

St. Pete Times

Lawmaker takes his complaints to the top

Rep. Dennis Baxley asks university presidents to protect conservatives from ridicule.

By DAVID KARP, Times Staff Writer

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TALLAHASSEE - From his seat on a key education committee, Rep. Dennis Baxley helps shape the budget of every public university in Florida.

But when he appeared Thursday before the state's university presidents, Baxley portrayed himself as a victim.

"I have not come with a set of demands," he said in a soft voice. "I have come with a burden."

The Ocala Republican told the presidents he has been humiliated for his conservative views. He showed them a cartoon published in the University of Florida student newspaper that depicted a naked Baxley crawling behind a monkey in the evolutionary chain.

Baxley's request: Protect conservatives like him from ridicule by the "liberal elite" on Florida campuses.

The presidents nodded politely, but didn't agree to do anything specific. Instead, they told Baxley about policies already in place to protect students treated unfairly for any reason.

"It's our job to make sure that those policies work," said University of West Florida president John Cavanaugh, who chairs the state association of university presidents.

The compromise seemed to satisfy Baxley, who is pushing legislation that would give students the right to object if professors repeatedly discuss controversial issues irrelevant to a class.

The compromise should also satisfy professors, many of whom saw Baxley's bill as a threat to academic freedom and their control of the classroom.

Though he got no specific concessions, Baxley said after the meeting that he thinks the presidents "have embraced my intentions."

His conciliatory stance also reflects political reality: His bill is on life support. Gov. Bush doesn't support it, and it has made no progress in the Senate.

"It may still have a feeding tube in," said Baxley, who fought to prolong the life of Terri Schiavo.

Baxley has considerable clout with universities because he sits on a committee that controls education spending. Members of the state Board of Governors, which oversees Florida's university system, reminded the presidents of that Thursday when Baxley appeared before them, too.

Board chairwoman Carolyn Roberts told the presidents to work with Baxley, though she did not give them a specific charge.

"I hope you are comfortable that they are taking this very seriously," Roberts told Baxley.

None of the presidents said at the meeting what actions - if any - they will take. None promised to change grievance procedures, which Baxley said don't work. Conservatives feel the procedures are "pretty much there to back the professors," he said.

In an interview later, University of Florida president Bernie Machen said he would publicize UF's existing policies. Machen said he gets hundreds of e-mails daily, but hasn't heard complaints from victimized conservatives.

"At Florida, I just don't sense it's a problem," Machen said.

T.K. Wetherell, the president of Florida State University, agreed. "I don't think you have this bastion of liberalism that people think," he said.

University of South Florida president Judy Genshaft said she talks with students often, but hasn't heard any complaints. USF recently reviewed its grievance procedures, but she is open to looking at them again.

"I care about fairness," Genshaft said.

Baxley's bill has become a part of a national debate over whether university faculties are hotbeds of radicalism. Before filing his bill, Baxley consulted conservative activist David Horowitz, who is pushing similar legislation in other states.

A former Marxist turned conservative, Horowitz has traveled the nation speaking about bias on college campus, he is author of *Hating Whitey: And Other Progressive Causes and How to Beat the Democrats: and Other Subversive Ideas*.

Horowitz argues that at many universities, conservative thinkers are shut out of tenure, graduate programs and classroom discussions.

A recent study published in *The Forum*, a political journal, supports that view. The survey of 1,643 professors at 183 institutions found that academics do appear tilted toward liberal positions. It also acknowledged that many complaints are based on student perceptions of their own grades and views.

Here are some examples from Florida schools:

Pedro Armada, who chairs Students for Academic Freedom at Florida International University, said a "liberal" professor gave him a poor grade on a paper because he didn't like his views about the international criminal court.

He said another professor teaching U.S. foreign policy assigned a book written by a socialist, but didn't assign books by "conservative" authors.

F. Michael Hallenstein, a Florida Atlantic University graduate, said an English professor teaching women's literature did a lot of "male bashing" in class.

Angela Rivera, a University of North Florida student, said a professor showed the anti-Bush movie Fahrenheit 911 in her first-year English class just before the election. When she objected, he let her show a film to counter the movie, but turned it off after a while. Rivera still got an A in the class.

The examples actually show how Baxley's complaints distort what happens in classrooms, said Tom Auxter, a UF professor who heads the Florida faculty union. He said Baxley's bill would reduce classes to stark political debates between liberals and conservatives, rather than inquiries into truth.

"The mission is not to reduce everything to conservative vs. liberal," Auxter said. "The mission is discovery."

Officials at each of the universities cited in the complaints said they have received no student reports of political bias.

Baxley brought up a complaint of his own Thursday, about an FSU professor who supposedly told a Tallahassee police officer taking a graduate course: "I don't give Republicans A's."

Wetherell, the FSU president, pressed for details, including a name.

"I have not seen many tentative Tallahassee police officers that don't speak up," he said.

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GAINESVILLE SUN

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University heads hear Baxley's 'burden'

The "academic freedom" bill was one item on a packed agenda.

BY JANINE YOUNG SIKES

SUN STAFF WRITER

TALLAHASSEE - Not one state university president seems convinced that members of their faculty treat conservative-thinking students unfairly.

But 10 of them sat quietly Thursday morning as the sponsor of a bill aimed at silencing classroom demagogues urged them to ensure that it doesn't happen on their campuses.

"I've come to you with a burden," Rep. Dennis Baxley, R-Ocala, told the university heads at a

breakfast meeting of the minds at Florida State University's Doak Campbell Stadium.

His "burden," he said, is his belief that conservative students are being intimidated and having grades lowered by liberal professors.

It was the first of two addresses he made to educators and administrators. The second came at the Board of Governors meeting later in the day.

His "academic freedom" bill was on a packed agenda in which the board, amid pressure from the presidents, loosened some goals for universities to increase the number of teachers, nurses and engineers they graduate each year to help fill critical work force needs around the state. The board also signed off on a new medical program - a partnership between Florida Atlantic University and Miami University, which is a private institution with a large medical school.

At both sessions, Baxley, a funeral director-turned-politician, whose "academic freedom" bill has little chance of making it into law, faced some of the very people most critical of the proposal.

He and others, including Rep. David Meador, R-Lake Mary, who was working behind the scenes, however, persuaded them - although reluctantly - to re-evaluate their existing policies and practices protecting student and faculty rights.

And if Baxley gets his way, administrators will increase the exposure of the issue on campuses throughout the state.

"I hope discussions will lead to ideas broaching the subject," Baxley said.

None of the presidents challenged Baxley's contentions that students have been ridiculed and threatened with failing grades. Several later pointed to a dearth of student complaints about political bias, which makes them question whether there is a problem at all.

"We have policies in place," said University of West Florida President John Cavanaugh, the current chairman of the State University Presidents Association. "It's our job to make sure those policies work."

When asked about a lack of complaints, Baxley said it could provide evidence the grievance process is insufficient.

"Obviously, I don't think these people feel free to use that," Baxley said.

Most, including University of Florida President Bernie Machen, said nothing at all in response to Baxley's speech.

Machen was provoked into talking only when Baxley presented him with a poster-board-sized copy of an editorial cartoon from The Independent Florida Alligator depicting him as pudgy and naked sitting to the left of a monkey in a chart of the evolution of man.

Baxley signed it, adding the words: "Thanks for making a place for me."

Machen returned the favor.

"Now we have something in common," Machen said. "We've both been vilified in the Alligator."

