

ILLINOIS ACADEMIE

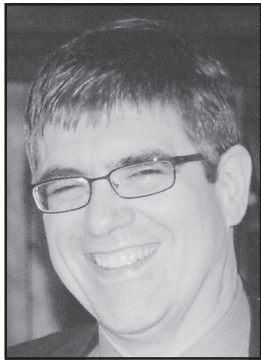
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PRESIDENT'S CORNER

The Klocek Case

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My home institution, DePaul University, currently finds itself embroiled in a court case wherein a former faculty member alleges defamation, invasion of privacy, and breach of contract. Thomas Klocek, the plaintiff, has been the subject of profiles in the *Chicago Tribune* and *National Review*. His case has become a *cause célèbre* for the Foundation for Individual Rights in Education (FIRE).¹ The university, defending itself against this case, has hired a firm whose website proudly proclaims that, "The firm's brand of litigation has been likened to 'well-aimed nukes in a conflict situation'."² How in the hell did we get here?

On this much all parties agree. On September 15, 2004, Thomas Klocek, an adjunct instructor at DePaul University's School for New Learning, stopped by a student activity fair to examine a leaflet produced by Students for Justice in Palestine. What happened next is a matter of dispute. According to Klocek's attorney, "After reading the handout, Professor Klocek took strong issue with the content, and a vigorous discussion ensued between Professor Klocek and the SJP representatives."³ According to DePaul's director of media relations, "Klocek acted in a belligerent and menacing manner . . . raised his voice, threw pamphlets at students, pointed his finger near their faces and displayed a gesture interpreted as obscene."⁴

It's easier to trace the fallout than to figure out exactly what happened or did not happen on September 15. Eight days later, Susanne Dumbleton, the Dean of the School for New Learning, met with aggrieved student representatives.⁵ On September 24, Dumbleton met with Klocek and suspended him with pay for the remainder of the quarter.⁶ The case came to the attention of DePaul's Faculty Council on November 3, 2004. At that meeting, the President of Faculty Council, Thomas Donley, informed the council that a grievance board would be convened if Klocek decided to file a grievance. The council then passed a general resolution endorsing "due process, fair hearing, and timely review."⁷ On November 10, Dumbleton sent Klocek a letter offering to tentatively schedule him for a single course in the Spring 2005 quarter, conditioned on a January meeting "to assess your progress" and "unscheduled classroom observations of your teaching in Spring 2005."⁸ Klocek states that he very reluctantly accepted these conditions, but demurred when, in an early February meeting with Dumbleton, he was pressed to apologize to the students. After that meeting, Klocek met with John Mauck of the firm Mauck, Baker. The firm accepted the case in late February, and filed suit on June 14.⁹

Klocek's complaint alleges that "DePaul failed to provide academic freedom to Klocek by suspending him for expressing his viewpoints on the Israel/Palestine conflict and defending the position of Israel to defend itself and the rights of Christians to live in peace."¹⁰ Klocek's defenders have emphasized this aspect of the case, and they may be right. I don't know that they're right, because I don't know for sure what happened on September 15. I am sure that he has the right to engage in vigorous discussion with students. I'm even sure that he has the right to raise his voice during such a discussion, and probably the

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WWW.ILAAUP.ORG

Interview with David Horowitz

Illinois Academe editor John K. Wilson interviewed David Horowitz via email about his new book, *The Professors* and his campaign for the Academic Bill of Rights. To read responses from the "dangerous" professors listed in the book, go to www.collegefreedom.org/horowitz.htm.



www.mattbors.com

Horowitz is currently working with Republicans in Congress to have the Academic Bill of Rights inserted into the Higher Education Reauthorization Act. This goal has been opposed by the AAUP (www.aaup.org) and the coalition Free Exchange on Campus (www.freeexchangeoncampus.org).

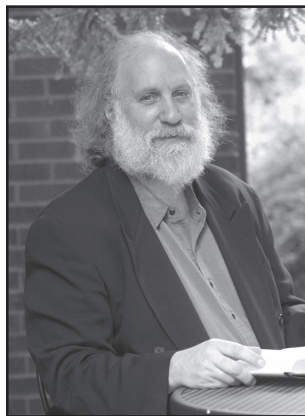
1. You are "grateful" to your own professors at Columbia University in the 1950s, where even though you were a Marxist, professors "never singled me out for comment" or asked, "why do Communists kill so many people?"(xlvii) I find it strange that someone who now regrets his youthful belief in idiotic ideas would praise his teachers for failing to challenge his beliefs. Is it possible that you might have avoided the left-wing political stands and affiliations you now repudiate if you had been pushed to analyze your politics more in college?

Answer: First, thank you for actually reading my text, which is far more than I can say for most of my critics. The answer to your question is simple. First, I was an English

major at Columbia and the issues of Communism and Marxism would have been irrelevant to most of the subjects I took. To introduce Marxist themes into literature would have reduced the subject to ideology taught by people ignorant of what they were talking about, which is unfortunately all too often the case in today's academy. You should read Stanley Fish and Frank Lentricchia, two well-known leftwing academics on this subject. Second, in my Contemporary Civilization course at Columbia we did read both Marx and his critics – e.g., Bakunin and Hayek. So I was indeed challenged, but in an appropriately academic fashion. Unfortunately, it took me twenty years to benefit from the lesson.

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Illinois AAUP Annual Meeting Saturday April 22, 2006, 1pm St. Augustine College, Chicago



Cary Nelson "Contingent Academic Labor and Academic Freedom"

For free registration to the event, and more information about parking and directions, email Lee Maltby at lmaltby@staugustine.edu.

This event is free and open to the public, including non-AAUP members. We encourage all Illinois AAUP members to attend and to bring interested faculty, students, and administrators to the meeting.

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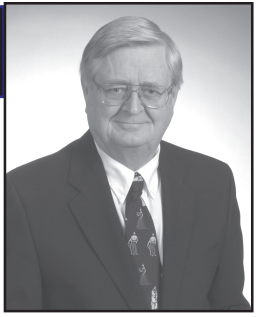
EIGHT THESES FOR HIGHER EDUCATION

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Lessons of *Brokeback Mountain*

"Brokeback Mountain" appeared as a short story by Annie Proulx in *The New Yorker* in 1998, garnered the O. Henry Short Story Award, and appeared in her book *Close Range*.^{*} But it did not become a national phenomenon until the movie *Brokeback Mountain* appeared in 2005 in a screen adaptation surprisingly true to the original story. It garnered three Oscars including best director for UIUC alum Ang Lee. The short story has recently been published as the totality of a short book. Music from the movie is available on a disc. I believe the script of the movie is about to be or has just been published.

In addition to extensive press and talk show coverage, numerous columnists seized on a line in the script or some aspect to draw inferences, offer observations, or analyze the state of the nation, region or locality culturally or politically. Even the decision to run the movie was worthy of coverage as was the variety and size of the audience.

Public and press attention has largely moved on to other items of popular interest. Since I author an editorial only twice a year I belatedly offer three comments triggered by *Brokeback Mountain*. (Please, restrain yourself from comments about academics taking forever to act. And, yes, my wife and I saw the movie and then read the short story.) The first comments relate to two frequently quoted lines, the third to Roger Ebert's review of the movie.

"But if you can't fix it you got a stand it." These words capture the tragedy of Ennis Del Mar's life. His inability to break free of his upbringing and culture not only ruined his chance for happiness but had negative consequences for his wife, his children, and others who loved him. Too often, we can fix it but do not believe we can. As I look back at my life, I bless the liberating power of education. I went to college with no idea what it would mean, but that experience has meant a rich life, maybe not monetarily but in the ways that truly matter. As faculty go about the many tasks and routines tied to our work, we must remember that we are in the business of empowering people. We help them realize that when it comes to their personal judgments, their commitments, their actions, they can "fix it," at least to some degree.

Sure, there are things that cannot be fixed: we can't will away cancer, individually stop the war in Iraq or redo the political climate in Illinois. But we can decide how to respond to an illness, choose what we say or do about the war in Iraq, whether and whom to vote for, whether to care, whether to speak up. We can assume responsibility for our

beliefs, values, and actions. It isn't easy—this lifetime of creative work—but we do actually create ourselves in what are ultimately the most important senses. As Aristotle's doctrine of choices tells us, the choices of one day predispose the range of choices of the next day. On things for which we are ethically accountable, there are always choices.

