

## Academic Freedom, Fragile as Ever

*Michael Bérubé*

In recent years, I've come to realize that few people know what academic freedom is, or why it matters. Perhaps that's not surprising at a time when all too few Americans know what the Fourth Amendment to the U.S. Constitution is, or why *it* matters. But what I'm going to argue here is not only that academic freedom is under attack, but also that we are dealing with a coordinated program of obfuscation about just what academic freedom means.

I'll make the obvious argument first. Academic freedom is under attack for pretty much the same reasons that liberalism itself is under attack. American universities tend to be somewhat left of center of the American mainstream, particularly with regard to cultural issues that have to do with gender roles and sexuality: The combination of a largely liberal, secular professoriat and a generally under-25 student body tends to give you a campus population that, by and large, does not see gay marriage as a serious threat to the Republic. And after 9/11—again, for obvious reasons—many forms of mainstream liberalism have been denounced as anti-American. There is now a cottage industry of popular right-wing books in which liberalism is equated with treason (Ann Coulter), with mental disorders (Michael Savage), and with fascism (Jonah Goldberg). Coulter's book also mounts a vigorous defense of Joe McCarthy, and Michelle Malkin has written a book defending the internment of Japanese-Americans during World War II.<sup>1</sup> In this climate, it should come as no surprise that we are seeing attacks on one of the few remaining institutions in American life that is often—although not completely—dominated by liberals.

In 2005-06, Pennsylvania was treated to four hearings held by a body known as the House Select Committee on Academic Freedom. Its hearings were largely uneventful; one of the Democrats on the committee, Dan Surra, even described them as a "colossal waste of time."<sup>2</sup> But it's worth noting that HR 177, which created the committee, actually stipulates

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that if an individual makes an allegation against a faculty member claiming bias, the faculty member must be given at least 48 hours' notice of the specifics of the allegation prior to the testimony being given and be given an opportunity to testify at the same hearing as the individual making the allegation.<sup>3</sup>

I think some people read that paragraph in July of 2005, when it passed the Pennsylvania House, and imagined a dramatic scenario in which outraged conservative undergraduates would stand up and say "*J'accuse!*" at hapless liberal faculty members who'd had but 48 scant hours to get their act together and haul themselves before a board of inquiry. Happily, things haven't unfolded in quite that way. There doesn't really seem to be a flood of students complaining about their liberal professors; at Penn State, it turns out, we've had 13 complaints over the past five years, in a statewide system involving 177,000 courses and 83,000 students. And those 13 complaints don't fit any clear pattern, either; in one such complaint, a Muslim student suggested that a professor was opposed to Islam; another student charged that a professor was too conservative.<sup>4</sup>

Pennsylvania is the only state to have passed one of these laws. But thanks largely to the efforts of David Horowitz, bills like HR 177 have been introduced in about 20 states so far. It's clear, that in many cases, the legislators sponsoring them are doing so in the name of preserving academic freedom—but without having any clear idea what academic freedom might be. In Florida, for instance, State Representative Dennis Baxley insisted upon introducing a similar bill and successfully shepherding it through committee on an 8-2 party-line vote, that the legislation would help to combat "leftist totalitarianism" on the part of "dictator professors," by allowing students to sue professors whenever they felt their beliefs were not being "respected." At the University of Florida, James Vanlandingham of the *Independent Florida Alligator* reported the following:

[. . .] Students who believe their professor is singling them out for "public ridicule"—for instance, when professors use the Socratic method to force students to explain their theories in class—would also be given the right to sue.

"Some professors say, 'Evolution is a fact. I don't want to hear about Intelligent Design [a creationist theory], and if you don't like it, there's the door,'" Baxley said, citing one example when he thought a student should sue.<sup>5</sup>

In January 2005, Ohio State Senator Larry Mumper introduced a similar bill and was asked by a *Columbus Dispatch* reporter what he would consider "controversial matter" that should be barred from the classroom. "Religion and politics, those are the main things," he replied.