FSU President T.K. Wetherell complained, however, that Baxley singled out his school with an anonymous example about a local police officer seeking a master's degree, who reportedly had been told by his professor that "Republicans don't get A's."

"I can't solve a problem unless I know what it is," Wetherell said. "Can you give me some names?"

It remains unclear as to what will unfold on campuses statewide to shine light on the subject and whether that will be enough to satisfy Baxley, who said he would be watching to see what happens. He has threatened to file the bill again in the future - and that's something that has FIU professor Howard Rock, a former member of the Board of Governors, riled up.

"Is this a foot in the door?" Rock asked. "Will it send a message that all universities are hot beds of liberalism?"

Several presidents said they would bring up the issue at their faculty senates and student governments.

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Daytona News-Journal

Lawmaker talks to university heads about 'bill of rights'

Associated Press

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TALLAHASSEE -- State Rep. Dennis Baxley told university presidents Thursday that he'll keep pushing to change what he sees as a pervasive liberal bias on the state's campuses, even though his proposal for a student "bill of rights" appears headed for the wastebasket.

"I don't want the Legislature to regulate what the professor says in class, but neither am I going to stand aside and see people get pinched and crushed and say 'there's no problem,'" the Ocala Republican said after his speech. "If it was a big pink elephant in the room that I'm the only that sees, then we wouldn't be having this debate."

However, the university presidents -- who were attentive and polite during the speech -- say they already have procedures in place designed to handle Baxley's concerns.

"We have policies to ensure that students who feel that they have been not treated appropriately have as their recourse and it's our job to make sure that those policies work," said University of West Florida President John Cavanaugh, who chairs the State University President's Association.

Baxley's bill (HB 837) has cleared the House committee process and awaits floor debate. A companion bill (SB 2126) in the Senate has not been heard in committee with just two weeks remaining in the session.

"It might be on life support," Baxley conceded Thursday. "It may still have a feeding tube in it."

The measure appears to give students a right to sue professors if they are taught extremist or untrue views, such as saying the Holocaust never occurred or failing to include scholarly viewpoints other than the professor's own. Baxley, one of the Legislature's most conservative members, said a professor at his alma mater Florida State University told a student on the first day of class that he didn't give Republicans As.

"He meant it," Baxley said. "That's wrong."

Florida State President T.K. Wetherell bristled at not being alerted before Baxley used the anecdote and wanted names.

Baxley said he was reluctant to get into specifics, but would like a personal meeting with Wetherell to work out the issue.

"I don't mind President Wetherell pushing back a little bit," Baxley said. "I should've brought it to him."

Baxley spent 10 minutes explaining his reasons for his bill, saying it stems from his "longtime concerns the university culture has gravitated far to the left and has increasingly lost ideological diversity."

Two Florida International University faculty members, Howard Rock and Martha Pelaez, said the Board of Governors, not the Legislature, should oversee academic compliance.

Pelaez said a few isolated cases of bad conduct by a professor is no reason for lawmakers to intervene.

"The professors need to be in control of their classes," said Pelaez.

Other critics, including the United Faculty of Florida and the American Association of University Professors, warn the proposal is an "attack on intellectual freedom" that will stifle professors.

But Baxley said its time to head off the liberal culture at universities.

"This whole issue that the Legislature and charitable community is just supposed to send money and not ask any questions ... is irresponsible and unrealistic," Baxley said. "We're not going to keep paying for everything and say 'do whatever you want' and don't have any say about how business runs over there."

On the Net:

Florida Legislature: <http://www.leg.state.fl.us/>

State University Presidents Association: <http://supa.uwf.edu/>

Palm Beach Post

Lawmaker's plan to muzzle professors hits snag in Senate

By [Kimberly Miller](#)

Palm Beach Post Staff Writer

Friday, April 22, 2005

TALLAHASSEE - Ocala Republican Rep. Dennis Baxley acknowledged Thursday that his bill to control what professors say in the classroom could be on "life support."

Baxley, who spoke to Florida's 11 university presidents Thursday morning, said his proposal (HB 837) is ready to be voted on by the full House, but with just two weeks left in the legislative session, the matching Senate bill (SB 2126) appears to be hung up in committee.

While Baxley's bill says, "Faculty and instructors have a right to academic freedom in the classroom in discussing their subjects," it also says students have the right to expect their academic freedom and quality of education "not be infringed upon by instructors who persistently introduce controversial matter into the classroom that has no relation to the subject of study and serves no teaching purpose."

Florida university faculty say Baxley's plan would limit free speech in the classroom by intimidating professors who may shy away from controversial topics for fear of being accused of bias.

They point out that there is no definition in the bill of "persistent" or what would be considered controversial.

And the Florida Department of Education has estimated colleges and universities would need \$4.2 million to hire an extra attorney to handle a possible increase in lawsuits if the bill were to become law.

Rep. David Meador, R-Lake Mary, chairman of the Colleges and Universities Committee, told the presidents during the meeting that he supports Baxley's intent, but doesn't believe this is the year to pass the legislation. "If university presidents were willing to step up and do the right thing, this legislation wouldn't be necessary," Meador said.

After the presidents meeting, Baxley said: "It might be on life support. It may still have a feeding tube in it." Baxley - who this year also sponsored a bill meant to keep Terri Schiavo alive by overruling a judge's order and another that would allow people to more freely draw and fire guns in public to protect themselves - said the bill is meant to protect conservative students, especially, "conservative Republican Christians who are pro-life" from being harassed and discriminated against on college campuses.

"The leftists did not take over our campuses, the rest of us have conceded them," said Baxley, who jokingly called himself a "right-wing wacko." "I don't want to regulate what is said in the classroom, but I'm not going to sit back and let people get pinched."

But the university presidents noted Thursday that all universities already have grievance procedures for students who feel they have been treated unfairly.

"It's our job to make sure those policies work," University of West Florida President John Cavanaugh said. "It's our job to make our universities a free marketplace of ideas."

Florida State University President T.K. Wetherell bristled when Baxley said a policeman seeking a master's degree at FSU said he was told by a professor. "Republicans don't get A's in my class."

Wetherell, a former House speaker, said he should have been alerted before Baxley used the anecdote. During a committee meeting on the academic bill, Baxley cited an anecdote from conservative activist David Horowitz about a conservative student being discriminated against in Colorado, even though Horowitz had earlier acknowledged the anecdote was untrue.

"That really frosts me," Wetherell said during the meeting. "I haven't seen too many police officers around FSU who aren't willing to speak up. I need to know real names and real people."

Baxley said he would arrange a meeting between the officer and Wetherell.

"I don't mind President Wetherell pushing back a little bit," Baxley said. "I should've brought it to him."

TALLAHASSEE DEMOCRAT
April 22, 2005

Bill for class debate sparks a dialogue

By Bill Cotterell

State Rep. Dennis Baxley, R-Ocala, warned university presidents that students will go elsewhere and that alumni, government agencies and corporate donors will withhold "hundreds of millions of dollars" if they believe conservative students are being intimidated or that invited speakers are lopsidedly liberal.

At a breakfast roundtable with presidents of the 11 state universities, Baxley provoked FSU President T.K. Wetherell by saying a Tallahassee police officer told him Wednesday that the officer's professor had sneered, "I don't give Republicans A's."

"That kind of frosts me," Wetherell said. "I haven't seen too many timid policemen around . They don't have any trouble finding football players and arresting them so, to not speak up.... We can't solve the problem unless we know what the problems are.... I need real names of real people."

Baxley said he will discuss the incident privately with Wetherell but would not divulge the officer's or professor's name publicly without checking with them.

