push forward, just as political and ideological assaults on academic freedom remain at work in the university.<sup>18</sup> Under such exigencies, the value of the careful scrutiny given these issues by the contributors in this volume cannot be overestimated.

### **Academic Freedom: A Modern Invention**

The concept of "academic freedom" itself is less than a hundred years old, acquiring its modern meaning from the founding of the American Association of University Professors (AAUP) early in the twentieth century. Based on the AAUP's 1915 *Declaration of Principles* (to which we will return shortly), academic freedom "comprises three elements: freedom of inquiry and research; freedom of teaching within the university or college; and freedom of extra-mural utterance

and action" (20). Designed in part to thwart political reinterpretations of "controversial" scholarship (by administrations, donors, and the public), academic freedom was thus originally seen as having pertinence both inside and outside the academy. By establishing academic "zone[s] of protection" and self-regulation for research and teaching, the 1915 *Declaration* also touched on broader freedom of speech issues (Menand "The Limits" 6). But as Louis Menand argues, they "are not the same freedoms; each is designed in furtherance of somewhat differently defined goods" (6). This is an important hermeneutic distinction and one that we should keep close at hand for the balance of the discussion. For it is precisely that these differences exist in their constitutional and academic hemispheres (rendered all the more visible in the post-9/11 university) that academic freedom has been fraught with its own "inherently problematic" meaning (6). By crossing (or, when pushed) into the discourse of democratic freedom, academic freedom has often been subject to extramural attempts to reword university faculty rights wholly in political terms, purely for political ends.

As Norman Finkelstein adroitly draws to our attention in his *Works and Days* essay: "Historically, the great battles over academic freedom in the United States were fought first to free university life from the hold of clerical bias [. . .], economic bias (in particular, corporate interference),<sup>19)</sup> and then political bias (the periodic Red Scares climaxing in McCarthyism [Schrecker])" (Finkelstein, "Civility" 291). To elucidate how such infringements upon academic freedom—in particular, the economic and political—affect the governance of the post-9/11 university and the rights of its professors, we must also look at its deeper roots of formation in the nineteenth century. The two key links to take into account are: (1) the formation of the modern university in America following the first Morrill Land Grant Act of 1862 and (2) the ties between the awakening labor movement and the rise of professionalism. Along with the interpretive distinctions discussed earlier, we should also pay strict attention to the protections of academic freedom and understand them as workers' rights as originally conceived. Like the relations between academic and political freedoms, academic and economic freedoms share a more common trajectory than would otherwise be represented by those who believe an ivory tower emerged fully formed above the many contests of labor (Downing; Newfield).

Prior to the Civil War, most American colleges were sectarian, male-only, and followed a standardized curriculum in mathematics, rhetoric, and classical languages. Neither higher education faculty nor American factory workers enjoyed any kind of sustainable protections. College presidents could hire, fire, and change faculty assignments with as much whim as any corporate CEO. There were also no academic departments. The preservation of established traditions of learning was the order of the day, rather than the cultivation of progressive pedagogy. But all this changed quite rapidly in the late nineteenth century, as departments, professions, disciplines, and the production of new knowledge in large universities transformed higher education and fostered what many now refer to as the "professional-managerial class" or PMC (Ohmann).

With the newly emerging disciplines, faculty were given for the first time the freedom to determine the parameters of knowledge in their fields of expertise independent of religious or politically influenced decisions by administrations. Christopher Newfield has called this development the “divided governance” model of university management, whereby faculty have dominion over the epistemological concerns of knowledge production, and administrations control the financial affairs of the institution. Disciplinary autonomy represented a kind of public knowledge commons, but such a commitment was bound to clash with private religious and political motives. And as we might anticipate in light of our current context, indeed it did.

A cogent illustration lies in Ellen Schrecker’s account of Henry Carter Adams set against a backdrop of the 1886 Chicago Haymarket Riots. Adams held two part-time positions, one at Cornell and another at Michigan. He was a “young, German-trained economist” whose political and economic activism within the academy exemplifies the differences between oligarchical university structures of old and the advances toward collective bargaining and labor unions available to many faculty members today (15). After the anarchist bombing at Haymarket Square, Adams then “gave a major lecture at Cornell denouncing the behavior of the nation’s industrialists,” and following his speech, “the Board of Trustees quietly decided not to reappoint him” (15). Adams later recanted and was awarded tenure, primarily because of this concession. It would be prudent to observe here that the economic and political forces Adams worked against in his time do not appear all that dissimilar to those faced in ours by Churchill (and perhaps even more analogously to the struggles encountered by Finkelstein, Mehrene Larudee, and others, with respect to prevailing controls over tenurability).