Over the course of that year, I learned something of the backstory on the legislative history of Pennsylvania's HR 177, and I discovered that the bill that was passed was significantly different from the bill that was first proposed. In the spring of 2006, as David Horowitz was visiting the Penn State campus, I was a guest on a conservative radio talk show hosted by Penn State students. They wanted to know,

among other things, just what was so bad about a House committee being convened with the purpose of making sure that universities are abiding by their stated grievance procedures for students who felt they had been discriminated against on political grounds. I replied that while it was perfectly legitimate for the state to ensure that universities have adequate grievance procedures for students, Representative Gibson Armstrong's proposal for such a committee said no such thing; on the contrary, the original bill called for the creation of a committee that would investigate everything from reading lists to hiring practices and that would travel throughout the state holding 15 to 20 hearings on liberal bias—hearings in which accused professors would have no opportunity to face their accusers (that bit about the “48 hours’ notice” was an especially late revision). Furthermore, the original language of HR 177 sought to ensure that students would be graded on (among other things) their ability to defend their perspectives. Now *there's* a recipe for relativism—in which you have to give a student an “A” for his or her dogged insistence on citing the Book of Genesis in a class on evolutionary theory.

Fortunately, between the first draft and the version that passed the House, the remaining adults in Pennsylvania took over and revised the charge of the committee so that its focus lay largely on the viability of universities' internal grievance procedures. But that was not what the far-right culture warriors wanted; they wanted a much more wide-ranging and intrusive committee. And in a weird way, the outcome of those revisions to the bill, welcome as they were, helped to confuse the public understanding of academic freedom still further. After all, here was a House committee investigating “academic freedom” by ensuring that students had every opportunity to speak their minds.

#### **The David Horowitz Freedom Center**

The principle of academic freedom stipulates that “teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties.”<sup>7</sup> It insists that professors should have intellectual autonomy from legislatures, trustees, alumni, parents, and ecclesiastical authorities with regard to their teaching and research. In this respect it is one of the legacies of the Enlightenment, which sought—successfully, in those nations most influenced by the Enlightenment—to free scientists and humanists from the dictates of church and state. And it is precisely that autonomy from legislative and religious oversight that helped to fuel the extraordinary scientific and intellectual efflorescence in the West over the past two centuries. It has also served as one of the cornerstones of the free and open society, in contrast to societies in which certain forms of research will not be pursued if they displease the general secretary or the council of clerics. But, today, the paradox of these legislative “academic bills of rights” is this: They claim to defend academic freedom precisely by promising to give the state direct oversight of course curricula, of departmental hiring practices, and of the intellectual direction of academic fields. In other words, they do so by violating the very principles they claim to defend.

Horowitz claims that the Academic Bill of Rights (ABOR) does no such thing; he points out that it includes a great deal of language from the American Association of University Professors' (AAUP) [1940] *Statement of Principles on Academic Freedom*, and he insists that it would forbid the hiring or firing of any faculty member on the basis of his or her political beliefs. But that's just what David Horowitz says for public consumption. Here's Horowitz in his 2000 book, *The Art of Political War and Other Radical Pursuits*: "[y]ou cannot cripple an opponent by outwitting him in a political debate. You can only do it by following Lenin's injunction: 'In political conflicts, the goal is not to refute your opponent's argument, but to wipe him from the face of the earth.'"<sup>8</sup>

There should be no question about this: David Horowitz was a member of the extremist fringe thirty years ago when he was hanging out with the last remnants of the Black Panther Party, and he's a member of the extremist fringe now. He's merely exchanged fringes. And he's notoriously slipshod in everything he does, right down to his claim that, on the eve of the 2004 election, a Penn State biology professor showed his class Michael Moore's *Fahrenheit 9/11*, which is compounded by his admission that he had no proof of this claim despite making it throughout the latter half of 2005, and compounded still further by his claim that he was holding himself to "a higher standard of honesty" for dropping the original claim when he was challenged on it by Pennsylvania Democrat Lawrence Curry in the January 2006 hearing.<sup>9</sup> So why are 20 states considering legislation written by this man, legislation that claims to defend academic freedom by placing professors directly under the control and oversight of the state? Horowitz has managed to pull off this rhetorical and political feat by confusing the definition of academic freedom and construing it as a property of students rather than teachers. Basically, he has managed to convince many Americans, including many American students, that "academic freedom" means, among other things, "freedom from the preponderance of liberal professors."

You can find a neatly condensed form of this confusion in Horowitz's *Students for Academic Freedom* handbook. It's a little red book of some kind, but I don't rightly know what to call it. And it includes a handy section of Frequently Asked Questions:

#### VI. Frequently Asked Questions

1. Question: Is there a conflict of interest in appealing to the legislature for help in the case of public universities, since the principles of academic freedom seek to protect the university from political interference?