"I wish I knew how to quit you." There is a universality to that line. That cry may be thought to rise when an addict recognizes his addiction and need to change. But all of us have times at which we question what we are doing, weigh the pluses and minuses, and wonder if and how to quit x to do y. Should I retire? Should I change a relationship? Decisions that matter rarely are easy. Life is not easy. When decisions concern our emotions, our values, our commitments to others that matter to us and care about us, we wish we knew how to. . . . We cannot have it all, but what can we have? At what cost? How close can we come to life fulfilled?

Some columnists see *Brokeback Mountain* as a woman's movie. When I asked a friend if she had seen the movie she responded, "No, I have a homophobic husband." Critic Roger Ebert said the movie transcends the homosexual element by its very specificity and intimate focus in narrating one story. It speaks to every forbidden relationship that crosses racial, religious, clan, family barriers. Not too many years ago a marriage between a black woman and a white man was illegal in many states. Even now, many are not permitted to marry outside one's religion or national heritage. In this sense *Brokeback* becomes universalized because of its very specificity in its extensive focus on one specific taboo.

Ebert reminds us of the power of the individual story, the force of narrative with its richness of specifics. What motivates our students is not the general account of what scientists, sociologists, musicians, historians do, it is the specifics of an individual's activity. The specific illustration, not the statistic, enables the individual to grasp the emotional meaning and the intellectual component. We need to share the narratives of our lives, our experiences.

I am involved with various efforts to communicate the need for greater economic support for education, particularly higher education. I hear numerous complaints that administrators continue to thank the governor and legislator when urgent needs go unmet. They stress how great the quality of the institution is, what good classes are available, what strong support is offered students. Of course! They

are not going to attract students (and parents) to pay high tuition by declaring the school is going downhill and educational quality is suffering while other schools are trumpeting their high quality. Administrators are forced to settle for the "language of threat." "Unless we get more funding, more support, we will have problems, lose faculty, suffer a decline in quality." Cutting student numbers to maintain quality as was done in Wisconsin brought further cuts in state support. ("Guess they won't try that again!" may well have been the thinking of the legislature.)

Heed the implicit advice of Roger Ebert and honestly tell our personal story of the impact of state cutbacks on our teaching, classes, students—on our ability to do our job. Don't focus on the data about what is happening to the institution. Make the account as specific, as detailed, as true to life as you can. Tell about the student who comes to you to drop out because she couldn't ask her family to pay the tuition or her grades dropped because she worked too many hours to cover book costs and living expenses. Tell about the cuts in class offerings or marked increase in class size in the name of improved productivity with the writing and rewriting of carefully evaluated papers replaced by multiple choice tests. Hence, is it surprising that employers complain our graduates don't speak and write at an appropriate level? The specific reality of the individual narrative is the basis for fuller understanding and broader generalization.

And if you haven't seen/read *Brokeback Mountain*, find out what meaning it has for you.

^{*}Annie Proulx. "Brokeback Mountain," *Close Range: Wyoming Stories* (New York: Scribner, 2003), pp. 253-285.

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Write to Illinois Academe

Write us a letter, express your opinion,
or submit an article or a book review.

Email editor John K. Wilson at
collegefreedom@yahoo.com

It's a DEBT problem, Not a Benefit/Pension problem

By Ken Andersen

State pension costs caused by the historic underfunding by the state of its share of the costs and the need to balance the budget have created a firestorm about funding Illinois public pensions. Many arguments are being waged in the political arena about pensions. But for employees paying into the pension system as well of those already retired it is a very personal issue. The needed funding to cover the debt build up for the state pensions systems puts not only the funding of education at risk but also threatens to spill over into cuts to employee health benefits and cuts in other public services.

While much of what follows is applicable to all the state public pension systems, the focus and specific data relate to higher education workers and the State University Retirement System (SURS).

Too often public discussions suggest that pensions are the problem. The truth is **it is a debt problem, a debt incurred by the state by choice of the state legislature and governor.** What angers many in the pension system is being blamed for a problem we did not create; in fact, we tried to prevent it. And that state is repeating the same mistake. How can this be? Here are some answers to key questions.

Who created the problem? The public pension systems were established by state laws that provided for payments to be made by the employees matched by employer (often the state) contributions. Employees have always paid their share with amounts taken out of each paycheck. However, the state did not meet its obligations to fully fund their share of the costs. The SURS system provides significant data on the impact of the state's failure to meet its obligations. If the state had made the required contributions to SURS under Public Act 86-0273 from 1980 through 1996 no further state contributions would have been required to maintain the level of 90% of full funding since that date. **The**

state would have had no pension payments into the SURS system during the recent dip in state revenues if it had obeyed its own laws and made the required payments in the 1980's and early 1990's. Past actions of the state created this debt. Think of the lower tuition levels and greater support of student scholarships that would have been possible!

Are pensions excessive? No. IBHE data shows for the most recent year for available data (2004-2005) faculty salaries at the 4-year public institutions averaged 95.7% of peer group medians; benefits averaged only 90.5%. Total compensation (salary plus benefits) averaged 94.6% compared to peer institutions. Thus neither salaries nor total compensation are fully competitive with benefits markedly less so than salaries. SURS describes benefits to be at best average.

Did faculty try to prevent the shortfall? Yes. In the 1970's faculty filed a suit asking that the state be required to make the payments required by law. State courts ruled against the faculty saying they did not have grounds to sue until the money they contributed was actually being used to meet payments of the state's share of the pension.

Comparisons with other higher education institutions. Faculty in most states are covered under social security and plans such as TIAA/CREF. Payments to those systems are made on a regular basis. In Indiana, for example, Purdue and Indiana University contribute the entire amount for TIAA/CREF. The individual makes the appropriate social security payment with matches from the state. Benefits for Illinois public higher education faculty consistently rank low in comparison with peer institutions as shown in the annual AAUP Salary Surveys and this has been consistently true. If Illinois had programs similar to those in other states or had made its payments in a timely manner, it would

never have had the budget difficulties posed by pension costs.

Why are participants in the pension system angry? First, because we did our part. Second, the state is repeating the mistake it made in the 1980s in not fully funding the pension system and working to remove its debt to the system. Why are we making the same costly mistake? Illinois is balancing its budget by increasing its debt. Finally, pension and health benefits are part of deferred compensation. We had a contract with the state and now the state seems to justify breaking that contract on the grounds it did not live up to its agreement. The state created the debt, it dug the hole, it is responsible for paying the debt.

What does the public need to know? First, the history of how this debt problem developed and who created it. It is a debt created by the state. Also, the public may not realize that employees under the state pension system do not qualify for social security through such employment. If they do qualify for social security based on work elsewhere, any social security payments are reduced in "offsets" because they receive an Illinois pension. So even if they qualify, they do not get full value in social security payments for their other work.

In short: The participants in the pension system did not create the problem—they made and are making all the required payments. (In fact the state has benefited from the high rates of interest earned on those payments, making the state debt smaller.) The participants tried to force the state to make the payments required by state law, and the courts denied the suit. Timely state contributions would have eased significantly the budget crunch since 2001. Pensions are not excessive and represent delayed compensation. The state's debt should be paid and not by those who are making or already made their required payments.

AAUP Presidential Candidates Speak at Bradley University.

By Sam Fan and John Haverhals, Bradley University

The presidential candidates for the AAUP debated at Bradley University on Saturday, February 11. The event turned out to be the only scheduled forum in which both candidates shared the stage.

The agreed-upon format of the event is for both candidates to make opening statements, then for the audience to alternately direct questions to each candidate, with time for the other to respond. The debate would conclude with closing statements by both candidates. All statements, answers, and responses are time-limited. The order of the opening statements would be decided by the winner of a coin-toss, and the order of the closing statements would be also be decided by the winner of a coin toss.

Due to severe weather, one candidate was delayed in his travels. Light entertainment was provided in the interim.

The candidates are Tom Guild, who teaches courses in legal studies at the University of Central Oklahoma, and Cary Nelson, who teaches English at the University of Illinois at Champaign/Urbana. Guild won the coin-toss, but deferred to Nelson to make the opening statement.