The real beginnings of academic freedom discourse had to wait for the famous case of Edward Ross, when in 1900 the esteemed economist “lost his job at Stanford University because Mrs. Leland Stanford didn’t like his views on immigrant labor and railroad monopolies” (AAUP, “History” n. pag.). Among the many influential critics and academics who objected to this blatant abuse of intellectual integrity, John Dewey and Arthur O. Lovejoy became the champions of the need for a new organization and a clear statement of labor protections in the university—that which we now refer to as “academic freedom.” As Randy Martin and Jeffrey Williams explain in greater detail in this volume, the Ross case signifies an adhesion of labor to capital within the modern university, an issue as relevant today as it was nearly one hundred years ago.

Dewey and Lovejoy’s joint efforts led to the formation of the American Association of University Professors (AAUP) and to the drafting of its 1915 *Declaration of Principles on Academic Freedom and Academic Tenure* (originally known as the AAUP *Committee Report on Academic Freedom*), thereby securing—at least for some period of time—the rights of faculty to enjoy professional autonomy in research and to inhabit a workplace free from political or juridical influence.<sup>20</sup> Essentially then, when looking at the initial historical palimpsest, the birth of academic freedom is tied to the preservation of the university space (and the epistemological license it provides) just as much as it is to the safeguarding of academic labor rights.

The university, however, was subject to the same kind of market volatility as any other business, and academic workers in the mid-1920s soon began to see job security as something provisionally tied to profit and loss statements. Accordingly, the AAUP honed specific countermeasures: “Early in its history, the AAUP recognized that a college or university could legitimately terminate faculty appointments, including appointments with tenure, on grounds of financial exigency” (AAUP, “Financial” n. pag.). Hence in 1925 the AAUP reconvened to further calibrate its principles and ameliorate this new precarity:

Termination of permanent or long-term appointments because of financial exigency should be sought *only as a last resort*, after every effort has been made to meet the need in other ways and to find for the teacher other employment in the institution. Situations that make retrenchment of this sort necessary should preclude expansions of the staff at other points at the same time, except in extraordinary circumstances. (AAUP, 1925 *Conference Statement* rpt. in AAUP, “Financial Exigency” n. pag.; emphasis in original; Metzger 40)

Related to the more developed faculty protections in the 1925 *Conference Statement*, the next ratification of academic freedom led to what we know today as the 1940 *Statement of Principles*. Here, the AAUP revised more forcefully the financial exigency portion of the 1925 *Conference Statement* and “asserted in effect that faculty members should not be treated by colleges and universities in financial distress the way workers in automobile factories were treated by companies with lagging sales” (Metzger 41). Despite these intentions to privilege the professional domains of academia over the vocational domains of the factory, the 1940 revision can be read as ironically weakening workplace rights for large sections of the labor force. Walter Metzger’s analysis of the 1940 *Statement* unwittingly points to the absence of contingent faculty protections and thus delivers a sobering commentary on how economic restructuring in the university can diminish academic freedom for many workers:

Although they performed wholesale surgery on no other part of the 1925 [*Conference Statement*], the framers of the second pact elected to eliminate the entire paragraph designed to block the removal of tenured faculty members for trivial or specious pocketbook reasons. In its place they inserted a laconic sentence: “Termination of a continuous appointment because of financial exigency must be demonstrably *bona fide*.” (41-42; emphasis in original)

The final part of Metzger’s quote—that faculty termination must be legitimate, “demonstrably *bona fide*”—postscripts the very absence of such criteria in most (if not all) of the more visible academic freedom cases we face today—particularly when contingent faculty are involved. It should be reiterated here that extramural pursuits in the post-9/11 university tend to be the exact inverse, in that they (charges and assailants) are often both demonstrably spurious and counterfeit. All the more reason to exercise the freedoms we yet have and, simultaneously, work toward making those protections available to all colleagues.

While labor movements gradually succeeded in increasing the unionized work force (up to about 39 percent by 1975), the government doubled its efforts to stifle perceived threats of a socialized (and socially conscious) laboring class—academics included. There was in fact a response to growing political concern over what kinds of materials could be taught, though it was couched not in academic legislation per se, but in the Smith Act of 1940. The act determined it “unlawful for any person ‘to knowingly or willfully advocate, abet, advise, or *teach the duty*, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence [. . .]’” (rpt. in Bell 262n2; emphasis added; Martin 375). It is interesting to note the Smith Act passed in June of 1940 while the AAUP adopted its new statement in November of that same year, signaling a political call and an academic response. The context of the 1940 *Statement* suggests that it is all but impossible to disjoin the political from the pedagogical when the state questions to whom *the duty to teach* belongs and, as corollary, then determines whose prerogative it is to defend those freedoms.