Answer: There is no conflict. The state legislatures and publicly appointed boards of trustees have a fiduciary responsibility to taxpayer-funded institutions and their tax-paying supporters. Among them is the responsibility to insure that these institutions serve the whole community and not just a partisan political or philosophical faction. If public universities become politically partisan they act to subvert the democratic process, which is not what their creators intended. It is illegal under state patronage laws to use state-funded institutions for partisan purposes. No one has the right to create a closed political fiefdom at

public expense. Such exclusionary practices are the very opposite of academic freedom. Most importantly, there is a world of difference between asking the legislature to defend principles of academic freedom, intellectual diversity and student rights, and asking them to interfere with the universities' proper academic functions.<sup>10</sup>

If you're familiar with the game of three-card monte, you'll notice that by the time you've gotten to that final sentence, the little red book has done a fine job of hiding the little red card: "academic freedom" has now become "academic freedom, intellectual diversity and student rights," while professors who teach about the history of race or gender in ways Horowitz does not like have become "partisan" members of a "political fiefdom" that works to "subvert the democratic process." The first seven sentences of this answer are minor marvels of obfuscation, each one building on the previous one until entire departments and disciplines are in violation of state patronage laws and we have reached "the very opposite" of academic freedom, such that state intervention is not merely salutary but mandatory.

A more sophisticated version of this argument can be found in Emory University Professor Mark Bauerlein's testimony to the Georgia state legislature on behalf of that state's version of the Horowitz bill of rights:

for faculty to hire only Left-leaning faculty, teach only Left-leaning thinkers, and explore only Left-leaning opinions is to substitute advocacy for inquiry. For administrators to discourage conservative speakers, while paying radical Leftists five-figure fees, is to throw a mainstream aura around but one narrow range of belief.

The educational costs of such bigotry are obvious, and the ethical example it sets is deplorable. Such behaviors belong outside the campus, not inside, and there is no reason why outsiders should countenance universities that break the terms of the social contract. To be sure, academic Leftists will perceive outside pressure as an infringement of academic freedom. They think that the university is an independent enclave accountable only to itself, and that any incursions from beyond by definition threaten the integrity of higher education. But, in truth, outside pressure arises precisely in order to do the opposite. It is the faculty who have abandoned the ideal, who stifle dissent no matter how learned, who under the guise of a rearguard, adversarial, protest posture rule the campus intellectual world and apportion its many comforts and securities to a slim ideological spectrum.

This is what we must demonstrate to trustees, alumnae, politicians, and parents. Academic freedom isn't the property of the faculty. It is the responsibility of campus dwellers, yes, but the property of all citizens.<sup>11</sup>

The first thing to be said about this definition of academic freedom is that it is precisely wrong. The second thing to be said about it is that it is catching on.

In the fall of 2005, some students at Penn State picked up on the idea in a striking and dramatic manner. Under the banner of promoting “academic freedom,” the Young Americans for Freedom erected a little mockup of the Berlin Wall to symbolize their oppression at the hands of their liberal professors. One student was quoted in the Penn State *Daily Collegian* as saying, “communism was pretty much dead,” but at Penn State, “it’s still one of the most heavily taught subjects.” Another agreed that “there were many liberal courses at Penn State, especially in sociology, his minor.”<sup>12</sup> Quite apart from the question of whether communism is “heavily taught” at Penn State, or whether it is synonymous with liberalism, perhaps it’s worth pointing out to conservative students (at Penn State and elsewhere) that the people of the Eastern bloc, the people on the other side of the Berlin Wall, suffered mightily and died in great numbers under Communist rule, from the forced collectivization of the farms through the show trials and purges, the jailing and exile of dissidents, the invasions of Hungary, Czechoslovakia, and Afghanistan, and the crackdown in Poland. Surely, then, one liberal response to Penn State’s Berlin Wall is that such gestures actually trivialize the very history to which they appeal. It is one thing to experience political oppression at the hands of Stalin, Khrushchev, or Brezhnev. It is quite another thing to have a liberal sociology professor in a course *you have chosen to take* at a university *you have chosen to attend*. I can’t imagine that Vaclav Havel or Lech Walesa would be terribly impressed with Penn State’s Berlin Wall, or the bravery of those who built it. Nor can I imagine that they would think much of a putatively “conservative” movement whose goal it is to place educational institutions directly under the control of the state.