He also said a woman who works for Gov. Jeb Bush switched her major from political science to communications because of anti-GOP harassment and that an employee of state drug-policy chief Jim McDonough "had his grades go in the tank" because one or more professors didn't like his conservatism.

Range of opinions

Baxley's bill (HB 837) would require professors to present a range of scholarly opinions, require state-supported universities and community colleges to provide equal access for all types of political speakers and forbid grade discrimination for political reasons.

Opponents warned that it might lead to lawsuits by students who think one side is overrepresented, but Baxley said "no cause of action" would be created by the bill.

Other critics, on campuses and in editorial columns, have accused him of covertly trying to force teaching of creationism in science courses that feature evolution. Baxley denied it, displaying an editorial cartoon from the Independent Florida Alligator showing himself at the rear of the evolutionary chain, behind the monkey and archaic forbears.

"The leftists did not take our campuses; the rest of us simply conceded them," he told the presidents. "If my efforts can cause one professor to self-examine himself or herself about their style and how they handle students - if I can help just one person, a faculty member or student, to stand tall with conviction for what they believe - it will be worth my humiliation and all the filthy things that have been thrown at me and my staff."

With two weeks and a day left in the 2005 session, Baxley's bill has not cleared the House, and its Senate companion (SB 2126) has not been heard by an education committee. Senate sponsor Steven Wise, R-Jacksonville, said the idea has been in "over here."

Although the bill is technically still on the House calendar, Baxley obliquely compared it to the controversy that dominated the first weeks of the session: his unsuccessful legislation to get Terri Schiavo's feeding tube reinserted.

"It might be on life support," he said.

Wanted: 'Free marketplace'

The timing and need for the academic-freedom bill "was frankly questionable," said and Colleges Committee Chairman David Mealor in introducing Baxley to the university presidents.

But he emphasized that Baxley, a graduate of two community colleges and FSU, is not anti-intellectual or opposed to higher-education spending.

"No one in the Legislature has offered to be more supportive of our issues," Mealor said.

, chairman of the State University Presidents Association, assured Baxley they all want "a free marketplace of ideas." He said the universities do not tolerate intimidation of students, staff or faculty by liberal or conservative organizations or individuals.

"We have policies to make sure that students who feel they have been not treated appropriately have their recourse," he said. "It's our job to make sure those policies work."

After the breakfast, history professor Howard Rock approached Baxley and asked him why conservatives run state and national governments if the campuses that produce those leaders are so liberal.

"I didn't say the left was winning," Baxley said.

"On Wall Street and in banking, it's almost all - 95 percent - Republican," Rock said. "Shouldn't there be more diversity there, as well?"

"Yeah," Baxley said. "But they're not publicly funded."

Tribune Apr 22, 2005

You Talkin' To Me? You Talkin' To Me?

DANIEL RUTH

This was just great, just peachy, just what we needed.
Really, really ticked-off people with anger management issues armed with more guns than common sense.

For a state that is pretty much regarded as a haven for crazed Nazis, drug dealers, stalking pedophiles and your general run-of-the-mill roaming lunatics, now a state representative had proposed a piece of legislation which would make it open season on anyone who happens to annoy you.
This isn't a state. It's an annuity for Jerry Springer.

And now both houses of the Florida Legislature thought it was a simply grand idea to pass the ``Ox-Bow Incident" Manifesto.

State Rep. Dennis Baxley, R- Rambo, is an huckster who has turned into something of a Lord Protector of the this session, first trying (unsuccessfully) to inject into the Terri Schiavo tragedy.

Academic Heft

Then Baxley, R-A Gun In Every Pot, introduced another piece of patently phony legislation promoting ``academic freedom" on state campuses, which might otherwise be titled ``The Florida Re-Education Camp Bill," that would stymie expression and dictate to professors how they would teach their classes.

It seems Baxley's ``Manchurian Candidate" approach to higher education stemmed from an experience he had while a student at Florida State University, when a professor teaching an ANTHROPOLOGY course had the audacity to lecture on the science of evolution, rather than the young scholar's belief in creationism.

And since Baxley, R-Salem, lacked the intellectual cojones at the time to argue his case for creationism in class, he waited for 30 years until he made his way to the Florida House to bully his views on the public university system.

Why, the next thing you know, medical schools, in addition to teaching aspiring doctors how to perform coronary bypass procedures, will be legally required to give equal academic heft to the laying on of hands.

Alas, the Ocala Roundhead was only getting warmed up when it came to introducing Deadwood-esque legislation.

Already Have It

In essence, Baxley's emotionally manipulative measure merely gives Floridians protections they already possess - namely, that any individual certainly has every right to protect themselves should they find themselves attacked in their homes or on the streets.

The ``Hang 'Em High Bill" stipulates anyone has a right to stand their ground and meet force with force should they feel threatened without fear of prosecution.

But citizens always had every right to defend themselves, hardly a revelation there, despite efforts by Baxley, R-Star Chamber, to act as if he had just discovered the concept of self-defense.

``If I'm attacked, I shouldn't have a duty to retreat," said the Harry Callahan of the Capitol - this from a chap who didn't have the chutzpah to take on an anthropology professor in class.

Is there any doubt that Baxley's ``Travis Bickle Memorial Act" will eventually lead to road rage incidents in which motorists will claim they were in fear of their lives when they unloaded that .356 Magnum into the driver of a car who cut them off?

Will there be an epidemic of violence associated with Baxley's ``The Mother of All Pie Fights Bill"? Probably not.

But it sure gives an extra dose of legal cover to justify bloodletting as a result of neighborhood spats, barroom brawls and domestic disagreements.

It's hardly a shock that those joie de vivre-filled crazy nuts at the National Rifle Association thought Baxley's ``High Noon Initiative" was simply the cat's pajamas.

The Florida Association of Coffinmakers probably endorse it, too, and Maury Povich, and Montel, and Bill O'Reilly, and ``'s Most Wanted," and ...

Gainesville Sun

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Academic freedom bill ready for House

TALLAHASSEE - The man leading the charge against what he sees as pernicious liberal bias on college campuses declared victory Tuesday, winding down an emotional debate that has gone nationwide in recent weeks.

Ocala Republican Rep. Dennis Baxley's "academic freedom" bill was approved by one last House committee Tuesday, 6-

4, sending it to the full House for consideration.

But invitations to speak about his concerns this month with the state's university presidents and the Board of Governors brought a new, kinder and gentler Baxley to light, quoting former Beatle John Lennon and praising students who spoke against him.

"My saying is, 'Give peace a chance,'" Baxley said in the House Education Council. "We could see a good outcome without having to pursue legislation."

Baxley filed House Bill 837 as part of a nationwide conservative effort. The bill promises to protect "free inquiry and free speech within the academic community."

Part of the bill says students should not have their academic freedom "infringed upon by instructors who persistently introduce controversial matter into the classroom that has no relation to the subject of study and serves no legitimate pedagogical purpose."

Baxley has made it clear his true targets are "totalitarian niches" in campuses that are "bastions of leftist thought," saying tenured professors ruin conservative students' grades and conservative professors' careers.

Opponents say the bill would lead to frivolous lawsuits from students and create an environment where viewpoints as extreme as the superiority of certain races would have to legally be taught in college classes.

Gov. Jeb Bush has supported Baxley's philosophy, but has said he won't sign the bill into law. He probably won't get that chance since the Senate has refused to consider the bill. The full House may still pass the bill in a symbolic move before the session ends in early May.

