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## Special Report

### 'Academic Bill of Rights' gets the hard sell

There was promising news this spring in the fight to preserve free speech and academic freedom on campus, but the battle is far from over. Two state senates killed so-called "Academic Bill of Rights" (ABOR) legislation in March, and another legislative panel, more than halfway through a series of hearings investigating whether liberal professors are indoctrinating students, signaled that testimony against the legislation has been influential. This is a relief to ABOR opponents, who, as in the carnival game Whack-A-Mole, no sooner smack down the bill in one place than it pops up in another.

An April meeting sponsored by Students for Academic Freedom (SAF) gave an idea of why this bad idea is so resilient. Some far right-wing legislators really like it, despite neither evidence that it's needed nor widespread public support.

ABOR purports to protect students, but at the April 7 all-day event, billed as the "First National Academic Freedom Conference," most attendees were presenters and staff. There were 149 registrants, according to conference organizer Elizabeth Ruiz, and about 50 of them were students. Session headcounts suggested a turnout of half that, however, and a 4-to-1 ratio of codgers to 20-somethings.

Other than a kickoff speech by Sen. Lamar Alexander (R-Tenn.), headlining the conference was Marxist-radical-turned-conservative-polemicist David Horowitz. His presence dominated the conference, as he railed at length against his enemies, complaining that he was being "maligned and abused." Conference handouts featured reprints of Horowitz speeches encased in four-color covers emblazoned with liberty bells and American flags. Even a news conference held to announce the launch of SAF's expansion into K-12—"where abuses are more severe," according to Horowitz—was dominated by his 30-minute opening harangue.

At a panel considering the question "Is Legislation Necessary or Advisable?" moderator Scott Jaschik, editor of the online newspaper *Inside Higher Ed*, managed to let others get words in edgewise. AFT vice president and United University Professions/AFT president William Scheuerman noted the dearth of evidence that there's a need for legislation.

Horowitz was upset by the suggestion that his anecdotes of repression on campus do not rise to the level of evidence.

"The plural of anecdote is not data, it's anecdotes," responded panelist Terry Hartle, vice president of governmental relations for the American Council on Education. "And when you base the case for an Academic Bill of Rights on anecdotes, and one of the anecdotes is found to be wrong, then you can't complain when the whole case is suspect."

Another panel on legislative strategy featured some of ABOR's biggest conservative promoters: Florida state Rep. Dennis Baxley, former Colorado state Sen. John Andrews and Ohio state Sen. Larry Mumper. One panel member, state Rep. Jeff Perry from Massachusetts, emphasized the importance of reintroducing ABOR legislation "again and again and again." And if that doesn't work, Pennsylvania state Rep. Gib Armstrong suggested, all the "socialist, leftist professors out to destroy America" should "just go to Cuba."

## FAILURE TO LAUNCH

The most recent state legislatures to reject ABOR were those of South Dakota and Arizona. Notably, both those bodies have Republican majorities. The South Dakota bill would have required the state's public universities to file annual reports showing how they ensure academic freedom and promote differing points of view. The Arizona bill would have required professors to prepare alternative curricula for students who objected to the content of a class.

In Florida, the move for ABOR suffered a setback with the release of a report by the Legislature's government accountability office, which found no evidence that students' rights to academic freedom are in jeopardy there. Legislators sought the report last summer while a bill was in play that would have restricted faculty's academic freedom. The bill failed, but its conservative sponsor, Rep. Baxley, vowed to reintroduce it, possibly in this session.

The report ([www.oppaga.state.fl.us/reports/educ/r06-22s.html](http://www.oppaga.state.fl.us/reports/educ/r06-22s.html)) from the Office of Program Policy Analysis and Government Accountability, says that every one of Florida's 11 universities and 28 community colleges has well-established academic freedom policies and well-publicized mechanisms for students and faculty to file complaints. The office looked at all recent complaints. Between the academic years 2002-03 and 2004-05, the total number of formal student grievances on academic freedom-related matters was seven, or less than 1 percent of all grievances filed.

"Not only is there no smoking gun, the gun never went off," says Tom Auxter, president of the United Faculty of Florida, the joint AFT-NEA union representing all faculty in the 11-university system.

And in Pennsylvania, where the House Select Committee on Academic Freedom in Higher Education held its third set of hearings at Millersville University on March 22-23, the idea of government intervention in the classroom only grows more unpopular. Many of the students, faculty and experts who testified noted that there wasn't a problem that merited such an invasive solution. This was telling testimony, given that Millersville is in Lancaster County, a bastion of conservative thought and the home district of Rep. Armstrong, who sponsored the resolution that launched the investigation.

Committee members heard from Millersville's president, who said that the university had received only seven complaints related to academic freedom in five years, and none had to do with political bias.

Most compelling were the testimonies of students, however, who turned out in greater numbers at this hearing than the one held in January at Temple University. Many identified themselves as Republicans. None testified to the need for an Academic Bill of Rights.

Millersville junior Terry Christopher is a veteran of the U.S. Air Force and an active member of his Republican town committee. "I have taken courses with professors on both ends of the political spectrum," he said, "and I've found that their political affiliations are not what have made me learn or not learn. I have learned best in classes that are open to free debate."

A coalition called Free Exchange on Campus, of which the AFT is a founding member, is making sure students learn about ABOR and organize to make their views known. Before Horowitz made a scheduled speech at Penn State University on April 13, for example, campus activists held a counter-Horowitz rally and press conference. PSU professor Michael Bérubé, who is targeted in Horowitz's recently released book, *The Professors: The 101 Most Dangerous Academics in America*, cited examples of falsehoods in the book. Students wore T-shirts that read, "Horowitz: We can think for ourselves; we don't need your outside agenda."

Later that day, Horowitz told students Penn State is indoctrinating them. But where's the evidence, students asked during the Q&A period. He told Penn State Honors College student Elena Cross, "You do not have the mental capacity to understand." To another student, he said, "You are deaf and brain-dead," according to *The Center Daily* newspaper.

Free Exchange has just released a report that debunks the false premise behind Horowitz's book, that

faculty are indoctrinating students, and reveals his numerous inaccuracies and misrepresentations. The report is available at [www.freeexchangeoncampus.org](http://www.freeexchangeoncampus.org).

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