Yet this kind of thinking is now taken for granted in some quarters of the right. Last November, National Association of Scholars President Stephen Balch testified to the Pennsylvania House Committee on Academic Freedom that because of the number of faculty members at state-funded universities in Pennsylvania who identify with “a particular political group,” state legislatures should make sure that no “advocacy” exists. I want to call attention to the evidentiary standard here: A preponderance of registered Democrats among the faculty, in and of itself, is grounds for state action. According to the National Association of Scholars transcript of Balch’s testimony, the state of Pennsylvania must pursue “intellectual diversity” in hiring—meaning, of course, a redress of the shortage of conservatives in academe. The legislature, Balch argued,

should expect to see the problem of intellectual pluralism addressed with the same vigor that the state’s universities are already addressing what they take to be the problem of a lack of ethnic and gender diversity. [ . . . ]

The legislature must expect a full accounting of progress made toward these goals each time the state’s universities seek new statutory authority and renewed financial support. If a good-faith effort is being made to overcome these problems, it should leave the remedial specifics to the universities’ own decision making. If a good-faith effort isn’t made, it should urge governing boards to seek new



leadership as a condition of full support. Failing even in that, it might, as a last resort, consider a full-scale organizational overhaul, to design governance systems and institutional arrangements better able to meet the obligations that go with academic freedom.<sup>13</sup>

What can “full-scale organizational overhaul” mean? I don’t know, but it doesn’t sound good. And while I don’t want to say that it sounds, well, *Stalinist*, exactly, I’m told that it was more elegant in the original Russian, when it had the secondary connotation of “let’s party like it’s 1929.”

More seriously, Balch is drawing on the history of affirmative action and employment discrimination law to argue that universities should make “good-faith” efforts to hire people more to his ideological liking. This is a common theme in right-wing attacks on universities, especially among those critics who have become alarmed that affirmative action has gone too far, insofar as fully five percent of all doctorates are now awarded to black people. In 2002, Kenneth Lee, [an attorney and] a member of the far-right Federalist Society for Law and Public Policy Studies, made the case in so many words. “The simple logic underlying much of contemporary civil-rights law,” said Lee, “applies equally to conservative Republicans, who appear to face clear practices of discrimination in American academia that are statistically even starker than previous blackballings by race.”<sup>14</sup>

“*Even starker than previous blackballings by race.*” According to Lee, conservative scholars have it worse than did African Americans under segregation and Jim Crow. Conservative is indeed the new black. (This would mean, I imagine, that on some campuses there are *fewer than zero* conservatives.) It is a fantastic and deeply offensive claim in and of itself, but it becomes all the more offensive if you look at the history of conservatives’ opposition to affirmative action programs in American higher education.

### Enter ACTA

Lately, the American Council of Trustees and Alumni (ACTA) has gotten in on the act. Although the organization and its president, Anne D. Neal, typically present themselves as being considerably more respectable and reliable than Horowitz, in the summer of 2006 ACTA published the thoroughly Horowitzian report *How Many Ward Churchills?*, which consists largely of course descriptions adduced by ACTA as evidence that American universities are, in fact, infested by Ward Churchills. As the report says, “it is important to explore just how widespread the Ward Churchill phenomenon” really is. Indeed, the first subheading, “Ward Churchill is Everywhere,” would seem to suggest, at least on one reading, that Ward Churchill is everywhere.

I can’t say much about most of the courses ACTA flags, because I know no more about them than ACTA does. All we have are the course descriptions, and it’s hard to say on the basis of those descriptions that the professors who designed the courses are really willing to blame the attacks of September 11 on those who died that day. But there is one course description I recognized when I read through the report:

Penn State University offers “American Masculinities,” which maps “how vexed ideas about maleness, manhood, and masculinity provided rough-riding presidents, High Modern novelists, Provincetown playwrights, queer regionalists, star-struck inverts, surly bohemians and others with a means to negotiate—and gender—the cultural and political turmoil that constituted modern American life.”<sup>15</sup>

I happen to know who taught that course. He is a brilliant young professor, and, thank goodness, he is nothing like Ward Churchill. In fact, I don’t see anything objectionable about this course description, regardless of who taught the course. On the contrary, I suggest that anyone who tries to claim that such a course has no place at an American university has no business commenting on American universities. And because ACTA, Horowitz, and company are fond of telling people that courses like this are not only evidence of the corruption of the university but also a disservice to students, perhaps it’s germane that the student evaluations of this course, and of this professor, have been off-the-charts spectacular.