Opening Statements

In his opening statement Cary Nelson alluded to the AAUP-organized conference at Bellagio, Italy, which was cancelled shortly before the conference was to begin, in response to protests and calls for boycott resulting from (presumably) inadvertent distribution of anti-Semitic literature denying the Holocaust by the organizers. A crisis of this type necessitates the executive committee to work closely with each other as well as the national staff, and that hostility to those involved would not be helpful.

He accepted the nomination to be president because it is important to save the AAUP. He would help to resist the present destructive forces which are numerous and serious. He stressed his long history of national service for the AAUP, and his proven close working relationship with its leaders. He also stated he has institutional support to carry out AAUP work and has written extensively on issues affecting higher education. He felt that his credibility as a widely known scholar will be important and the AAUP must defend the importance of research.

Nelson said he supports collective bargaining and led such an effort at the University of Illinois in 1971. His priorities are:

1. AAUP must communicate more effectively.
2. Strengthen both the collective bargaining and traditional memberships.
3. Enlarge the endowment.

He noted that he has been quite successful in raising funds for the AAUP.

He noted that all 13 past presidents of the AAUP have endorsed him. ("The organizational affiliations are listed for identification purposes only and do not imply any endorsement by the organization.") In closing, he said that the AAUP must be an activist organization which can marshal its members for change.

Tom Guild also referred to the cancellation of the Bellagio conference in his opening remarks. He stated that the "fiasco" was planned by the AAUP Executive Committee without input from the Council.

He distinguished himself from his opponent for president by his unique experiences as a chapter president, a state conference president, and extensive experience in the legislative process.

He emphasized his record on diversity, recruiting three African-Americans to serve on the Oklahoma AAUP Executive Committee, authoring a chapter on the Oklahoma gay rights movement, and serving as an officer of the Oklahoma Division of the American Association of University Women. He was instrumental in helping a contingent faculty member to become president of the Oklahoma State AAUP.

Guild reported that he had organized six regional AAUP conferences and six state-wide conferences. He stressed the need for the AAUP to keep more accurate membership records while limiting its dues increases.

He closed by saying, "It is time for a new generation of leadership."

Question and Answer Period

Despite an audience decimated by severe weather, the question period was lively. The audience took care to ask questions that were appropriate for both candidates, with the topics ranging from Horowitz's "Academic Bill of Rights", imposition of faculty members' personal beliefs on students, threat to tenure, contingent faculty's plight, *de facto* tenure, AAUP involvement in the rights of graduate assistants, to the balance between AAUP collective bargaining and advocacy units.

In general, Guild favors working through problems by developing strong presences in State and National legislatures, citing instances when he and AAUP were successful in Oklahoma, while Nelson would rely on AAUP lobbyists



Joe Felder of Bradley (center) with AAUP Presidential Candidates Cary Nelson (left) and Tom Guild (right).

in Washington to work with the various states, and largely agree with current AAUP approaches, highlighting instances when he led the group towards those approaches.

Nelson was generally supportive of AAUP positions and solutions on graduate assistants, imposition of beliefs, and general growth of activities, he also suggested that collective bargaining might be the best way to stem the flow of power to the administration. Guild was not in favor of embarking upon new programs before adequate resources to ensure programmatic success were identified, but thought that advocacy chapters can have success equal to that of collective bargaining chapters, with the right effort. (Both were in agreement that fund raising must be a priority in the near term.)

Some of the poignant moments included:

Cary Nelson stating that the Executive Committee of the National Council had not been informed of changes in the Bellagio conference.

Guild viewing AAUP collective bargaining and advocacy units as fraternal twins, and continuing that twins should not be divided into factions.

Nelson asserting that "the struggle to protect tenure is lost," as evidenced by 63% of college faculty now being hired as tenure-ineligible.

Closing Remarks

In his closing remarks, Cary Nelson said the AAUP must continue to be the source of sound educational policy. The AAUP must educate its own membership of association activities, so that they can persuade others to join us. It must continue to isolate institutions that infringes on faculty rights, and continue to be the core of idealism in academia. He said "without us, ... higher education will cease to be ...".

Tom Guild, in closing, said he did not agree with those who want the AAUP Collective Bargaining Congress to become part of the AFL-CIO. He felt AAUP must be able to confront the issues that face higher education. He stressed the need to have strong local membership, giving the instance that he was instrumental in growing membership at the University of Central Oklahoma from seven to seventy. He reiterated, "It is time for a new generation of leadership."

As Tom Guild assessed in his closing statement, while the atmosphere of the session was tense, the candidates behaved honorably. No direct ad hominem attacks were readily detectable.

Visit the candidates' websites at www.tomguild.com and www.cary-nelson.org.

Book Review: Michael Loyd Gray's *Confederate Nation*

Reviewed by Joe Taylor

Michael Loyd Gray's debut novel explores the meaning of fatherhood in an America that might have been. In *Confederate Nation* the narrative present has been altered by two seemingly discordant events. The first occurred in the summer of 1864, when Jubal Early's Army of the Valley found a weakness in the Union perimeter around Washington DC, then invaded the White House and captured Abraham Lincoln. The resulting armistice has produced two distinct yet codependent nations, the United States of America and the Confederate States of America.

The second event took place in the summer 1977. Elvis Presley took enough pills that night to kill himself, but a visit "from God Himself—or someone remarkably like him" persuaded the King to clean up his act. With a little tough love and support from a nurse named Betty Sue, Elvis at 64 has matured into someone very much like the Elvis we remember—a bespangled and overweight but loving and loveable old rock star.

Within this unlikely juxtaposition of possibilities—a divided America with a walking, talking, and singing Elvis on the eve of the 21st century—Gray plays out his story. *Confederate*

Nation is an entertaining romp with a healthy dose of political and cultural commentary. It is also a fitting landscape for an investigation of fatherhood.

Recently in the America of *Confederate Nation*, there has been talk of ending 135 years of separation and getting the USA and CSA back together again, "like two lovers ready to give it a second go around." Reunification finds Grail Hudson, a history professor and Civil War scholar at the University of Illinois, considering a trip to Washington to attend the festivities and, at the urging of his grad-student girlfriend, to "watch the paint dry" and perhaps gather material for his next book. But before the

ink dries on Grail's travel visa, he is stunned to learn that his father, who he had always been told had died before Grail was born, is alive. Lewis Hudson, a descendant of the Confederate scout Littlefield Hudson who arrested President Lincoln, is not only a deadbeat dad but also a rebel holdout and former Klansman. And he is associated with a Confederate terrorist group that is disrupting the reunification process. He is Grail's dilemma.

Grail had suggested in his latest book that Robert E.

Lee was a racist, and he is visited in dreams by the general. Lee, who has shed his rebel grays for a kimono, reports that he plays checkers on Thursday nights with Grant. Lee is not allowed to give many details of his "ultimate level of existence," but his visits give the sleeping Grail some semblance of a father figure until, near the story's end, Grail is on the verge of meeting the father he never had.

But good fun and intrigue are to be had along the way. In DC for the Reunification Ball, Grail bonds with a transparently disguised Elvis, who allows himself no more than a few beers these days. Elvis becomes the good buddy who urges Grail to seek out his father, and he provides a red El Dorado for the road trip. Grail and Elvis set out

for Chesapeake Bay in the company of an ex-porn star—his stage name was Wad Upshot—who wants to make a documentary about Elvis, and how he turned his life around. Payoffs, in laughter and insights, come early and often in *Confederate Nation*.

Michael Loyd Gray's short fiction has appeared in the Arkansas Review and the Potomac Review, among other places. He has been awarded the 2005 Alligator Juniper Fiction Prize and the 2005 The Writers Place Fiction Award. He was raised in Champaign and teaches English at Illinois Central College in East Peoria. *Confederate Nation* is available through amazon.com.



18 Questions for David Horowitz:

INTERVIEW continued from page 1

2. You say that you have turned to legislatures to pass the Academic Bill of Rights as a “last resort.” I believe that the first time you publicly introduced the idea of the Academic Bill of Rights was at the American Legislative Exchange Council (ALEC) meeting in July 2002. Is that correct? How many campuses had you contacted by July 2002 about adopting the ABR? Why would you discuss it at a conference for legislators if you didn’t intend to have it introduced as legislation?