Tom Auxter, a philosophy professor at the University of Florida and the head of the United Faculty of Florida, said Baxley's efforts have succeeded in making Florida the center of speculation among higher education professionals.

"The eyes of the nation are going to be on us," he said. "Should we introduce something that has so many questionable consequences?"

Auxter and others argued that universities have sufficient safeguards to keep a professor from punishing a student solely due to political differences. And Auxter said that professors sometimes intentionally use controversial topics to stimulate discussion.

Baxley said he hopes to persuade university leaders to voluntarily safeguard conservative voices on campus without legislation. He compared conservative students' silent suffering of liberal invective on campus to the prejudice experienced by African-Americans and other minorities.

"(Campus leaders) have no problem if you want to let loose on a Christian conservative Republican," he said. "You're free to do what you want to that person."

For the first time, a Republican lawmaker voted against Baxley's bill.

Rep. Larry Cretul, R-Ocala, said Tuesday that students at the University of Florida, which is in his district, unanimously opposed the bill.

"House Bill 837 is unnecessary legislation," Cretul said in a statement. "Are there occasional mistakes made by faculty? Sure. But I'm also sure there are mistakes made by faculty of all political persuasions. That's why our state's nationally renowned universities have policies in place to deal with these mistakes."

Academic bill suddenly reverses

By [JAMES VANLANDINGHAM](#) Alligator Staff Writer

TALLAHASSEE - A new report by Florida House staff states that, in a reversal from earlier analyses, students would not be able to sue their professors under the pending Academic Freedom Bill of Rights sponsored by Rep. Dennis Baxley of Ocala.

The report was commissioned by the House Education Council, which will meet today to take up the bill under the leadership of chairman Baxley.

"The bill does not create a statutory cause of action for students or faculty who feel their rights have been infringed," the report states.

A cause of action is a set of facts or allegations that make up the grounds for filing a lawsuit.

The new report, written by Education Council staff analyst Hyland Hunt, reflects recent statements by Baxley that the threat of lawsuits is overblown.

But it appears to contradict another report on the bill released just three weeks ago by the very same analyst.

In a report for the House Choice and Innovation Committee, which passed the bill March 22 along party lines, Hunt wrote the bill may shift responsibility for balancing academic freedoms and deciding whether students' rights have been infringed from university faculty to the courts.

Moreover, Hunt wrote, students or faculty who feel their academic freedom rights have been infringed "may have legal recourse."

Hunt declined Monday to explain the discrepancy, citing House rules banning staff from speaking to the press.

Towson Fraser, spokesman for House Speaker Allan Bense, instead tried to explain.

"My understanding is that after the first analysis, people came to her and talked to her about problems they had, and she changed the analysis," he said. "As a bill gets discussed and goes through the process, the original analysis may need to be updated as new information comes to light."

Rep. Eleanor Sobel, D-Hollywood, an opponent of the bill, said that Baxley's influence as Council chairman may have caused Hunt to change the report.

"Baxley is chair of the council, so there might have been conversations," she said. "Baxley has said there's no cause of action, and she wrote what he wanted to hear."

Baxley could not be reached Monday for comment.

In contrast to Hunt's new report, a Senate staff analysis of an identical bill in the Senate Education Committee warned last week that "the bill appears to create a cause of action for students to litigate against the public postsecondary education in which they are enrolled."

Moreover, the report said some provisions of the bill "invite student complaints" against their professors or universities.

Senate committee analyst Lowell Matthews, author of the document, said Monday he stood by his report.

Robert Jerry, dean of UF's Levin College of Law, said the legislation does not provide an expressed cause of action, a paragraph expressly stating a plaintiff's right to sue.

"But the question is whether there's an implied cause of action," Jerry said.

The Florida Supreme Court has ruled that the intent of the Legislature should be the primary factor considered by courts on whether a cause of action exists.

But a cause of action may be "judicially inferred," and a debate over a cause of action can be enough for plaintiffs to file suit and let the courts decide, Jerry said.

"Certainly the possibility that this bill would create a cause of action couldn't be disregarded," he said. "All you need to do is file a complaint, and the worst that can happen is the court says no."

Rep. Dan Gelber, D-Miami Beach, said the bill on its face creates enforceable rights that must also create a cause of action.

"It says in the bill, 'a student has a right to expect...,'" he said. "Rights aren't vindicated by themselves, and they're not spontaneously enforced. If you create these rights in the university system, they're going to be enforced by somebody."

Gelber, a trained attorney who sits on the Choice and Innovation Committee, said it was clear that lawsuits and the courts would fill that role. He cited a report by the Department of Education recommending \$4.2 million be spent to hire a new lawyer for each of Florida's universities and community colleges if the bill was passed.

"I can't believe the legislature is going to seriously consider the bill," Gelber said. "If it wasn't so dangerous, it would be wacky."

The bill bans professors from introducing "controversial matter" into the classroom or introducing coursework serving "no legitimate pedagogical purpose."

The bill also mandates making students aware of all "serious scholarly viewpoints."

The bill defines neither "controversial matter" nor "serious scholarly viewpoints."

If the Education Council passes the bill, it could go to the House floor. An identical bill is pending before the Senate Education Committee.

"This is a marketplace of ideas, and sometimes even the nuttiest ideas can attract attention," Gelber said. "Sometimes the nuttiest ideas attract the most attention."

Tallahassee Democrat

April 20, 2005

Council approves 'academic freedom' Bill would deter discrimination

By Diane Hirth

DEMOCRAT CAPITOL BUREAU

Saying that conservatives are disparaged on campus, Rep. Dennis Baxley convinced the House Education Council to pass his "academic freedom" bill Tuesday.

His legislation (HB 837) would require professors to avoid controversy unrelated to their subject, present a range of scholarly opinions, not consider students' political or religious views when giving out grades and not discriminate against faculty because of their views.

"We never let it happen to an African-American. We never let it happen to some other ethnic group. We'd never let it happen to an Islamist," said Baxley, R-Ocala. "But we have no problem if you want to let loose on a conservative Christian Republican born-again."

Baxley said he'll decide whether to advance his legislation further based on whether Florida university presidents act on his ideas for more balance and fairness. He's invited to a presidents' meeting Thursday in Tallahassee.

"I'm very open to that," Baxley said, though he had no specific ideas about what the presidents should do.

John Cavanaugh, University of West Florida president and leader of the presidents' association, said, "That's why we invited him, to find out what the issues are and to give us the opportunity to tell him ... what policies and procedures already are in place for students not treated in an appropriate manner."

What if Baxley says grievance procedures aren't working? "We're taking it one step at a time," Cavanaugh said.

Larry Abele, Florida State University provost, said students confiding to Baxley that they feel too intimidated to speak out may not recognize that lively intellectual debate "is part of their maturation process."

He's heard few complaints about a lack of diverse views and none about grading on that basis. He said committees already exist to handle grievances against faculty.

With the Education Council acting as a gatekeeper on education-related bills in the House, the legislation is ready to go to the full House for a vote. The Senate equivalent (SB 2126) has yet to be heard.

Rep. Lorraine Ausley, D-Tallahassee, voting no, said the bill violates the GOP's own principles of more freedom, less taxes and less government, because colleges may have to spend \$4 million to defend themselves against "academic freedom" lawsuits.

Contact Senior Writer Diane Hirth at (850) 671-6546 or dhirth@tallahassee.com

Sarasota Herald Tribune
Article published Apr 20, 2005

Baxley adopts softer tone on liberal bias legislation

By [Joe Follick](#) CAPITAL BUREAU

TALLAHASSEE -- The man leading the charge against what he sees as pernicious liberal bias on college campuses declared victory Tuesday, winding down an emotional debate that has gone nationwide in recent weeks.