In the 1950s, McCarthyism predictably heightened the attacks on the “Cold War university.” This period witnessed a large-scale purging of dissent in both public and academic life in the midst of a new synergy between American business interests, government policies, and university research (Schrecker; Harvey, *A Brief History* 8). It was at the University of Chicago under the free-market theories of Milton Friedman and his “Chicago School” that the move from Keynesian to early neoliberal economic planning began to coalesce (*A Brief History* 20-24). But it was also at the University of Chicago where the “group of economists known as the ‘Chicago Boys’” were trained and funded by the U.S. government “in a Cold War programme to counteract left-wing tendencies in Latin America” (8). This dynamic link from the Chicago School to the Chicago Boys was an academic experiment of a kind to test economic theory in political practice, one that prepared the way for the “little September 11” of 1973 when Chile became the first U.S. neoliberal state project.<sup>21</sup> The effects of these early policies laid the groundwork in 2003 for what we recognize today as the subsequent neoliberal state project in Iraq.

Can we then argue that the government’s post-9/11 preoccupation with Middle East studies programs is in any way different from the 1950s agenda to undermine Latin American economies?<sup>22</sup> Has antiterrorism simply moved laterally to replace anticommunism? It would certainly seem so.

Given a recent Modern Language Association (MLA) study of the precipitous rise in “[t]he percentage of departments ranking scholarship of primary importance (over teaching),” numbers that have “doubled since the last comparable survey [. . .] in 1968: from 35.4 [percent] to 75.7 [percent] ([Wilcox] 36),” one could argue that the academy itself continues to morph toward a neoliberal state project of its own accord (*Report of the MLA* 10).<sup>23</sup> The MLA Executive Council and its former president, Stephen Greenblatt, have warned us about the “systemic, structural, and at base economic problem” of departments where an assembly line of “‘only books and more books will do’ to measure scholarly achievement” (*Report of the MLA* 12-13). We place ourselves at risk when we devalue teaching,



turn academic freedom into symbolic capital measured exclusively by publication scales, and exploit underpaid, contingent academic workers. As we advance to the post-9/11 present on our historical timeline, we ultimately see how the 1950s and the later events of the 1970s are crucial to understanding the way in which these political and economic agendas reshaped the modern university and reconstituted its academic priorities.

Recalling that the Smith Act passed in 1940 alongside the adoption of the AAUP principles of the same year, the AAUP reasserted the 1940 *Statement* in its interpretative comments of 1970, a date as we have just acknowledged that conveniently marks the ascension of free-market dominance, modern neoconservative think tanks, and the increased government/corporate co-optation of higher education's research mission. Most contributors to this volume agree that given the preceding history of political and economic overtones that have informed our discussion, the post-9/11 dangers to academic freedom are quite real (20).<sup>24</sup> With faculty witch hunts and politically driven Web sites such as *Campus-Watch.org* and *NoIndoctrination.org* continuing to provide a surveillance apparatus to monitor and punish liberal-minded or "biased" activities on campuses across the country (O'Neil, *Academic Freedom* 236), under the leadership of President Cary Nelson, the AAUP has continued to respond forcefully to varied assaults through further policy revision, committee oversight, and aggressive public campaigns. Factoring in the current state of the post-9/11 university and the Bush doctrine of "you're either with us or against us," Nelson reminds us that "[c]ontinued vigilance is necessary to sustain national standards for academic freedom" (n. pag.).

#### **Patrolling the Borders of Freedom (Democratic and Academic)<sup>25</sup>**

Nelson is right to bring to our attention that there has been plenty to defend since 9/11. Thus it becomes more believable today to see how David Horowitz and others manipulated university life in the post-9/11 moment. While Horowitz's Academic Bill of Rights (ABOR) was designed clearly to censor leftist political expression,<sup>26</sup> its language disguised the insidious intention to restrict critical thinking by advocating a platform of student rights and student freedoms. Essentially, Horowitz can be seen as aping a similar political strategy employed by his neoconservative Big Brothers (and Big Sisters) who, in the attempt to shroud their jingoistic lust for control over global economies and peoples in limitless war, engage in a rhetorical shell game couched in calls for domestic security and a falsely beneficent annexation of democracy.