Answer: You are wrong about both the date and the sequence. It was July 2003 and I had spent the previous academic year attempting to get my bill of rights adopted by the State University of New York, which has 69 campuses and 400,000 students. In fact I drew up the Academic Bill of Rights for the chairman of the SUNY regents, Tom Egan, who was enthusiastic about it and told me he would get it adopted by his board. When I saw subsequently that he was paralyzed because of his fear of the radical caucuses on his faculties (the Larry Summers’ episode should tell you why) I realized that I would get nowhere with universities without outside help. Of course there were many other indicators that this would be so. That’s when I went to ALEC.

3. Ohio and Colorado have enacted compromises in response to the Academic Bill of Rights. What do you think of the enforcement of these compromises so far in Ohio and Colorado, and what do you plan to do next if the response there is insufficient?

Answer: These were compromises under which the universities have agreed to adopt a version of the Academic Bill of Rights on their own, and they are important in two ways. First, they demonstrate my good intentions in not wanting a legislative solution – that’s why we made the offer of a compromise. Second, what happens in these states is an acid test for the universities. In Colorado, Republicans lost their majority in the legislature and therefore nothing has been done to implement the bill of rights that the universities have adopted. We’ll see about Ohio. Should nothing be done, the only remedy seems to me to step up our public campaign, reveal more about the scandalous conduct of faculties and the equally scandalous dereliction of administrations and hope that the public outcry is great enough to change the dynamics. We have already launched a national student movement which will increasingly carry this fight to the campuses themselves.

4. One of the terms used in the Academic Bill of Rights is a ban on “indoctrination.” How do you define indoctrination for the purposes of the Academic Bill of Rights? You have referred to the assignment of Barbara Ehrenreich’s book *Nickel and Dimed* as “indoctrination”; does that mean you think it should be banned?

Answer: Indoctrination is the instilling of an ideology, as opposed to educating and opening minds. Clear indications of this would be the assignment of texts that exclusively support the doctrine and the exclusion of texts that criticize it. Or exams which feature controversial questions with only one right answer. Or grading systems that punish students for disagreements on controversial issues. I have referred to the assignment of Barbara Ehrenreich’s ideological screed *Nickel and Dimed* as indoctrination because it is the *only* text assigned in dozens of required freshman reading programs, not because it is an ideological screed. I have no objection to the assignment of Ehrenreich’s text as such.

5. Do you support the legislative Academic Bills of Rights (such as in Tennessee) that impose the Academic Bill of Rights on private universities in the state and force them to create grievance procedures? How can you justify infringing on the rights of private institutions in this way?

Answer: I don’t. My Academic Bill of Rights explicitly excludes private institutions.

6. Which of these 101 professors do you think should be fired, and why? Can you estimate how many of the 30,000 radical professors you would like to have fired from American colleges for expressing their political beliefs?

Answer: Thanks for the loaded question, but I have never called for the firing of any professor on ideological grounds. Ever. I defended Ward Churchill at the height of the scandal. I did so in the *Denver Rocky Mountain News*, and criticized my friend Governor Bill Owens who was calling for Churchill’s head over his notorious Internet article. I would like to see universities enforce their existing academic freedom policies and professional standards. If faculty members continue to defy them, it is up to the universities to decide what action they will take. If any professor is fired for his political beliefs, I will be there defending him (or her).

Pat Robertson: Professors—Murderers or Communists?

Pat Robertson, speaking on his 700 Club on March 21, 2006 about David Horowitz’s book, “The Professors,” proclaimed: “these guys are out and out communists, they are radicals, you know some of them killers, and they are propagandists of the first order and they don’t want anybody else except them. That’s why Regent University for example is so terrifically important and why we’re setting up an undergraduate program that hopefully will see shortly 10,000 students, and then from there 250,000 because you don’t want your child to be brainwashed by these radicals, you just don’t want it to happen. Not only brainwashed but beat up, they beat these people up, cower them into submission.” (For the record, Horowitz admitted that no one in his book had actually killed anybody or beat up anyone.)

A week earlier, Robertson’s right-wing Regent University arrested six pro-gay Souforce Equality Riders for stepping foot on campus. Robertson’s university had withdrawn an invitation to allow the group to speak on campus. The organization is travelling to Christian colleges around the country which expel gay students and ban supporters of equal rights from speaking on campus.

7. You have argued, “In the real world, a Marxist would be regarded as a flat-Earthist, yet in the university they occupy positions as professors of history, political science and even (at the University of Massachusetts) economists.” Do you think Marxists should be fired, or not hired, by colleges?

Answer: Look, current academic standards in certain fields – Peace Studies, Women’s Studies, Black Studies, Ethnic Studies, Queer Studies, Whiteness Studies, Social Work, Cultural Anthropology – are so abysmally low, so overtly political and so academically indefensible as to have created a monster problem for any administration attempting to reinstate academic standards. The system has been corrupted and the task of fixing it is not going to be easy and will not be accomplished in less than a generation. In my view the place for Marxist would be in the department of religion, certainly not economics, political science, sociology, history etc. But then I do not sit on any search and hiring committees, so what I think is irrelevant. If you look at the tens of thousands of words I have written on this subject you will see that I do not propose anything that would interfere with the right of academic departments and faculties to set the standards for academic hires. This has not prevented an army of academic liars – which include the leaders of the AAUP and the business committees of the AHA and MLA, among others – from claiming the

opposite and comparing me to Joseph McCarthy. It’s ironic that the academic witch-hunters who have purged their faculties of conservatives and libertarians should accuse me of being a witch-hunter. But it does not surprise me.

8. Most of the profiles of these “dangerous” professors focus solely on their extramural utterances and include nothing about what they teach. How can you conclude what they’re teaching based on their political writings?

Answer: You haven’t read my book very carefully, and you make an assumption which is hardly convincing, namely that if someone regards themselves as a revolutionary, and the university as an instrument of revolution, they will keep these views out of the classroom. Sam Richards, a lecturer profiled in my text, says on his academic website that “It is not possible to keep our ideologies out of the classroom or any other place where ideas are shared. SO I’M OPEN ABOUT BRINGING MY IDEOLOGY INTO THIS CLASSROOM BECAUSE I SEE THAT ALL EDUCATIONAL SYSTEMS ARE IDEOLOGICAL TO THE CORE.” [emphasis in original] Do I need to go into his classroom to check that he means what he says? A more temperate and intelligent fellow, Professor Eric Foner, has expressed the view that activism is integral to scholarship. Same question. My book is careful not to impute views or activities to these professors that

problem here that universities themselves need to pay attention to. What steps are universities taking to see that their hiring processes are not biased, but are fair? That is my challenge.

10. You have claimed that professors shouldn’t be teaching classes, or writing textbooks, that are outside of their Ph.D. discipline. Does that mean you consider yourself unqualified to write a book about higher education, since it’s not your academic field of study? Would you argue that your writings should not be taught in college courses?

Answer: Well, I do not have a tenured position – a lifetime job – that earns me \$100,000 plus a year for six to nine hours work a week with a four-month paid vacation do I? The point is not that someone with an expertise in one area might not have something useful to say in another. The point is that the entire structure of privilege and job protection for professors, not to mention the entire cost structure for students, is based on the presumption that they are experts in particular field. To have an institution that is set up to provide expert instruction instead offer amateurs to its customers is kind of a fraud, don’t you think. When you make your next hospital visit would you like to be operated on by garage mechanics?

To answer your question, not all texts are equal. The course text is one thing, and should be professional. But the readings assigned in the course are often by their very nature not written by academics. In a course on politics, you would read political writers for example, or writings by politicians. If the future of higher education has become part of a public debate, the texts which make up that debate, even if they are not by academics, are important to read. The only text I criticize in my book is a widely used 570-page textbook for Peace Studies which was written by an animal biologist who is frankly partisan (and appallingly simple-minded) and which has no critical apparatus or bibliography that would introduce students to views opposed to the author’s.

11. You believe that professors should be banned from discussing politics in classes where it’s not directly relevant to the class. How much irrelevant discussion of politics would be a violation of student rights (5 seconds, 1 minute, 10 minutes)? And why shouldn’t irrelevant non-political comments or actions (about sports, weather, starting class late, etc.) be similarly prohibited?