Ocala Republican Rep. Dennis Baxley's "academic freedom" bill was approved by one last House committee Tuesday, 6-4, sending it to the full House for consideration.

But invitations to speak about his concerns this month with the state's university presidents and the Board of Governors brought a new, kinder and gentler, Baxley to light -- one who was quoting former Beatle John Lennon and praising students who spoke against him.

"My saying is, 'Give peace a chance,'" Baxley said in the House Education Council. "We could see a good outcome without having to pursue legislation."

Baxley filed House Bill 837 as part of a nationwide conservative effort. The bill promises to protect "free inquiry and free speech within the academic community." A portion of the bill says students should not have their academic freedom "infringed upon by instructors who persistently introduce controversial matter into the classroom that has no relation to the subject of study and serves no legitimate pedagogical purpose."

Baxley has made it clear his true targets are "totalitarian niches" in campuses that are "bastions of leftist thought," saying tenured professors ruin conservative students' grades and conservative professors' careers.

Opponents say the bill will lead to frivolous lawsuits from students and create an environment where viewpoints as extreme as the superiority of certain races would have to legally be taught in college classes.

Baxley denies that, saying the bill would only prevent proselytizing and punishment from professors due to political provocation.

Gov. Jeb Bush has supported Baxley's philosophy, but has said he won't sign the bill into law.

He probably won't get the chance to decide, though, since the Senate has refused to consider the bill. The full House may still pass the bill in a symbolic move before the session ends in early May.

Tom Auxter, a philosophy professor at the University of Florida and the head of the United Faculty of Florida, said Baxley's efforts have succeeded in making Florida the center of speculation among higher education professionals.

"The eyes of the nation are going to be on us," he said. "Should we introduce something that has so many questionable consequences?"

Auxter and others argued that universities have sufficient safeguards to keep a professor from punishing a student solely due to political differences. And Auxter said professors sometimes intentionally use controversial topics to stimulate discussion.

But Rep. John Stargel, R-Lakeland, said he received a C-minus, his lowest grade at Florida State University's law school, after disagreeing with a professor's pro-choice stance.

Stargel said he was "humiliated" by the experience. "I didn't know at that time that I wasn't free to speak," Stargel said.

Baxley hopes to persuade university leaders to voluntarily safeguard conservative voices on campus without legislation.

He compared conservative students' silent suffering of liberal invective on campus to the prejudice experienced by African-Americans and other minorities. Of campus leaders, he said, "They have no problem if you want to let loose on a Christian conservative Republican. You're free to do what you want to that person."

For the first time, a Republican lawmaker voted against Baxley's bill. Rep. Larry Cretul, R-Ocala, said Tuesday that students at the University of Florida, which is in his district, unanimously opposed the bill.

"House Bill 837 is unnecessary legislation," Cretul said in a statement. "Are there occasional mistakes made by faculty? Sure. But I'm also sure there are mistakes made by faculty of all political persuasions. That's why our state's nationally renowned universities have policies in place to deal with these mistakes."

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OCALA STAR BANNER

Article published Apr 20, 2005

Baxley claims victory over liberal bias

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Orlando Sentinel

Opinion

<http://www.orlandosentinel.com/news/opinion/orl-edpmyword20042005apr20,1,56479.story?coll=orl-opinion-headlines&ctrack=1&cset=true>

My Word: The death of academic freedom?

By John Sclaro April 20, 2005

If the Florida Legislature's proposed Student and Faculty Academic Freedom Bill becomes law and takes effect on July 1, it will signal the death of academic freedom in Florida's public universities and community colleges.

I should know.

In my humanities classes, I have always tried to follow the advice of Socrates, who said that the unexamined life is not worth living. Socrates did not mean that mere opinion should guide us in our quest for truth, but that the distinction between opinion and truth should prompt us to see that what we often represent as the truth is only a veiled or disguised form of ignorance.

Even Plato, Socrates' best-known and highly respected student, insisted that the opinions we often express only disclose our ignorance. In Plato's divided-line theory, he makes the distinction between opinion and true knowledge obvious, unlike the Student and Faculty Academic Freedom Bill -- it views opinion and truth as synonymous.

The absence of such an important distinction would require professors to accept virtually any opinions expressed by their students as equal. It would also lower the threshold of discrimination by professors, especially if they penalized students whose opinions they deemed were a veiled form of ignorance. In fact, the bill itself would give students the legal right to sue their professors for violations of their right to express their opinion, even if their opinion was indefensible and, quite frankly, unfounded.

Students these days are opinion mad. Their opinions on important issues often replace the value of independent research and civil discourse. I have even discovered that no matter what I say about making the necessary distinction between opinion and truth, many students, more often than not, maintain their opinions even when the evidence opposes it.

If the Student and Faculty Academic Freedom Bill becomes law, it will sound the death knell of academic freedom for both professors and students, yield a generation of professors who will think twice before leading their students to seek the truth, and elevate mere opinion to the status of a sacred cow.

Is this what we really want?

John Scolaro is a professor of humanities at Valencia Community College.

Tallahassee Democrat

Letters to the Editor 4-19-05

Honoring other views is noteworthy

Re: "Legislator takes stand for his values" (news article, April 15).

I've known plenty of fanatics in my day. In fact, I've been called one. The thing about us is we all believe we are right. And when we press an issue, we believe we are taking a strong stand on our values.

So Diane Hirth's article on Rep. Dennis Baxley could be written about any of us who believes so strongly in our own perception of reality that we cannot accept the validity of any other.

There seems to be nothing particularly noteworthy about this, about being "blinded by the light" - or perhaps, blinded by our own perception of the light. What I would find noteworthy is a politician who recognizes that he or she understands only a part of the picture and works with others to create a world that can be home to all of us, not just the ones who hold the same beliefs.

I would find it equally noteworthy to read an article in the *Tallahassee Democrat* that focuses on the issues more than the personalities who present them.

When I was a kid in California, an old lady once told me - interrupted me, actually - as I was holding forth to her about something or another: "Well, yes, dear," she said. "We all have our beliefs about things." She looked me square in the eye, smiled, turned around and walked away.

BENNETT HOFFMAN

NATURE Magazine www.nature.com

Published online: 6 April 2005; | doi:10.1038/434686b

Professors bristle as states act to mould lecture content

Emma Marris

Academics are fighting right-wing 'bills of rights'.

Washington - University faculty members in the United States are gearing up to oppose state bills that are being put forward by conservatives in the name of academic freedom.

Critics say that these 'Academic Bills of Rights', which are written to make sure that each side of an issue is presented in lectures at public universities, could in fact stifle academic freedom - and disrupt the teaching of science in contentious fields such as evolution and global warming.

"This would be a right-wing political takeover of the universities,"

says Tom Auxter, president of the United Faculty of Florida, the state's main academics' union.

Along with introducing protection from discrimination based on political or religious convictions, a bill being proposed in Florida calls on faculty members to refrain from introducing "controversial matter" unrelated to the course subject. It also requires them to present "serious scholarly viewpoints" other than their own.

Although the bill was written primarily with the humanities in mind, it would apply to all academic disciplines. On 22 March, Dennis Baxley (Republican, Ocala), who is backing the bill, said that it would make sure that alternatives to evolution are not shut out of universities.

"I do believe it has implications for the hard sciences," says Auxter.