For example, in chapter three of *Grand Theft Pentagon*, Jeffrey St. Clair explores the underside of the Bush administration's PR efforts to "sell a war," tactics that clearly remind us of the Horowitzian model used to promote "academic freedom" in the new world order. St. Clair reveals how former Undersecretary of State Charlotte Beers, the former advertising executive known as "the queen of Madison Avenue" responsible for successful Uncle Ben's Rice and Head and Shoulders campaigns, aided Colin Powell in the "branding of [U.S.] foreign policy" (29). Rather than abide by the "give and take" of standard

diplomatic dialogue, Beers instead viewed public diplomacy as “a one-way street, a unilateral broadcast of American propaganda [aired] directly to the public, domestic and international—a kind of informational carpet bombing” (30). Placing Horowitz’s notions of academic freedom against the backdrop of the Beers and Bush policies of democratic freedom, one sees how the invisible wars within the academy mimic visible wars elsewhere:

The American incursions into Afghanistan and Iraq were all about bringing the balm of “freedom” to oppressed peoples. Hence, the title of the US war: *Operation Iraqi Freedom*, where cruise missiles were depicted as instruments of liberation. Bush himself distilled the Beers equation to its bizarre essence: “This war is about peace.” (30; emphasis added)

Just as Beers relied upon collateral packaging, Horowitz also cleverly marketed his “Student Bill of Rights” by placing the text in similar wrappers. Though Horowitz purports his self-described “little red book” to be “a calculated trope on Mao’s own Little Red Book of political doctrines,” it’s interesting to note that his student handbook looks awfully similar to the red cover of the AAUP’s *Policy Documents & Reports* (“The Orwellian Left” n. pag.). In fact, the comparison is so obvious that it could have all but gone unrecognized were it not for the artificially intelligent *Google* bot programs that logically drew attention to the simulacrum. (While searching “Horowitz students for academic freedom handbook red book,” during the research phase of this project, the query results yielded a thumbnail JPEG image of the AAUP text by page 3.)<sup>27</sup> Placing the tactics of Beers and Horowitz alongside one another, we see that in cases of university and foreign invasion, the model of the right is deceive and conquer with the intention to morph democracy toward oligarchy via a gross distortion of democratic (linguistic and visual) connotations. And like the ABOR, the ongoing Operation Iraqi Freedom would continually prove a false reality capable, unless confronted, of widespread damage, global insecurity, reduced liberties, and a more narrow tolerance for the production of knowledge.

The fear, of course, is the moment when common sense will no longer face intellectual scrutiny, let alone critical inquiry. Under those circumstances, when we speak in opposition to normative positions of the state, we can suddenly find ourselves at best ostracized, and at worst, unemployed, politically persecuted, and/or imprisoned.<sup>28</sup> In the face of vocational and personal insecurities, how can those of us who are situated across such a wide range of disciplines in higher education resist the momentum of these dangers?

This inquiry is addressed by the twenty-eight contributors to this special volume of *Works and Days*. In organizing the essays, we have adapted Cornel West’s classifications of post-9/11 threats to freedom outlined in *Democracy Matters*—“free-market fundamentalism (neoliberalism), aggressive militarism, and escalating authoritarianism” (1-23)<sup>29</sup>—to the provinces of academic freedom in higher education.

### Structuring Post-9/11 University and Social Concerns

*Academic Freedom and Intellectual Activism in the Post-9/11 University* is divided into five distinct but interrelated sections. Scholars in the first chapter of our volume, "State of the Union," aptly provide a framework for the contemporary debates on academic freedom. The title therefore plays on the notions of *stat(us) quo* as well as the state itself, just as much as it does on the fractious nature of social Union and (labor) unions. Essays in "State of the Union" not only afford an overview of academic freedom topics that survey the spectrum of political and patriotic correctnesses in post-9/11 culture, but they also include detailed accounts of the pervasive climate of "unfreedom" at work (Giroux, "Academic"). Here, contributors elaborate on the "fragility" of academic freedom as well as the ties between immigration/Homeland Security legislation and educational opportunity, the collapse of critical inquiry in faculty hiring, and the construction of consent in media representations of academe. The overt political themes of each essay hint toward the succeeding chapters of this volume, which continue to probe more deeply into the questions of how campaigns against academic freedom and the university as work/public space have led to authoritarian curricula and administrative operations.

Acknowledging its pervasiveness in academic freedom discourse,<sup>30</sup> it makes sense that in our second section, "Speaking in the Teeth of Power," we draw attention to the important precedents surrounding the Ward Churchill case. Harkening to Professor Churchill's closing remarks for his *Works and Days* contribution, we find scholars and activists unflinchingly challenging power by speaking "in its very teeth" (177). In Section II, we learn the chilling truth behind the Ward Churchill case from the man himself. Expanding significantly on a previous "fragment of a work in progress," Churchill offers the *Works and Days* readership an historic document: Using more than 400 endnotes, Churchill provides a comprehensively and meticulously detailed account—the only one of its kind—of his experiences confronting the machinations of politicians, media, and the Colorado Board of Regents, which conspired to successfully strip him of his tenured professorship. With Churchill's lawsuit against the University of Colorado looming (March 2009), readers learn for themselves whether the charges of plagiarism and research misconduct leveled against Churchill are in any way tenable.<sup>31</sup> Additionally, this section features a thorough corresponding examination into the "framing" of Churchill (Cheyfitz) and focuses as well on the constitutional ramifications of such cases during wartime. The segment concludes with a narrative on the kinds of post-9/11 discriminatory practices faced by other indigenous scholars.