Answer: Actually, the injunction against professors introducing controversial matter that is irrelevant to the subject is part of the 1940 Statement on the “Principles of Academic Freedom and Tenure” of the American Association of University Professors. It is incorporated into the academic freedom policies of innumerable colleges and universities. I myself would not have formulated the principle this way, but since it’s there it should either be enforced or eliminated. Perhaps you should ask the AAUP why they are attacking me for upholding their own doctrine. You could also ask them the question you have put to me.

My own position is the one stated by Stanley Fish. That while professors should discuss controversial issues in courses where they are relevant, they should not urge one side of controversial issues in their own classrooms.

12. Do you believe that all Peace Studies Programs should be shut down? Are there any other kinds of programs that you think should be eliminated?

Answer: Well, an alternative would be

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to see that there is a professor of military science on every Peace Studies faculty along with courses explaining how the military keeps the peace. Then these programs might begin to look like academic programs instead of simply indoctrination and recruitment centers for the anti-military, anti-American left. I have already indicated above other fields that are not academic and that should be reformed. “Eliminated” is your word not mine.

13. Do you know of any American colleges which do not allow students to challenge an unfair grade based on political affiliation?

Answer: No. Grievance machinery does exist for students to appeal grades they believe are unfair. But the idea of political discrimination has not yet been introduced into the anti-discrimination policy templates of any university to my knowledge. I believe that will change soon.

14. Can you name a single professor in America who supported al-Qaeda and the 9-11 attacks? The closest you get to this allegation is asserting that Tariq Ramadan is connected to al-Qaeda (p. 264). Do you have any evidence to support this claim, and do you support banning Ramadan from teaching in America?

Answer: Actually there are many in my text who do. Professor Hamid Algar is a passionate follower of the Ayatollah Khomeini who called for an armed jihad against American before 9/11. Shahid Alam has compared Mohammed Atta and his friends to the American founders, and of course there’s our friend Ward Churchill who said America deserved the 9/11 attacks and deserves more. As for Tariq Ramadan, why do you think with all the conservative academics who have been persecuted of late, the AAUP should pick as its poster-boy someone

whom our intelligence agencies has linked to terrorists?

15. You have complained that professors are overpaid for working 9-12 hours per week. How much were you paid in 2005 by CPSC, and how much do you work? Approximately how much did you get paid in 2005 to speak at colleges, and for how many hours of speeches?

Answer: Now we’re getting personal. In contrast to the 6-9 hour academics, my average work week is seven days, roughly 15 hours a day. That computes to more than 100 hours a week. As for my income from my job and college speeches, let’s just say that it’s hundreds of thousands of dollars less than Cornel West’s.

16. Back in 2001, you refused to pay *The Daily Princetonian* for running your ad because it had also written an editorial criticizing you (“I was not going to pay for abuse”). Did you ever pay that bill, and do you think you were entitled to refuse to pay people if they criticize you? Also, you threatened to sue public colleges where newspapers refused to run your ad; do you think administrators should be given the power to control the content of student newspapers?

Answer: Wow, you follow me closely. Actually, the *Princetonian* called me a “racist” in a special editorial statement at the same time they printed my ad which opposed a plan to have Mexican American immigrants who had nothing to do with American slavery pay reparations to millionaires like Jesse Jackson and Johnnie Cochran who had never been slaves. The *Princetonian* editorial was not criticism; it was slander. And no, I’m not going to pay people to slander me. Your question as to whether I refuse to pay people who criticize me is odd, since I have paid for ads in literally hundreds of college papers that criticize me.

The abdication of university administrations in regard to “student” newspapers (they are not actually run by students) which carry the university name and take advantage of its captive audience is an outrage. But I haven’t devoted much thought as to what to do about it. The only papers I have threatened to sue were papers that were actually owned by state universities where the censorship of my ads was a violation of my First Amendment rights.

17. Your Individual Rights Foundation sued the University of California for refusing to hire Michael Savage as dean of journalism, although his Ph.D. and books are not in the field of journalism and he has never been a professional journalist. Do you think the courts should have forced the University of California to hire Savage? If the Academic Bill of Rights passes, do you plan to sue colleges that refuse to hire conservatives?

Answer: You have your facts a little wrong. We sued the Journalism School of the University of California for running a patronage operation in a state institution. Our complaint was that despite his qualifications as a radio journalist, Savage was denied an interview because the search committee headed by Marxist Troy Duster had already decided to hire a Berkeley crony, Orville Schell. Savage’s qualification was that he was a radio columnist and the ad for the position in the *New York Times* had said that members of the electronic media were especially being sought. Savage didn’t even get an interview. The judge seemed quite favorable to our case, but Savage dropped out and we had to drop the suit.

In other words, the suit had nothing to do with forcing the University to hire Savage. It had to do with forcing the University to conduct a fair-minded search, which would have included giving Savage an interview before hiring or rejecting him. There was also

an NPR editor with far better journalism credentials than Orville Schell – a pig farmer who had written a couple of books – who didn’t get a fair shot. As to forcing colleges to hire conservatives, the first principle of my Academic Bill of Rights bars colleges from hiring professors on the basis of their political views.

18. You denounced speech codes because of the chilling effect on free speech when campus committees investigate the comments of students. Are you concerned that a similar chilling effect might occur if hearings are held to investigate the political comments of professors if students can file grievances under the Academic Bill of Rights?

Answer: The speech codes I opposed were those that barred certain forms of speech and were clear violations of the First Amendment. The chilling effect was on free speech. My Academic Bill of Rights deals with professional discourse, with what is appropriate discourse for a classroom. This is not a free speech issue. It is an issue of professional standards. We are dealing with violations of professional standards and violations of the principles of academic freedom. A chilling effect on violators of professional standards and the principles of academic freedom would a good thing, don’t you agree? Lawyers don’t have free speech in the courtroom. If their speech abuses professional standards of courtroom conduct they are cited for contempt of court. What we are dealing with here is contempt for the classroom and contempt for students. We are not dealing with the free expression of ideas. I say in so many words in my book that views representing the political spectrum from left to right are legitimate in the classroom. They should just be appropriately expressed. Do you have a problem with that?

What’s Unfair about *Rumsfeld v. FAIR*: A Look at the Military Recruiter Case

By John K. Wilson

The Supreme Court’s ruling against universities in *Rumsfeld v. FAIR* is another reminder of how little understanding or respect there is for academia in American courts. The Court ruled that law schools can be compelled to give military recruiters the same privileges as other recruiters, even though the military violates these schools’ anti-discrimination rules. However, *Rumsfeld v. FAIR* should never have been treated as an “academic freedom” case, although it will undoubtedly be invoked to undermine academic freedom. Instead, *Rumsfeld v. FAIR* was an attack on private property rights, and one that could have wide ramifications for the power of the federal government. Conservatives who are celebrating the Court’s smackdown of those pointy-headed liberal law professors should worry about a case that gives the government almost unchecked power to force private corporations to do its bidding.

Although the law schools in the *FAIR* coalition lost the case, they won the moral argument. The “don’t ask, don’t tell” anti-gay policy first enacted by Bill Clinton was simple bigotry and a waste of resources before 9-11. But during the war on terror, it is a threat to national security. To spend millions upon millions of dollars every year in an anti-gay witchhunt, to expel desperately needed personnel such as Arabic translators simply because they are gay, and to undermine morale by promoting division and hatred among soldiers, is inexcusable. This homophobic policy not only attacks the rights of gays and lesbians, but it insults courageous professional American soldiers by treating them as infantile bigots who, unlike everyone else, are deemed unable to work with gay and lesbian colleagues.

What the military was demanding in *Rumsfeld v. FAIR* was special access, the same special access that employers are granted to recruit on campus in exchange for obeying the campus rules banning discrimination.

Unfortunately, the *Rumsfeld v. FAIR* case was presented to the Supreme Court as an issue of institutional academic freedom and coerced speech.

Rumsfeld v. FAIR is a threat not only to academic autonomy, but to everyone’s private property rights. It gives the power to the government to impose virtually any demands upon private institutions. Roberts noted, “the Solomon Amendment would be unconstitutional if Congress could not directly require universities to provide military recruiters equal access to their students.”