"It will waste a lot of time in the classroom because you will have to spend time covering a bunch of extraneous stuff - every crazy idea out there."

The American Association of University Professors (AAUP) is opposing similar bills nationally, saying that faculty members should decide course content. "This effort is part of a larger pressure on higher education to politicize the agenda," says Ruth Flower, the AAUP's director of public policy.

David Horowitz, a marxist radical turned conservative activist, has written a template for the bills introduced in Florida and elsewhere.

The Center for the Study of Popular Culture, a Los Angeles-based think-tank co-founded by Horowitz, has helped to establish campus-based groups to back the measure.

The campaign has gathered steam in recent weeks, with bills introduced in several states. Georgia passed a non-binding motion supporting the idea in March 2004, and Colorado dropped the bill only when major universities agreed to adopt its language at the administrative level.

Other states, among them Maryland and Washington, have already rejected bills or put them on hold.

The AAUP also objects to a clause in Horowitz's draft of the bill that requires universities and professional societies to "maintain a posture of organizational neutrality with respect to the substantive disagreements that divide researchers on questions within, or outside, their fields of inquiry". Most states have dropped this clause, as they do not have jurisdiction over national societies.

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According to the AAUP, Florida could be the first state to pass the bill. Baxley, a close ally of Governor Jeb Bush, says the outraged reception is evidence that academics are too inflexible. "I've been called an ass in the school newspaper at the University of Florida," he says, "and that demonstrates exactly what I am talking about."

GAINESVILLE SUN

Article published Apr 10, 2005

Schools, Baxley may compromise

Florida university presidents are poised to consider a solution to a much-criticized legislative proposal aiming to tame what some see as liberal bias in university and community college classrooms.

Rep. Dennis Baxley, the Ocala Republican sponsor of a hotly contested "academic bill of rights," plans to exchange viewpoints with the state's 11 public university presidents later this month in Tallahassee.

Behind the scenes, Rep. David Meador, who chairs the committee on colleges and universities, has been trying to broker a compromise between Baxley and the universities that skips a legislative mandate.

The bill is considered redundant by the universities because schools already give students the freedom to express themselves and avenues to complain if they feel their rights are violated, said University of West Florida President John Cavanaugh, who chairs the State University Presidents Association. He has invited

Baxley to the April 21 breakfast meeting, for which a location has yet to be finalized.

Even as debate exploded across the state in recent weeks - much of it by academics complaining that the bill attempts to squelch talk of any controversial nature, the universities held that existing policies protect students from political or religious discrimination and persecution. Baxley said he's willing to listen.

"I'll give peace a chance," he said Friday. "I'm interested in outcome and some sensitivity on this subject." But even though lawmakers and university administrators may be close to ironing out their differences on academic freedom, academics have criticized the measure as an attempt by lawmakers once again to overstep their bounds by trying to set higher education policy. State voters gave that duty to the Board of Governors three years ago.

Just last year, the Legislature established a school of chiropractic at Florida State University without approval by the Board of Governors. The governing board killed it in January. The who's-got-the-power undercurrent could continue until decided by a judge.

A lawsuit challenging the Legislature's role in higher education is moving through the courts. A hearing is scheduled for April 28 in Tallahassee.

The "academic bill of rights," meant to contain politically bent diatribes by professors or penalties on students with divergent views, may even conflict with House bill 1001, the bill now moving through the House clarifying the roles of the Legislature and the 17-member Board of Governors.

It designates the Board of Governors as the policy-making body.

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Baxley said he doesn't believe the bills conflict since there is no mention of enforcement in the academic freedom bill.

"It's a lofty guidance tool of philosophy," he said. "There is no causative action."

Nonetheless, the state's university presidents want Baxley to back off.

"I don't think it's necessary," Cavanaugh said of Baxley's bill. "The policies and safeguards already in place achieve the goal. We don't need to pile on additional statute."

At the University of Florida, for example, students are granted a host of rights, most of which overlap with those contained in Baxley's bill, including the "freedom to hear and participate in dialogue and to examine diverse views and ideas."

While student rights policies can vary some from institution to institution, they cover the concerns Baxley is attempting to legislate, Cavanaugh said.

"Every campus has a policy to grieve a grade on whatever the grounds might be," he said. "That's one part of a lot of the conversation."

Mealor, a Republican from Lake Mary, has met with UF President Bernie Machen, Florida International University President Modesto Maidique, University of Central Florida President John Hitt, University of North Florida President John DeLaney, Florida State University President T.K. Wetherell and Cavanaugh, in an effort to put together a plan that would appease all parties.

Mealor said he is compelled to believe what conservative activist David Horowitz told the House Education Council last week that legislation isn't necessary if university presidents follow through.

He is proposing campuswide information campaigns at each university to educate students and faculty of their rights.

"Now is a good time to reinforce the policies and procedures that are in place," Mealor said. "The idea is to make sure no faculty member or student is ever put in a compromising position."

With or without a bill, Baxley claims a victory. He has ignited a debate.

"If I can get one professor to re-examine himself, then I've done the right thing."

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This story was printed from **The Oracle**.

Site URL: <http://www.usforacle.com>.

http://www.usforacle.com/vnews/display.v/ART/2005/04/05/42528dbc32ea3?in_archive=1

<http://tallahassee.indymedia.org/>

Freedom of Thought? Bill Takes Aim at Critical Thinking

by Apalachee Tortoise

05 Apr 2005

Modified: 04/05 20:30 EST

This article was first published in the April issue of the Apalachee Tortoise

Commentary by D.K. Roberts

One fine spring afternoon six years ago, I was sitting in my university office (professors only work a couple of hours a week, you know), reading controversial material (William Faulkner's *The Sound And The Fury*), plotting the overthrow of some God-ordained legislators (I planned to vote Democratic at the next election), and in walks this student: big guy, and madder than a wet hen. He says he represents the League of the South, an organization dedicated to promoting the "values" of the Old South. He'd heard I said something disrespectful about "our Southern heritage." That I'd allowed as how slavery wasn't a lot of fun for the slaves, what with the rapes and the beatings and the general unpleasantness of picking cotton fourteen hours a day.

"We'll be watching you, Dr. Roberts," the kid hissed. "You can't go around upsetting conservative Christian students like that."

Damn if the kid wasn't just a little ahead of his time. House Education Chairman and Ocala undertaker Dennis Baxley has concocted a bill that would answer all this young man's concerns and more. HB837, the "Academic Freedom Bill of Rights," will ensure that students who don't like what the prof said about plantation economics or the Second Seminole War or natural selection or Sophocles can lodge a complaint, even sue.

Baxley is another in a long line of remarkably undistinguished legislative education supremos, reaching back to Senator Donnell Childers – who used to thump the table and bellow "But is them young 'uns learning?" – and beyond. Like most of them, Baxley wouldn't know education if it were laid out on the slab in his embalming room. Which, at the rate Florida's going, it may soon be. Knowledge is very, very scary to Rep. Baxley. So is debate. His bill would give students the "right" to never hear anything that might challenge whatever they were taught at the American Eagle Christian Segregation Academy. Their classroom experience must not be "infringed on by instructors who persistently introduce controversial matter." When the bill came before the House Choice and Innovation Committee, Baxley told hair-curling (and vote-getting) stories about students trapped in biology classes with professors who (Lord Jesus!) perversely insisted on discussing evolution. And an astronomy class where the teacher wanted to talk about the formation of galaxies instead of God. Baxley ranted against "totalitarian tenured professors" who ran their universities like Stalin ran the Kremlin, raking in taxpayer money to indoctrinate Courtney and Tad with their communistic homophiliac secular humanist Michael Moore-watching Democrat-voting notions instead of teaching them a useful trade.