Two more kinds of confusion lie behind the attacks on academic freedom. The first is that most critics of universities don’t seem to distinguish between unconscious liberal bias and conscious liberal *convictions*. But the language of bias is not well-suited to the work of, say, a researcher who has spent decades investigating American drug policy or conflicts in the Middle East and who has come to conclusions that amount to more or less “liberal” critiques of current policies. Such conclusions are not bias; rather, they are legitimate, well-founded beliefs, and of course they should be presented—ideally, along with legitimate competing beliefs—in college classrooms. Recently, I was asked by a member of the Penn State College Republicans whether I taught “both sides” in my graduate seminar on disability studies. In response, I mentioned the debate over the ethics of selective abortion of fetuses with disabilities and briefly sketched out four or five positions on the question. My point, of course, was that just as it is a mistake to think that there are two sides to every question, it is also a mistake—and a pernicious one, encouraged by Horowitz, Balch, and company—to think that there are *only* two sides to every question. But some of our students now enter the classroom with this idea; it comes from mass-media simulacra of “debate.” There is one side, and then there is the other side. That constitutes balance, and anything else is bias.

A second confusion has to do with “accountability.” The argument goes like this: “We pay the bills for these proselytizing faculty liberals—we should have some say over what they teach and how they teach it. Public universities should be accountable to the public.” At first blush, the argument sounds kind of reasonable. The taxes of the people of Pennsylvania do go to support Penn State, and I take the mission of the public university very seriously. From Virginia to Illinois to dear old State, I have spent my adult life at public universities, and I will be happy to explain my teaching and writing to any member of the public who wants to learn more about it. But let’s look more closely at that funding, and at what forms of “accountability” are appropriate



to an educational institution. Only twenty years ago, 45 percent of Penn State's budget was provided by public funds; back then, in-state tuition was \$2,562 per year. Our level of state support is now down to 10 percent, and, not coincidentally, in-state tuition has risen to \$11,508. So perhaps it's worth pointing out that state support has declined as state demands for accountability have increased. Or, to put this more dramatically, I sometimes find myself faced with people who say, in effect, "I pay 10 percent of your salary, and that gives me the right to screen 100 percent of your thoughts."

Now, Penn State as an institution is accountable for that 10 percent of its budget. We should—and we do—make every effort to ensure that our funds are spent responsibly, and I think everyone who's dealt with a university purchasing system will know what I'm talking about. But that does not mean that legislators and taxpayers have the right, or the ability, to determine the direction of academic fields of research. And I say this with all due respect to my fellow citizens: You have every right to know that your money is not being wasted. But you do not have the right to suggest that the biology department should make room for promoters of Intelligent Design; or that the astronomy department should take stock of the fact that many people believe more in astrology than in cosmology; or that the history department should concentrate more on great leaders and less on broad social movements; or that the philosophy department should put more emphasis on deontological rather than on utilitarian conceptions of the social contract. The people who teach these subjects in public universities actually do have expertise in their fields, an expertise they have accumulated throughout their lives. And this is why we believe that decisions about academic affairs should be conducted by means of peer review rather than by plebiscite. It's a difficult contradiction to grasp. On the one hand, professors at public universities should be accountable and accessible to the public; but on the other hand, they should determine the intellectual direction of their fields without regard to public opinion or political fashion. This is precisely why academic freedom is so invaluable: It creates and sustains educational institutions that are independent of demographic variables. Which is to say, from Maine to California, the content of a public university education should not depend on whether 60 percent of the population doubts evolution or whether 40 percent of the population of a state believes in angels—and, more to the point, the content of a university education should be independent of whatever political party is in power at any one moment in history. Would I say this if Feingold Democrats were in power in every state house from sea to shining sea? Absolutely. Without a moment's hesitation. Legislative interference by Democrats would violate the principle of academic freedom just as surely as would interference by Republicans, although I suppose the interference would take a somewhat different form.