Astonishingly, the entire Supreme Court ruled that the government can force private colleges to promote military recruiting, even if they accept no federal funds. Under Roberts’ logic, any private business or individual can be ordered by the government to promote the government’s propaganda, so long as it cannot be confused with the individual’s ideas (which would be considered unconstitutional forced speech). However, forced conduct when it infringes upon these basic rights should be held to be just as suspect as forced speech.

Could the government simply cease paying for television commercials and demand free access to the media from private corporations on the grounds of their need for military recruiting? Of course, the lobbying power of media conglomerates is far greater than that of higher education, so we shouldn’t expect such a law to be passed. But as a principle, it is wrong (and unconsti-

tutional) for the government to compel a private corporation to become its unpaid recruiting assistants.

Yet that is exactly what Roberts’ opinion would seem to endorse: “The issue is not whether other means of raising an army and providing for a navy might be adequate. ... That is a judgment for Congress, not the courts. ... It suffices that the means chosen by Congress add to the effectiveness of military recruitment.” If anything adding to the effectiveness of military recruiting can legally be compelled, then perhaps Congress could next pass a law requiring colleges to provide ROTC programs or even prohibit protests against military recruiters which reduce their effectiveness.

The biggest problem with the *Rumsfeld v. FAIR* case was the fact that it was framed by the law schools as a First Amendment case. As Roberts accurately reported, “The Solomon Amendment neither limits what law schools may say nor requires them to say anything.” And perhaps one silver lining in the dark cloud of *Rumsfeld v. FAIR* will be that universities and those who oppose the homophobic military policy will speak out more aggressively against the unjust and irrational policy of “don’t ask, don’t tell.”

This is, in fact, a Third Amendment case, which proclaims, “No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.”

The Third Amendment stands for the principle that the government cannot forcibly make use of private property during peacetime in order to serve military needs. That is precisely what the government is doing under *Rumsfeld v. FAIR*. Sadly, this critical argument went unnoticed by the Supreme Court. The Third Amendment rule that

prohibits forcible quartering of the military is broad enough to cover forcible recruiting.

Some have tried to downplay the impact of the Solomon Amendment by asserting that if universities truly believed in their principles, they could simply turn down the funding. However, universities cannot reject federal funds. To do so would have a devastating financial impact on almost every college in the country. But more importantly, to reject federal funds would infringe upon the academic freedom of faculty who require this funding in order to pursue their research and other projects.

The impact of *Rumsfeld v. FAIR* is not clear. One might hope that *Rumsfeld v. FAIR* will result in the elimination of “institutional academic freedom” as a legal concept, which has been invoked to give universities the power to violate the academic freedom of individual faculty and students.

But there is a greater danger that the idea of academic freedom and the autonomy of private institutions will be destroyed, paving the way for unconstitutional violations of academic freedom (such as David Horowitz’s Academic Bill of Rights legislation, which in several states would impose grievance procedures on private colleges).

Perhaps the final, and most important, lesson of *Rumsfeld v. FAIR* will be that universities and faculty need to make a much more concerted effort to educate judges, politicians, and the public about the importance of academic freedom to a free society.

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right to point his finger as well. Throwing pamphlets? Not so clear. Making an obscene gesture to students? No, I don't think faculty members have the right to do that. So, whether this case amounts to a violation of academic freedom *in this sense* depends on facts in dispute. In the best of circumstances, it would be difficult to establish the facts of the case. With the case now in the courts, I fear there is no chance of establishing the facts until the case comes to trial (if it does).

I think the due process case is much clearer. Here, a portion of a letter from David French, then President of FIRE, seems to me to be right on target:

Professor Klocek's September 24, 2004, suspension by Dean Dumbleton appears to have violated DePaul's policy on suspension from its faculty handbook. The Handbook states:

For serious cause the University may suspend a faculty member from his or her teaching duties and other obligations and responsibilities and prohibit that faculty member from using University facilities. This action can be taken only to prevent probable and serious harm to the reputation of the University or to its ability to carry out such important functions as instruction. **The faculty member is guaranteed that fair and consistent procedures will be used for making any suspension decision.** [Emphasis ours.]

It goes on to state that an "emergency" suspension, which becomes effective immediately (and which Professor Klocek evidently suffered), can only be ordered by the Executive Vice President for Academic Affairs, and that the faculty member so suspended still has the right to a formal grievance hearing after the fact.

Dean Dumbleton's suspension of Professor Klocek violated DePaul's own regulation on suspension in several ways. To begin with, Dean Dumbleton is not the Executive Vice President for Academic Affairs. She is the dean of the School for New Learning and does not have that authority. In fact, the Executive Vice President for Academic Affairs during the time in question was John J. Kozak. ...

Further, by no stretch of the imagination does Professor Klocek's situation constitute an "emergency," as school spokesperson Denise Mattson is reported to have claimed to Joel Mowbray of the *D.C. Examiner*. A true emergency situation would not have been addressed nine days after the incident and only after a meeting between the aggrieved students and administrators. DePaul's argument that Professor Klocek's speech constituted an "emergency" is completely unsupported in light of this fact.¹¹

I would add only one thing to French's summary, but to my mind it's the most important part of the case, and the one that has received the least attention. DePaul's Faculty Council did offer Klocek a formal grievance hearing after the fact, but he chose not to pursue it. Why not? Klocek's website offers some reasons, but when I saw it, they seemed rebarbative and unconvincing.¹² So, when I met with him earlier this year I asked him why. The reason he offered then made perfect sense. Despite the fact that he's taught at DePaul for fourteen years, he has always been on a term-to-term contract. By November, when Faculty Council extended its offer of a grievance hearing, DePaul was nearing the end of its fall term. By then, it was already too late to reinstate Klocek for the fall. Because Klocek had no ongoing contract, the grievance committee could not have constrained the university to rehire him. In short, the offer of a formal grievance proceeding was of no practical use.

What happened to Thomas Klocek can happen to any faculty member on a term-to-term contract, for any reason. Step out of line in any way, and you can simply find yourself out of a job at the end of your ten or fifteen-week contract. The university that employees you won't owe you an explanation, let alone any form of due process. Whatever rights the AAUP has fought for in the past century, and whatever lip service your university pays to those rights, you will find yourself with no remedy. *And a right without a remedy is no right at all.*

Part-time faculty members now make up 46% of our profession, while nearly two-thirds of faculty appointments are now either part-time or full-time but non-tenure-track.¹³ Our colleagues who labor under these conditions can find themselves without employment because they pissed off the wrong person, got a bad student evaluation, became the victims of rumor-mongering, or for no reason at all. DePaul has been calling for improved conditions for these colleagues since at least 1980.¹⁴ We've followed that up with a steady stream of policy documents and reports, culminating in our 2003 Policy Statement on Contingent Appointments and the Academic Profession.¹⁵ But let's be honest: all of our appeals have fallen on deaf ears. As a result, we lack the ability to defend academic freedom for most of our colleagues. We can either act collectively – and in far larger numbers than we now muster – to take back academic freedom for all faculty members, or we risk losing it for all of us.

NOTES

1 Ron Grossman, "I'm Not the Ideal Poster Boy," *Chicago Tribune*, December 20, 2005, <http://www.chicagotribune.com/features/chi-0512190170dec20,1,7884673story?page=2&cset=true&ctrack=1>; John J. Miller, "Pariahs, Martyrs – and Fighters Back: Conservative Professors in America," *National Review*, October 24, 2005, 40-45; Foundation for Individual Rights in Education, "DePaul: Professor Suspended for Expression without Due Process," <http://www.thefire.org/index.php/case/678.html>.

2 Bartlit Beck Herman Palenchar & Scott LLP, "Chambers USA 2005 Client's Guide Places Bartlit Beck Attorneys at the Top," <http://www.bartlit-beck.com/articles/detail.asp?whichid=161599962005>.

3 Complaint, *Thomas E. Klocek v. DePaul University et al.*, Circuit Court of Cook County, Chancery Division, Case No. 05CH09989, p. 2.

4 Robin Florzak, "Professor's Critic Grossly Ill-Informed," *The Post Online*, March 31, 2005, http://www.thepost.ohio.edu/show_news.php?article=E3&date=033105.

5 Susanne Dumbleton, "Special to *The DePaulia*: SNL Seeks to Resolve Situation," *The DePaulia*, October 8, 2004, <http://www.thedepaulia.com/story.asp?artid=118§id=1>.