Perhaps the most contentious of all topics to discuss in academia today relates to the Israel-Palestine conflict, particularly if Middle East scholars decide in any way to acknowledge or examine the legitimate historical record.<sup>32</sup> Some of the more virulent witch hunts in the post-9/11 university are those experienced by the likes of Sami Al-Arian, Norman Finkelstein, Joseph Massad, Nadia Abu El-Haj, Tariq Ramadan (and, as we go to press, Assistant Professor Margo Ramlal-Nankoe), most of whom have published and lectured widely

on Israeli crimes against humanity as well as the realities of Palestinian suffering. The title of this third segment, "The Image and Reality of Teaching the Israel-Palestine Conflict," knowingly plays upon one of Norman Finkelstein's most distinctive works of scholarship. And Finkelstein, as with Churchill, has provided us with a unique piece of history, what he deems may be "almost certainly the only public statement" he ever gives on his 2007 tenure denial from DePaul ("Civility" 303-04n4).<sup>33</sup> In this group of essays, we learn about the Israel lobby's influence upon the post-9/11 university, the tactics it has employed to institute control over academic dissent, and how it remains determined to reshape political representation of Middle Eastern conflict in scholarship.

Of no less importance to political exertions in the academy is its modern corporatized transformation and almost reflexive replication of neoliberal economic practice. The move toward models of big business and deregulation in the university's administrative tier augur a unique precarity for academic freedom, particularly when such economic policies impact (that is, restrict) the hiring of new tenure-line faculty or, in some fairly obvious ways, advance standardized curricula. As readers are well familiar with by now, the modern free-market concerns of privatization continue to mire the country in economic stagnation, limiting rather than expanding capital production, just as related legislation like No Child Left Behind provides too narrow a funnel for critical production. Contributors in "Neoliberal Freedoms, Contingency, and Capital" discuss early labor cases responsible for the formation of the AAUP, the extant economic realities of late capitalism, the burdens of educational debt, and the related pressures tied to academic success for professors as university employees and students as debt-ridden consumers.

It is fitting that we would conclude our volume with "Reflections and 'Tightrope Hopes,'" where we encounter scholars whose activism, dissent, and moral courage have played such a vital role in how we must think about reclaiming our academic and democratic freedoms (West, *Hope*). In the final section, we pause both to ruminate on the philosophical construction of freedom itself, as well as to envision the kinds of intellectual activism necessary to take back the literal and figurative sidewalks (Espada): the public commons, the rights to research with impunity and without external oversight, and the civil liberties now compromised by repressive governmental and private business interests in the academy. We close the volume in the spirit in which it was conceived, as teachers and scholars committed to interpolating the political reality, and as citizens invested with the social responsibility to manifest the power of our political imagination.

In the past eighteen months since this project began, much relevant scholarship has been conducted in the field of academic freedom, and I see this special collection of *Works and Days* as contributing to the general reassessment of higher education.<sup>34</sup> As we head into 2009, the battles for academic freedom and professional autonomy in the university are far from over. Many burgeoning projects on these issues consequently follow in the wake of our volume, a sign that not only have we struck a resonant chord in the larger scholarly community, but also that important work on the subjects of academic

freedom and intellectual activism still needs to be done.<sup>35</sup> In the midst of it all, our aim for this volume remains as it always has: to inspire others toward pedagogical creativity, to keep us all informed about the relations between academic and democratic freedoms, to make visible the invisible wars on liberty, and to act in solidarity with committed intellectuals while we labor toward achieving each of these meaningful ends.

Now more than ever, rational, purposeful discussions on the future of our society must emerge so that the controversies outlined in this collection remain a relevant topic of concern for all citizens, within and outside the academy. This may mean opening ourselves to the crystallizing of a very different consensus, where we relearn that others have the right to opinions that run contrary to our own; it may be that we need to observe that scholars such as Ward Churchill and Norman Finkelstein are human beings who are as concerned as any other citizen about state policies that advance a bellicose spiral toward oblivion; and related to this, that to brand another American as “un-American” *is* un-American. But beyond the discussions and theorizing, past the vista of mere spectatorship, the ideas outlined here must become living things and through concerted agency be put to sustainable action.<sup>36</sup> Should we prevail as our own acknowledged legislators in this regard, we may well find our academy and our country suited for the kind of critical inquiry necessary to implement visible social change. I invite you to stand with us, be counted, and do more than consider this possibility.