This would be funny if it weren't so pitifully stupid. The Florida Legislature always goes postal when they think Florida universities might slip the leash, losing site of the holy truth that institutions of "higher learning" exist to 1. Field top ten football teams and 2. Train future McDonald's managers and Disney ticket takers. Education goes bad when people start getting ideas.

In the 1950s, it was the Johns Committee, Florida's own branch of McCarthyism, dedicated to rooting out gays, socialists and, as they were elegantly referred to at the time, "civil rights activists". In the early seventies, Florida State's Center for Participant Education fell foul of the legislature for teaching "revolution." (Goodness, you wouldn't want a revolution in America!). Lawmakers at the time – this was back when Democrats ran the show and behaved just as appallingly as Republicans do now – wanted to make professors swear loyalty oaths.

Rep. Baxley is not smart enough to have thought all this up himself. Affirmative Action for the Right was concocted by David Horowitz, born-again reactionary and Bushie home boy. He's been peddling this silly legislation all over the country. Aided and abetted by the likes of Lynn Cheney and the anti-science brigade in the White House, Horowitz has managed to convince conservatives that they are some sort of oppressed minority. According to them, since the evil period known as "the Sixties," lefty academics have been punishing right-thinking students with bad grades. We'd make them cry by pointing out uncomfortable facts; you know – the earth revolves around the sun, the Constitution was written by and for property-owning white men, the West was "won" by Americans killing Native people and taking their land – stuff like that. Traditional education has been abandoned for political correctness.

This is what we egghead types call, if you'll excuse the fancy postmodernist terminology, "a load of crap." Look at the country, y'all: who's running it? It isn't Noam Chomsky. As Russell Jacoby pointed out in *The Nation*, the pinkos don't control the FBI, the CIA, or Congress. He suggests a trade with conservatives: "You give us one Pentagon, one Department of State, Justice and Education, plus throw in the Supreme Court, and we will give you every damned English Department you want."

No professor worth the price of her student loans wants to propagandize in the classroom. It's boring. We prefer critical thinking. Not facts, not dates, not a set of pieties, but the ability to interrogate information on its merits. This is Baxley's real problem with universities. He'd prefer Republican Party madrassas, turning out True Believers who salute the flag, love the Bushes, buy SUVs, watch Fox "News," and believe that God loves us best.

What I want to know is why are conservatives so scared of thinking? Are they really so feeble-minded that they can't argue their corner? Are "controversial" ideas so terrifying that mere exposure to them pollutes the brain? If you have a strong faith, why shouldn't it stand up to examination? St. Augustine – hardly a liberal – didn't have a problem with that. Descartes, Galileo, and John Milton

didn't, either.

Note to Rep. Baxley, if you are unfamiliar with any of those names, may I suggest a humanities course at FSU while you're in Tallahassee? And I'll cut you this deal: if you won't tell me how to run my classroom, I won't tell you how to put lipstick on a stiff.

USF Oracle --USF Student Newspaper

Censorship in the classroom

By Chris Gardner

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Staff writer

April 05, 2005

Florida House Bill 837, dubbed "The Academic Bill of Rights" by its supporters, is slowly making its way through the state House of Representatives.

The seven-page bill, introduced by Rep. Dennis Baxley, R-Ocala, would limit "controversial matter" in the classroom and ensure that students "will have access to a broad range of serious scholarly opinion." A matching bill is in the state Senate, Senate Bill 2126.

Baxley said that though the problem the bill addresses does not run rampant, he does "think there are niches of totalitarianism with people who use their grade books to punish people who aren't 'politically correct.'"

Opponents of the bill warn that it is more dangerous than it looks.

"It presents itself as a shiny red apple that defends academic freedom, but there are razor blades in that apple," said Tom Auxter, president of the United Faculty of Florida and a philosophy professor at University of Florida.

"It is quite a change from the days of my youth when the left wing was trying to force their way into the classroom; now the right wing is trying to force their way into the classroom," USF Faculty Union President Roy Weatherford said at the last faculty senate meeting.

Nowhere in the bill is "controversial matter" clearly defined, which has some professors concerned.

"Who gets to decide what is appropriate in the classroom and what is not?" asked Weatherford at the same meeting. "The judgment as to what is intellectually appropriate for classroom use is and must be a judgment made by the faculty. Whenever the government tries to usurp that judgment, they are flying in the face of academic freedom."

Baxley compared professors opposed to the bill to rebellious adolescents.

"This is my class and my world, you don't give me any guidance," Baxley said, imitating a professor arguing against the bill. "But, Mr. Legislature, I want my bills paid ... but don't say anything to me about what I do."

Professors are not alone in their opposition of the legislation.

"We do not believe this legislation is necessary since the AAUP professional guidelines for faculty are widely used nationally and protect against these same concerns," said Colleges and Universities Chancellor for the Florida Department of Education Debra Austin in a written statement.

Under the bill, professors would have to teach all theories relating to a topic if a student requested it.

The most commonly used example of this is the theory of evolution; the bill would require creationism to be taught alongside evolution at all times.

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The bill's sponsor, Baxley, often cites an undergraduate experience at FSU dealing with evolution as a reason he sponsored this bill.

Baxley claims that in 1970 he was subjected to a "tirade" on evolution being right and creationism being wrong. He says that is a situation that students shouldn't have to be put into.

The U.S. Supreme Court has struck down similar bills in the past, and many believe that if this bill does pass through the Legislature, it will swiftly be brought to the courts.

Creationism is not the only thing the bill might force into classrooms. Other topics mentioned in the

ongoing debate include the idea's that the Holocaust never happened. The Earth is flat and the U.S. Astronauts never really landed on the moon.

"This bill essentially, in my opinion, forces public universities to teach false and extremist viewpoints," said Rep. Arthenia Joyner, D-Tampa.

The bill would also open the door to students who feel they have been slighted in class because of their political or religious beliefs to sue their professors and schools.

"This bill would introduce litigation into the classrooms, which would be disastrous," Auxter said.

Baxley is not concerned with the possibility of lawsuits.

"People get sued all the time; people could sue you for anything," Baxley said. "Welcome to the world of accountability."

Baxley thinks most issues would be dealt with through things like grievance committees rather than expensive court battles.

The bill has been passed through the Choice and Innovation Committee, where the votes followed party lines, with the six Republican members of the committee beating the two Democratic members.

If that trend continues, the bill will pass easily in the Republican-controlled House.

According to Baxley, the bill has just been moved out of the Colleges and Universities Committee and into the Education Council.

The Senate equivalent of the bill has not moved from its original committee.

The bill comes from a template provided by David Horowitz, a noted conservative columnist who backs the Students for Academic Freedom.

Other state Legislatures have had similar bills from that template introduced, but Florida seems to be taking the bill more seriously than any other state.

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UFF President, Tom Auxter, was quoted in the new national online publication, *Inside Higher Ed*. *Inside Higher Ed* offers a comment section after this article online at

<http://www.insidehighered.com/news/2005/03/25/acfreedom> .

March 25, 2005 Inside Higher Ed www.insidehighered.com

Academic Freedom Wars

Academic freedom is getting more public attention than it has in many years. This week, legislation advanced in Florida to create an "Academic Bill of Rights" that many professors find deeply offensive. And the sponsor's statements about professors left many of them furious. Meanwhile, in New York City, Columbia University's president gave a talk outlining the history of academic freedom - and suggesting that faculty members need to consider the appropriateness of pushing some views past a certain point in the classroom.