6 Complaint, *Klocek v. DePaul*, pp. 7-8.

7 Minutes, Faculty Council Meeting, 3 November 2004, <http://pres.depaul.edu/faccouncil>.

8 Letter from Susanne Dumbleton to Thomas Klocek, November 10, 2004, from Complaint, *Klocek v. DePaul*, Exhibit F.

9 Thomas Klocek, conversation with author, January 9, 2006.

10 Complaint, *Klocek v. DePaul*, p. 30.

11 David French, letter to Fr. Dennis H. Holtschneider and John B. Simon, March 24, 2005, <http://www.thefire.org/index.php/article/5669.html>

12 Klocek, <http://freedepaul.blogspot.com>

13 AAUP, "Background Facts on Contingent Faculty," <http://www.aaup.org/Issues/Contingent/Ptfacts.htm>

14 AAUP, "The Status of Part-Time Faculty" *Policy Documents and Reports*, 9th ed. (Baltimore, MD: The Johns Hopkins Univ. Press, 2001), 57-67.

15 <http://www.aaup.org/statements/SpchState/Statements/contingent.htm>

University of Chicago Arrests Anti-War Students

By John K. Wilson

University of Chicago police arrested four students on Feb. 21 because the students were protesting military recruiters on campus and refused to change the content of their signs.

Two students, Jeremy Cohan and Ben Fink, stood on a table across from Marine recruiters and held up signs that said, "Don't Join the Marines, Join the American Nazi Youth," while chanting "We do what the Marines do, but better." The students obeyed a request to step down from the table and lower their voices, but they refused to stop making analogies to Nazi Germany. They encouraged people to rid the heads off plastic baby dolls as preparation for military work.

Sharlene Holly, the associate dean of students at the University of Chicago, told the Chicago Maroon, "We asked them to adjust their protest to not include Nazi imagery." Because some students engaged the protesters in an argument about the Nazi imagery, Holly claimed: "The nature of their protest continued to escalate tensions. Consequently, in my judgment, the area was becoming increasingly overcrowded and physically unsafe and I directed members of the ORCSA staff to call the University of Chicago Police Department." When two students who were not part of the original protest started chanting, "Administrators hands off, recruiters off campus," they were also arrested for creating a dangerous environment. All four students were charged with misdemeanor disorderly conduct.

Steve Klass, vice president and dean of students at the University of Chicago, declared: "It was the protesters' continued unwillingness to comply with staff requests and the increased agitation that their actions caused that led ORCSA staff to seek the assistance of the UCPD officer on the scene."

Holly cited a University policy that bans any disruptive act "obstructing, impairing, or interfering with University sponsored or authorized activities or facilities in a manner likely to deprive others of the benefit or

enjoyment of the activity or facility."

However, University of Chicago officials admitted that it was not any actions of protesters, but the content of their protest, which led to the suppression. According to Holly, "Many members of the University of Chicago community were hurt, outraged, and offended by the swastikas, Nazi references, and shouts inviting people to join them to kill Muslims and other minorities. The student protesters were not concerned that their language and imagery were hurting others in their own community." The University of Chicago's Hillel Rabbi David Rosenberg called the protest "inappropriate" even though some of the students are Jewish, but expressed opposition to their arrest.

The University of Chicago explicitly protects offensive comments: "The ideas of different members of the University community will frequently conflict and we do not attempt to shield people from ideas that they may find unwelcome, disagreeable, or even offensive. There are, however, some circumstances in which behavior so violates our community's standards that formal University intervention may be appropriate. Acts of violence, and explicit threats of violence directed at a particular individual that compromise that individual's safety or ability to function within the University setting are direct affronts to the University's values and warrant intervention by University officials." However, the University of Chicago chose to ignore its own policies in arresting its students.

The University of Chicago is not alone in suppressing freedom of dissent. Hampton University in Virginia sentenced several students to community service for the crime of handing out "unauthorized" flyers opposing the war in Iraq. The University of Wisconsin at Madison banned anti-war students from entering a student career fair where the military was recruiting. But the University of Chicago is unique in arresting its own students merely for engaging in peaceful protest against military recruiters.

God and Discrimination at Wheaton

By John K. Wilson

Peter Hill, an economics professor at Wheaton College in Illinois, wrote an article in a recent issue of *Academe* about how the American Economic Association prohibits online job postings from his institution because it discriminates on the basis of religion.

According to Hill, "Don't most institutions have some starting points to which they ask all faculty to adhere? Many secular colleges begin with the idea that there are no moral absolutes or organizing principles for life." Actually, no they don't. There is not one secular college that requires faculty to believe in a statement against moral absolutes. There is not one secular college that is allowed to discriminate against Christian faculty.

Hill urges that we "allow a diverse set of commitments and values to be embodied in different institutions." However, there is no contradiction between having diverse institutions and prohibiting discrimination. An analogy can be made to governments: almost all of us believe that all countries should be free, democratic societies. But that doesn't mean individual nations will therefore all have the same culture, language, and principles. Nor should we support totalitarian governments in the false name of promoting diversity of nations.

The same is true of colleges. All colleges should have academic freedom, and not engage in discrimination in hiring. Such a principle will not cause Wheaton College to become the same as every secular college (and, of course, secular colleges also differ greatly). Wheaton College's identity doesn't depend upon banning Christians who dis-

sent from the administration's interpretation of the Bible.

Hill reports that Wheaton "hires and retains as employees only those who fully identify with its institutional faith commitment." Wheaton's employment application not only demands that potential employees accept Jesus as their personal savior, but also asks them to "share the details regarding your conversion." Wheaton's employment application also includes a Community Covenant that seems to ban any students and employees from engaging in "pre-marital sex, adultery, homosexual behavior, and all other sexual relations outside the bounds of marriage between a man and a woman." The Covenant also seems to ban any Wheaton students or employees from any "immodest" or "sinfully erotic" behavior or entertainment off-campus.

The application allows people to express "questions, reservations, or disagreements" with Wheaton's policies. But it also notes that any dishonesty in the application can result in dismissal. This puts faculty in a difficult situation; if they disagree with any of Wheaton's extraordinary requirements, they must say so in advance and, by all indications, not be hired for the job. If they fail to state any reservation, they can be summarily fired if any of their actions or beliefs contradict Wheaton's Statement and Covenant.

The extent of Wheaton College's restrictions was revealed in 2005 when a professor was forced to resign for the thoughtcrime of becoming a Catholic. Although Wheaton's rules do not actually ban Catholics, the administration appealed to the reasoning that Catholics obey the Pope, not the Bible.

Eight Theses on Higher Education in Illinois

By the Faculty Advisory Council to the Illinois Board of Higher Education

Since the late 1990s, the State of Illinois has been starving its institutions of higher education. Budget cuts and flat budgets over the past five years have eroded public university appropriations to less than what they were in 1991 in constant dollars. At the same time, some health care costs have been passed on to individual institutions. To combat these moves by the state, public institutions have increased student tuition by double digit percentages most years, but state and federal government financial aid programs have not kept pace. The result is a higher educational system that survives, but which has increasingly become a private commodity that has been priced out of the reach of many of our middle and lower income citizens.

What follows are eight theses on Higher Education in Illinois today. The first four explain how higher education has reached the present crisis. The last four explain why this year, voters need to pressure the Governor and the legislature to re-invest in higher education and realign appropriations to make preK-16 education a long-term priority in the state.

FOUR REASONS WHY HIGHER EDUCATION HAS BEEN STARVED IN ILLINOIS

1. **Politics:** Higher education is a long term investment and thus politically difficult to support in the short term. While student progress in a given course of study can be reliably measured, the real impact of four or eight years of higher education is not measurable in the time necessary for political accountability. The true benefits of a higher education accrue over the lifetime of the graduate and beyond. Those benefits flow to the state in the form of more taxes paid, greater productivity, higher civic involvement, and less consumption of costly

social services. To individuals and their families higher education helps provide fuller lives and better opportunities to achieve their full potential. Little of this, however, is useful for political candidates in the short term.

2. **Politics and Economics:** A quality higher education system is expensive. It costs the state billions of dollars each year. While individual state institutions of higher learning may have strong ties to business and federal programs, and some are strongly defended by one or two local legislators, these billions of dollars in the state budget have practically no political base. As a result, it involves less immediate political risk for an elected official or legislator to cut higher education's budget than another program with a built-in political base.