To understand this principle, we have to make an important distinction between substantive liberalism and procedural liberalism. For one of the things at stake here is the very ideal of independent intellectual inquiry, the kind of inquiry whose outcomes cannot be known in advance and cannot be measured in terms of efficiency or productivity. There

is no mystery why some of our critics loathe liberal campuses. It is not simply that conservatives are striking out at the few areas of American cultural life they do not dominate. That much is true, but it fails to capture the truly radical nature of these attacks on academe. For these attacks are not simply on the substance of liberalism (in the form of specific fiscal or social policies stemming from the Progressive era, the New Deal, and the Great Society) but on *procedural liberalism itself*, on the idea that no one political faction should control every facet of a society. There is a sense, then, in which traditional conservatives are actually procedural liberals, as are liberals themselves, while members of the radical right, and the radical left, are not. The radical right's contempt for procedural liberalism, with its checks, balances, and guarantees that minority reports will be incorporated into the body politic, can be seen in recent defenses of the theory that the president has the power to set aside certain laws and provisions of the Constitution at will, and in the religious right's increasingly venomous and hallucinatory attacks on a judicial branch whose members were, in fact, mostly appointed by Republicans. What animates the radical right, in other words, is not so much a specific liberal belief about stem cell research here or gay civil unions there; on an abstract level, it's not about any specific liberal issues at all. Rather, it's about the very existence of areas of political and intellectual independence that do not answer directly and favorably to the state. So, for example, when in April 2005 Alabama State Representative Gerald Allen proposed a bill that would have prevented Alabama's public libraries from buying books by gay authors or involving gay characters, he wasn't actually acting as a conservative. Real "conservatives" don't do that. He was behaving like a member of the radical right. Indeed, his original intent was to strip libraries of all such works, from Shakespeare to Alice Walker. Of course, it could be argued that to enforce such a law, the state of Alabama would have to hire dozens of queer theorists to determine what counts as a "gay author" or a "gay character." As he put it, "I don't look at it as censorship. I look at it as protecting the hearts and souls and minds of our children."<sup>16</sup> Thankfully, relatively few public officials see it as their job to protect the children of America from the heritage of Western culture.

But some do, and that's why academic freedom is so important. It may not be written into the Bill of Rights—the real one, the one in the Constitution. It is far younger than the rights enumerated there, and more fragile. But together with freedom of speech, freedom of religion, freedom of assembly, freedom of the press, freedom to petition the government for a redress of grievances, and the freedom of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, academic freedom is an aspect of procedural liberalism that is one of the cornerstones of a free society. If you believe in the ideals of the open society and the intellectual legacies of the Enlightenment, you should believe in the ideal of professors' intellectual independence from the state—and you should believe that it is an ideal worth defending.

## Notes

Some of the material in this essay, particularly the discussions of Representatives Baxley and Mumper, is drawn from my book, *What's Liberal About the Liberal Arts? Classroom Politics and "Bias" in Higher Education* (New York: Norton, 2006).

<sup>1</sup> Ann Coulter, *Treason: Liberal Treachery from the Cold War to the War on Terrorism* (New York: Three Rivers Press, 2004); Michael Savage, *Liberalism Is a Mental Disorder: Savage Solutions* (Nashville, TN: Nelson Current, 2005); Jonah Goldberg, *Liberal Fascism: The Totalitarian Temptation from Mussolini to Hillary Clinton* (New York: Doubleday, 2007); Michelle Malkin, *In Defense of Internment: The Case for "Racial Profiling" in World War II and the War on Terror* (Washington, D.C.: Regnery, 2004).

<sup>2</sup> Dan Surra, quoted in "AFT Testifies on Academic Bill of Rights," *AFT Higher Education News*, January 13, 2006, available at [http://www.aft.org/higher\\_ed/news/2006/testimony\\_pa\\_abor.htm](http://www.aft.org/higher_ed/news/2006/testimony_pa_abor.htm) (accessed July 18, 2006).

<sup>3</sup> General Assembly of Pennsylvania, House Resolution 177, July 5, 2005, available at <http://www.legis.state.pa.us/WU01/LI/BI/BT/2005/0/HR0177P2553.htm> (accessed January 20, 2006).