Fighting in Florida

Florida is the latest state to see political fighting - some of it nasty - over the [Academic Bill of Rights](#). The legislation was created by David Horowitz, the one-time campus radical whose politics have shifted rightward and who argues that liberal professors use their classrooms to indoctrinate students. The legislation requires faculty members to expose their students to a wide variety of viewpoints - a requirement that professors say will leave them vulnerable to complaints every time they express a strong opinion.

A House of Representatives committee approved the [legislation](#) Wednesday, and the sponsor of the bill - an ally of Florida's governor, Jeb Bush - reinforced the fears of many professors with his rhetoric, much of which he repeated in an interview on Thursday.

Rep. Dennis K. Baxley said his own undergraduate education at Florida State University - in the 1970s - illustrated the failings of higher education: The problem was that an anthropology professor "did a tirade" in his course that evolution was correct and that creationism was not. Baxley said that students should not "get blasted" as he did for not believing in evolution.

Baxley said that faculties have too many "leftist totalitarian niches" and that lawmakers want to do something about the fact that "we've allowed universities to become an extreme leftist stronghold."

Many state legislatures have lawmakers who share Baxley's views, but most states have just held hearings on the legislation. The movement in Florida - where after other committee reviews, the House is considered likely to pass the bill - upsets many academics. (Governor Bush has not taken a public stand, and the Senate is considered more skeptical.)

Tom Auxter, president of the United Faculty of Florida, said that the legislation "looks like a nice shiny apple with all its talk about academic freedom, but there are razors in that apple."

Auxter, a professor of philosophy at the University of Florida, said that the bill's purpose is to make every faculty member afraid of offending conservative students. "This is about intimidating professors," he said, adding that it was "ridiculous" for Baxley to suggest that it was wrong for a professor to tell his students that evolution is in fact true.

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"If he had a bad experience 30 years ago, get over it," Auxter said.

Auxter added that he fears the impact of the legislation on the progress Florida's colleges have made in recruiting top scholars. "We've been quite successful in bringing nationally known professors into the state," he said. "If we accept this bill, we will have killed all the recruiting efforts of the last 20 years."

History in New York City

Meanwhile in New York City Wednesday night, Lee Bollinger, Columbia's president, gave a [talk](#) about academic freedom. Bollinger's address - before the Association of the Bar of the City of New York - came amid a debate at his university over whether professors of Middle Eastern studies have intimidated supporters of Israel. Critics of the professors say that they limit the rights of their students, while the professors' defenders say that the critics refuse to accept professors who are critical of Israel. A Columbia panel is currently reviewing the situation.

In his talk, Bollinger reviewed the current debates over Horowitz's bill and Ward Churchill and other controversial professors. But after examining the history of academic freedom, he turned to the question of what faculty members should do (or not do) in terms of pushing their views in the classroom.

"In the classroom, especially, where we perhaps meet our highest calling, the professor knows the need to resist the allure of certitude, the temptation to use the podium as an ideological platform, to indoctrinate a captive audience, to play favorites with the like-minded and silence the others. To act otherwise is to be intellectually self-indulgent," Bollinger said.

"This responsibility belongs to every member of every faculty, but it poses special challenges on those of us who teach subjects of great political controversy. Given the deep emotions that people - students and professors both - bring to these highly charged discussions, faculty must show an extraordinary sensitivity to unlocking the fears and the emotional barriers that can cause a discussion to turn needlessly painful and substantively partial." At the same time, however, Bollinger said that it would be a "grave mistake" for professors to avoid controversial subjects.

While Bollinger repeatedly defended the right of professors to hold unpopular views, he also spoke of the duty of faculties to draw lines around conduct that isn't appropriate.

"We should not elevate our autonomy as individual faculty above every other value," he said. "We should not accept the argument that our professional norms cannot be defined and therefore transgressions must be accepted without consequences. We, as faculty, properly have enormous autonomy in the conduct of our teaching and our scholarship. Yet, it will not do simply to say that the professional standards within which that autonomy exists are too vague for any enforcement at all."

When there are problems, he said, it must be the colleges, not government officials, who deal with them.

"As we have witnessed throughout recent history, the outside world will sometimes find the academy so dangerous and threatening that efforts will naturally arise to make decisions for us about whom we engage and what we teach," Bollinger said. "This must not be allowed to happen. We must understand, just as we have come to with freedom of speech generally, that the qualities of mind we need in a democracy - especially in times of crisis - are precisely what the extraordinary openness of the academy is designed to help achieve - and what will necessarily seem dangerous and threatening when our intellectual instincts press us, to be single minded or, to put it another way, of one mind. In a democracy, that's what we must be wary of."

Leaders of Columbia's Senate were unavailable to comment on the speech Thursday. But one of Columbia's toughest critics had praise for it. Charles Jacobs, president of the [David Project](#), which has organized the criticism of Columbia's professors of Middle Eastern studies, said Bollinger's comments about professors "were exactly what he should say" about professors in the classroom.

"I think he's right to chide those who would use the podium in an ideological way," he said.

- [Scott Jaschik](#)

THE LEDGER

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House OKs Student `Free Speech' Bill

Detractors say it is geared toward conservative and religious views.

By [Joe Follick](#)

Ledger Tallahassee Bureau

TALLAHASSEE -- University students would be guaranteed "free inquiry and free speech" in the classroom under a bill approved by a House committee Tuesday.

But detractors said it would open up legal assaults from students upset by the absence of fringe views.

"Students that say, 'I don't believe the Holocaust happened. I believe that birth control is a sin. I think that prayer is a way to deal with illness rather than medical intervention.' All of those people (would) have standing to go to the courts" if college professors discussed those broad topics without addressing their particular concerns, said Rep.

Dan Gelber, D-Miami Beach.

House Bill 837's sponsor, Ocala Republican Rep. Dennis Baxley, disagreed forcefully, saying conservatives are targets of "persecution" on campus. Baxley recalled his first day in an anthropology class at Florida State University when the professor said, "Evolution is a fact. There's no missing link. I don't want to hear any talk about intelligent design and if you don't like that, there's the door."

"The leftists with those viewpoints didn't take our campuses," Baxley said. "Those in the mainstream just relinquished them for fear of being called bigots."

A House committee approved the bill on party lines Tuesday. Given Baxley's powerful post of House Education Council chairman, passage in the House seems likely.

But Baxley admitted passage in the Senate might be more difficult.

The Senate has yet to schedule a hearing for its version of the bill. Baxley said he got the idea for the bill from well-known conservative activist David Horowitz. Horowitz's

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group, Students for Academic Freedom, has pushed for passage of similar bills in all 50 states.

House Bill 837 promises to protect "free inquiry and free speech within the academic community." A portion of the bill says that students should not have their academic freedom "infringed upon by instructors who persistently introduce controversial matter into the classroom that has no relation to the subject of study and serves no legitimate pedagogical purpose."

Baxley says the bill would also protect a pro-choice student from retribution if he disagreed with a professor's pro-life stances, but argued it was to protect conservative voices in liberal academe.

Gelber said the bill would infringe academic freedom by banishing open dialogue with

no restraints. "Candidly, it's a horrible step," he said.

Baxley said even if the bill doesn't become law, it serves as warning to professors misusing their position "in order to indoctrinate the next generation."

Teachers and professors' groups are opposed to the bill, but did not provide specifics during brief remarks in the House Choice and Innovation Committee Tuesday.