## Notes

I would like to first thank my friend, mentor, and patient teacher David Downing for his faith in my abilities, his trust of my judgment, and most importantly, for the opportunity to see this project through to its completion—I will forever be in his debt. Next, thanks must, of course, go to each of our brilliant contributors who agreed to participate in our project and recognized the importance of writing in defense of our vital freedoms: their time, wisdom, solidarity, and inspiring works are entirely appreciated. Special thanks to Ed Folsom for his friendship and investment in this project, and to Blaine Carvalho, Carly Dunn, and Jennifer M. Woolston for reading portions of this introduction and offering constructive suggestions. Finally, thanks must also go to cover artist Greg Sosnowski for helping to realize so fully our concept, and to Tracy J. Lassiter and Heather Steffen for their keen eyes, sound critical suggestions, and invaluable editorial assistance during the production phase of this project. And to Justin Watts who provided additional copyediting and proofing.

<sup>1</sup> See Atapattu. Here I incorporate the language of embattled professor *cum* independent scholar Norman Finkelstein, who in 2001, well ahead of his conflicts with Alan Dershowitz, responds to a question of whether he felt persons who helped lobby against *The Holocaust Industry* were responsible for influencing his dismissal from New York University:

“I think it works much more subtly in our system. Sometimes phone calls are made, no doubt about it, but I think things work through a crystallising of a consensus—in the sense of ‘this guy is more trouble than he is worth, and so it is time to let him go.’” (qtd. in Atapattu n. pag.)

(Ed. note: The spelling of “crystallizing” in the title of the introduction was modified from the *CounterPunch* article “crystallising” in order to adopt a more familiar standardization of the term.)

<sup>2</sup> This was the case until the recent seventh anniversary of 9/11, when the IUP administration installed a small plaque on the bottom of the WTC girder which now reads:

Through the generous efforts of the Kovalchick Family of Indiana, this artifact of the World Trade Center was brought to campus from New York City. Three IUP alumni were among those lost in the North Tower on September 11, 2001: William Moskal '79, Donald Jones '80, and William Sugra '93.

<sup>3</sup> Though by no means complete and considering that some instances have had more notoriety than others, a partial list of post-9/11 university cases includes the following: Nadia Abu El-Haj, Sami Al-Arian, Richard Berthold, Ward Churchill, Nicholas DeGenova, Norman G. Finkelstein, Nalini Ghuman, Douglas Giles, Wendy Gonaver, Andrew Hallam, Kenneth W. Hearlson, Rashid Khalidi, Thomas Klocek, Riyadh Lafta, Mehrene Larudee, Joseph Massad, Ilan Pappé, Tom Paulin, Tariq Ramadan, Margo Ramlal-Nankoe, Andrea Smith, Cris Toffolo, Robert L. Trivers, and Nicholas Winset. Each case is addressed in some way in the following *Works and Days* collection with the exception of Winset. See “Emmanuel professor fired” for more information. For more information on Gonaver (who goes unnamed in various essays), see Paddock.

<sup>4</sup> See Chomsky, 9-11 27. Chomsky here responds to the lack of critical inquiry into “Why do they hate us?” focusing instead on the reasons “why” violent terrorism occurs: “The second question is: ‘why?’ This question is rarely raised in any serious way.” See also Chomsky, *What We Say Goes* 70:

George W. Bush was not the first president to ask why do they hate us. Eisenhower asked it, too. Let’s go back and look. Why did they hate us then? The same reason they do now. Except more so, because it’s gotten worse.

<sup>5</sup> See Chomsky, 9-11 30:

But it is entirely typical for the major media, and the intellectual classes generally, to line up in support of power at a time of crisis and to try to mobilize the population for the same cause. That was true, with almost hysterical intensity, at the time of the bombing of Serbia. The Gulf War was not at all unusual.

And the pattern goes back far in history.

See also Chomsky, 9-11 43-54; Gendzier’s essay contained in this volume; and Wolin who remarks, “On cue to 9/11 the media—television, radio, and newspapers—acted in unison, fell into line, even knew instinctively what the line [was] and their role should be” (5).

<sup>6</sup> See Churchill, “‘Some People Push Back’: On the Justice of Roosting Chickens” and the expanded follow-up “Ghosts of 9-1-1” in *On the Justice of Roosting Chickens*.