<sup>4</sup> See, for example, Bill Schackner, "Rightists Love to Hate Him," *Pittsburgh Post-Gazette*, November 26, 2006, B1-2.

<sup>5</sup> James Vanlandingham, "Capitol Bill Aims to Control 'Leftist' Profs," *Independent Florida Alligator*, March 23, 2005 available at <http://www.alligator.org/pt2/050323freedom.php> (accessed June 14, 2005).

<sup>6</sup> David Steigerwald, "The New Repression of the Postmodern Right," *Inside Higher Ed*, February 11, 2005, available at <http://www.insidehighered.com/views/2005/02/11/steigerwald1> (accessed February 12, 2005). What makes Mumper's statement all the more remarkable is that he was referring to a clause in his bill that was drawn from the AAUP's 1940 *Statement of Principles on Academic Freedom and Tenure*, advising teachers that "they should be careful not to introduce into their teaching controversial matter which has no relation to their subject." American Association of University Professors, *AAUP Policy Documents and Reports*, 10th ed. (Washington, D.C.: AAUP, 2006), 3.

<sup>7</sup> AAUP, 1940 *Statement*, 3.

<sup>8</sup> David Horowitz, *The Art of Political War and Other Radical Pursuits* (Dallas: Spence, 2000). See also Graham Larkin's interpretation of Horowitz in *Inside Higher Ed*:

What, exactly, is he getting at in this passage? Since, on the home front, it would be illegal to actually liquidate the enemy, Horowitz does not want us to take Lenin's apocalyptic injunction too literally. Instead, he believes you should drown your political opponents in a steady stream of bullshit, emanating every day from newspapers, TV and radio programs, as well as lavishly funded smear sites and blogs. He also thinks you should go on college lecture circuits where you can use incendiary rhetoric to turn civilized venues into the Jerry Springer show, and then descend into fits of indignant self-pity when someone responds with a pie to your face.

Graham Larkin, "David Horowitz's War on Rational Discourse," *Inside Higher Ed*, April 25, 2005, available at <http://insidehighered.com/views/2005/04/25/larkin> (accessed April 25, 2005).

<sup>9</sup> Scott Jaschik, "Retractions from David Horowitz," *Inside Higher Ed*, January 11, 2006, available at <http://www.insidehighered.com/news/2006/01/11/retract> (accessed January 19, 2006); David Horowitz, "Bérubé Takes Off the

Gloves and Shows His Hands Are Empty," *David's Blog, FrontPage Magazine*, February 11, 2006, available at <http://www.frontpagemag.com/blog/BlogEntry.asp?ID=610> (accessed February 11, 2006). About his questioning by Curry, Horowitz said to *USA Today*, "These underhanded, devious, malicious, dishonest tactics. I gave 45 minutes of testimony, a half-hour of questions, and I never once mentioned the incident they're referring to [ . . . ]. Curry saved it to the very end of the hearings and rammed it to me." According to Horowitz, it was underhanded, devious, malicious, and dishonest of Lawrence Curry to ask him about a claim he had not made at the hearing, but had made repeatedly for six months before the hearing. Mary Beth Marklein, "An Ex-Liberal Navigates Right: Activist Defends Students From 'Leftist' Professors," *USA Today*, June 1, 2006 available at <http://www.usatoday.com/educate/college/arts/articles/20060611.htm> (accessed June 2, 2006).

<sup>10</sup> David Horowitz, *Students for Academic Freedom* (Los Angeles: Students for Academic Freedom Information Center, 2003), 19.

<sup>11</sup> Mark Bauerlein, "Securing Academic Freedom on Campus," *FrontPage Magazine*, March 3, 2004, available at <http://www.frontpagemag.com/Articles/ReadArticle.asp?ID=12452> (accessed June 8, 2006).

<sup>12</sup> Ryan Pfister, "Wall Stands for PSU Divide," *Daily Collegian*, November 11, 2005, available at <http://www.collegian.psu.edu/archive/2005/11/11-11-05tdc/11-11-05dnews-12.asp> (accessed November 12, 2005).

<sup>13</sup> Stephen Balch, *Report to the Select Committee of the Pennsylvania House of Representatives*, available at [[http://www.nas.org/polimage.cfm?doc\\_id=7&size\\_code=Doc](http://www.nas.org/polimage.cfm?doc_id=7&size_code=Doc)] [accessed November 25, 2008].

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