<sup>7</sup> See *American Radical*. In the film trailer, Finkelstein, while in Japan lecturing, makes a similar statement worth noting: “In English, we have a saying: The truth is often a *bitter pill* to swallow” (n. pag.; emphasis in original).

<sup>8</sup> The pattern continues today. Ironically, in recent news we find that once again Colorado is the focus. Andrew Hallam, an adjunct professor at Metropolitan State College of Denver, is under political and administrative scrutiny

for assigning a critical thinking paper comparing the “fairy tale” imagery associated with Sarah Palin, the former Republican Vice Presidential nominee, and her 2008 Republican National Convention appearance. See Boyd for more information. See also R. Wilson, “Professors Found.”

<sup>9</sup> See Barstow. See also Gendzier’s essay in this volume.

<sup>10</sup> Though there are some contributors who, using historical referents, raise questions about the veracity of this statement. See O’Neil, “The Post-9/11 University.” See also my interview with Chomsky; and Finkelstein, “Civility.”

<sup>11</sup> See Kemsley; Murphy and Bombardieri; Thomas; and Winter.

<sup>12</sup> Special thanks to Robert E. Kenyon II for referring me to this documentary.

<sup>13</sup> See Cohn:

A seemingly innocuous phrase, the unitary executive theory actually represents a radical, ultra rightwing interpretation of the powers of the presidency. Championed by the conservative Federalist Society, the unitary executive doctrine gathers all power in the hands of the President and insulates him from any oversight by the congressional or judicial branches.

In a November 2000 speech to the Federalist Society, then Judge Samuel Alito said the Constitution “makes the president the head of the executive branch, but it does more than that. The president has not just some executive powers, but the executive power—the whole thing.” (n. pag.)

<sup>14</sup> See Bell’s essay in this volume.

<sup>15</sup> See Rothschild. In addition to Ellen Schrecker, author of *No Ivory Tower: McCarthyism and the Universities*, Nadine Strossen, president of the ACLU is quoted as saying, “I’ve been talking a lot about the parallels between what we’re going through now and McCarthyism [. . .]. The term “terrorism” is taking on the same kind of characteristics as the term “communism” did in the 1950s. It stops people in their tracks, and they’re willing to give up their freedoms. People are too quickly panicked. They are too willing to give up their rights and to scapegoat people, especially immigrants and people who criticize the war” (qtd. in Rothschild 19).

<sup>16</sup> See O’Brien.

<sup>17</sup> See Bush. In a legalistic and linguistic series of smoke and mirrors that couch his intentions to bypass Congressional authority, Bush describes HR 5122 as an act that “authorizes funding for the defense of the United States and its interests abroad, for military construction, for national security-related energy programs, and for maritime security-related transportation programs.” See also *Congressional House*.

<sup>18</sup> See R. Wilson, “Ithaca College” for more on the contemporary case of Margo Ramlal-Nankoe. See also note 8 (on Andrew Hallam).

<sup>19</sup> Professor Norman Finkelstein clearly articulates the basic postulates of how the AAUP defines academic freedom in his *Works and Days* essay “Civility and Academic Life.” Finkelstein identifies two fundamental precepts that inform our discussion:

The notion of academic freedom captures several distinct claims. It asserts that academic peers are best placed to judge scholarly competence and accordingly that on all such professional matters they should be granted autonomy. This component of academic freedom is designed to preempt extra-scholarly considerations from tainting employment decisions. Beyond the right to professional autonomy, academic freedom also asserts that pursuit of the life of the mind requires complete liberty of thought. (291)

<sup>20</sup> See AAUP, 1915 *Declaration of Principles*.

<sup>21</sup> Expansive scholarship exists on the Chicago School, the Chicago Boys, and the “little September 11” of 1973. See Harvey, *A Brief History* 7-9 and *The New Imperialism* 62-81, 215-16; Maxwell; Valdés; and Klein 59-120. See also Chomsky, *What We Say Goes* 73-79 for more comparative analysis on the relevance—economic, political, and social—of the Chilean coup of September 11, 1973, in contrast with the contemporaneous September 11, 2001. See also McClellan’s essay in this volume.

<sup>22</sup> Notably, the U.S. government’s interest in Latin American studies has gone unabated since this period. See my interviews with Professors Chomsky and Espada where I take this theoretical point up in greater detail.

<sup>23</sup> Data from the *Report of the MLA Task Force* was compiled from an earlier 2005 study (see *Selected Findings*): “The most significant data-gathering instrument was a spring 2005 online survey of 1,339 departments in 734 institutions across the United States covering a range of doctorate, master’s, and baccalaureate institutions” (*Report* 9).

<sup>24</sup> See note 10.

<sup>25</sup> See Menand, “The Limits” 3: “Since freedoms are socially constructed and socially maintained, their borders are constantly patrolled, and on both sides.”

<sup>26</sup> See J. Wilson, ch. 3 “David Horowitz’s Crusade for the Academic Bill of Rights” 61-97.

<sup>27</sup> Candor demands that I reveal in the attempt to recreate the search results (originally conducted in July-Aug. 2008), and after combing through upwards of fifty pages of thumbnail images, I was unable to again find the AAUP cover image. It is not without some humor to note, however, that the same search parameters—“Horowitz students for academic freedom handbook red book”—(conducted anew on 20 Dec. 2008) curiously yielded several pictures of Usama Bin Ladin and Ayman al Zawahiri, which seems to suggest that either artificial intelligence has, at least in matters of post-9/11 threat assessment, indeed reached artistic levels of weaving metaphor, or that Horowitz’s relevance to the debate on academic freedom may be on the wane. Of course, I prefer to give more credence to the latter point. In some cases, and here also I must be candid, it could be that the new image results related to the war on terror were simply a matter of *Google* conflating the research of Michael Horowitz, an assistant professor of political science at the University of Pennsylvania, whose credentials include recent studies on religious warfare for the Department of Defense, with “freedom” and the surname “Horowitz” generally.

<sup>28</sup> See *FreeSamiAlArian.com*. At the time of this writing, new information has surfaced on the mistreatment of Al-Arian while in the custody of the Federal Bureau of Prisons. The Tampa Bay Coalition for Justice and Peace Web site provides excerpts from a Department of Justice letter to Al-Arian’s legal counsel substantiating Al-Arian indeed suffered physical and mental abuse “during the transportation process from FCC [Federal Correctional Complex] Petersburg to Alexandria, Virginia, on January 18, 2007, and April 12, 2007” (Office of Inspector General letter qtd. in “DOJ Admits” n. pag.). The above-cited information was mirrored on the official Web site of Norman G. Finkelstein.

<sup>29</sup> See also Giroux, “Academic Unfreedom” 45, whose analysis of post-9/11 threats to freedom correspond well with West’s: “Such forces have hardly gone away; they have been intensified and supplemented by the contemporary emergence of a number of diverse fundamentalisms, including a market-based neoliberal rationality, a post-9/11 militarism, and an aggressive right-wing patriotic correctness, all of which exhibit a deep disdain, if not contempt, for both democracy and publicly engaged teaching and scholarship.”

<sup>30</sup> Churchill’s case has in fact become so visible that the MLA has drafted a recent resolution in his defense. Many thanks to Melissa Jane Lingle-Martin for bringing the following to my attention before my ballot arrived in the mail. See Modern Language Association, *MLA Ballot*:



MLA Resolution 2007-3:

Whereas upon criticism of Professor Ward Churchill for his remarks concerning the 9/11 attacks, the University of Colorado initiated proceedings against him, and

Whereas such acts of retribution threaten free expression in the university setting, particularly against those in historically marginalized disciplines,

Be it resolved that the MLA condemns the University of Colorado investigation and all such politically motivated investigations into the speech and scholarship of faculty members throughout the world.

<sup>31</sup> See Bousquet.

<sup>32</sup> See Abowd, et al., for more information on the handbook created by the Taskforce on Middle East Anthropology that “provides university teachers tools with which to manage teaching and research confrontations that limit the range of academic discourse [. . .]” and to respond to attacks upon Middle East studies scholars that “often exploit polarizing labels, employ the strategies of blacklists, and use illegitimate or illegal means of gathering evidence” (3).

<sup>33</sup> See Finkelstein, “Works and Days” (copy on file; quoted with permission).

<sup>34</sup> Several important and relevant texts on the subject of post-9/11 academic freedom have emerged in recent years. See Doumani; see also Gerstmann and Streb; Menand, *The Future*; and *The Perils of Academic Freedom* special issue of *Social Text* (Duke) 25.1 (Spring 2007), where portions of the Ward Churchill commentary contained herein first appeared. For an important earlier history of academic freedom in the United States useful for a comparison against the post-9/11 present, see also Hofstadter and Metzger.

<sup>35</sup> *South Atlantic Quarterly* (Duke) is planning an issue dedicated to academic freedom, slated for a late 2009-10 release. Contact Grant Farred, general editor of *SAQ*, for more information.

<sup>36</sup> Richard Rorty expands on the differences between the left’s predilection toward spectatorship and its need for agency in *Achieving Our Country*. See also Searls Giroux’s essay in this volume that takes these concepts further by situating pedagogical instruction with the investment in, development of, and concern for youth culture.

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**"9/11 WTC Support Girder on IUP Campus"**

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# I. State of the Union



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