3. **Public Perception of the Value of Higher Education:** Most voters recognize the value of a higher education to the individual who earns and holds the degree. There is little voter recognition of the value to the community, the state and the nation, however. As a result, there tends to be not much public reaction when politicians imply that those who will benefit the most from a higher education should bear a larger portion of the cost of the education that will allow that individual to generate a higher income than the voters who do not possess a higher education. This conversion of the public good of higher education into a private good attainable only by those with the means to pay for it occurs in degrees, or a little at a time. The deed is done before anyone notices.

4. **The Vicious Cycle:** Since the real value of higher education is not always easy to identify, easy to understand, or easily convertible to immediate profit, the more short-term our political and public perspective, the less we are willing to support the long term investment in higher education that is needed to assure access to a quality higher education for all citizens who wish to improve their lot. Readers over sixty already know this.

FOUR REASONS WHY WE MUST CONTINUALLY RE-INVEST IN HIGHER EDUCATION

5. **Another Vicious Cycle:** Higher Education in Illinois does not exist in a vacuum. Illinois, like most states, has traditionally viewed and funded the K-12 schools and higher education as two distinct systems. That has been and is a mistake. One seamless system makes more sense and reflects reality. The quality of one system affects the other. The poorer our K-12 systems, the less likely it is that our higher education institutions are able to bring the average college entrant to the proper standard in four years. Few voters realize, moreover, that more than 50% of K-12 public school teachers in Illinois are prepared at public higher education institutions in Illinois. We cannot drain the resources of public higher education without severely impacting the preparation of future K-12 teachers, who might in turn produce less prepared college students, and so forth.

6. **Economics:** The increase in the average American education and the consequent economic prosperity that followed the GI Bill and the Cold War is now reversing itself in Illinois. Between 1990 and 2005 Illinois lost 222,500 manufacturing jobs. Those jobs were more than replaced, but with jobs in business, professional, health, education, leisure and hospitality jobs paying 4.6% to 29.2% less. The median household income peaked in 1999 at \$52,515, but by 2004 it had slumped 12.2% to \$46,132 in constant 2004 dollars. A recent study found that while Illinois personal income increased by 40% in the last two decades, it is projected to decline by 2% over the next two decades. In the context of a withdrawal of state support for higher education, many unfortunate Illinois citizens and their families are being prepared for the economy of the past: subsistence living in a rigidified class structure. Elected officials concerned

with the Illinois budget should remember this: more educated citizens are larger wage earners, and they pay more taxes year after year, even when tax rates remain the same.

7. **Politics and National Security:** Thomas Jefferson repeatedly supported public education as a means of national security and prosperity. During the Cold War, our enormous investment in public education demonstrated how mid-twentieth century Americans still understood what Jefferson did. Those interested in defending America's interests may well start by supporting institutions that allow students to understand the history of those interests, and the political philosophy at their base. Future generations need to understand the history and character of our nation's institutions, commitments and values that would be defended or lost in the struggle.

8. **Public Higher Education is not a Profit Seeking Business:** It has been implied that public higher education should decrease its dependence on the State by competing directly with for-profit education institutions. While "accountability" can be improved in any state agency, the Governor and the Legislature must understand that the corporate model, however successful in deriving profit, does not support the goals of education. Corporations take risks that the future of our state and our nation cannot afford. If a corporation fails, another soon arises to take its place. No comparable higher educational institutions wait to replace our public universities. The corporate model aims at efficiency and profit, not quality, because quality is not efficient. For the future of our K-12 teachers, for the future of education in Illinois, for the future of our economy, for the future of our citizens and their quality of life, quality in higher education must be our goal. Excellence in education takes time, and it requires a faith now lacking in our elected state leaders. They need your help in remembering that faith this year.

In the Loop: AAUP at National Louis University

By Acting President Kristin Lems (Klems@nl.edu) and Secretary Scott Sullivan (Sullivan@nl.edu)

AAUP has been active across the NLU campuses this academic year. Following are some of our activities to date.

* AAUP is on the permanent agenda for the monthly Senate meetings. We issued a report in October, November, and December, and will continue to report for the coming months. To our count, all but one of the members of Senate is an AAUP member, something we are proud of!

* Several NLU AAUP officers had a two hour luncheon with President Pappas in December. The small, informal meeting gave us an opportunity to get to know Dr. Pappas, who was in faculty professional organizations himself when a professor.

* We provided President Pappas with a current issue of Illinois Academe and also a copy of the AAUP Red Book. We left with a shared willingness to meet together on a regular basis.

* We have also made an open-ended invitation to President Pappas to meet with the chapter later in the year, and he has expressed interest.

Key concerns voiced by many faculty at NLU include:

* Replacement of tenure-track positions with new, non-tenure track positions—tenure is at high risk!

* Lack of meaningful faculty input into important academic decisions "we work hard and our recommendations are then ignored."

* Lack of a competitive salary for NLU faculty, even in a profession which is traditionally underpaid.

* Abridgements of due process and devia-

tions from the Faculty Guidebook affecting several of our faculty members. AAUP has been there to defend YOUR rights.

* Over-reliance on adjunct labor, which weakens integrity. "A great university cannot rent a majority of their faculty by the hour."

* AAUP leaders attended the NCE adjunct breakfast in Lisle in December and distributed copies of Illinois Academe there. We introduced the chapter to all the adjuncts gathered there and invited them to join AAUP. Both of the two adjunct representatives on the Adjunct Council are AAUP members. AAUP places part time faculty issues among its top concerns, both nationally and locally, and offers a reduced membership fee to adjuncts.

* Senate Chair Sue Jungck has invited AAUP to have a role in the discussion about shared governance. Senate is interested in hearing about AAUP experience with faculty senates and their compositions. The AAUP leadership will be preparing a "white paper" to be presented to Senate sometime in the next couple of months. We also intend to make AAUP positions known on certain aspects of the strategic planning NLU is currently embarking upon.

* Our chapter has been contacted by several members over the past year about abridgements of their due process and academic freedom. We have advocated for them in several ways and will continue to do so. They were also able to make use of staff at the AAUP office, which has expert lawyers available for its members. Members are entitled to a free one hour consultation, after which there's a reasonable fee. These are among the most knowledgeable lawyers in higher ed case law, and our chapter is fortunate to have access to them.

ILLINOIS AAUP ANNUAL MEETING
SATURDAY, APRIL 22, 2006
ST. AUGUSTINE COLLEGE, CHICAGO

Letter from Leo Welch to AAUP General Secretary Roger Bowen

Dear Roger:

Your comment at the AAUP-CBC meeting in December regarding legislative issues in Illinois has prompted me to respond in a more detailed fashion. Three years ago Donna Mannering, Higher Education Director for the NEA in Illinois; Sue Kaufman, President of the University Professionals of Illinois (AFT) and I founded the Higher Education Legislative Coalition. Currently, we include the following national organizations: AFSCME, SEIU, NEA, AFT and most recently the AAUP. In addition we include the Illinois Community College Trustees Association and lobbyists employed by public universities. Those community colleges that employ lobbyists also have attended our meetings.

I estimated the combined membership of all the coalition unions at approximately 400,000. All have significant "clout" with the state legislatures. Illinois has been historically union friendly, and legislators are sensitive to our issues.

On April 13, 2005, we held a rally-lobby day in Springfield, our state capitol, with 300-400 people in attendance. The unions rented busses that brought students, faculty and staff to the capitol. Buses from Carbondale to Chicago and points in between converged on Springfield for a show of force. It was a great success!

Our first meeting in 2006 was held on January 11th, and we established both our short and long term legislative goals. Our lobby day this year was scheduled for March 15, and we had another great turn-out.

www.ILAAUP.ORG

Write to Illinois Academe

Write us a letter, express your opinion, or submit an article or a book review.

Email editor John K. Wilson at collegefreedom@yahoo.com.

Illinois AAUP News

UIS Graduate Students Unionize

University of Illinois at Springfield graduate assistants voted 40-1 on March 1, 2006 in favor of forming a union under the University Professionals of Illinois Local 4100. The UIS graduate assistants are focused on increasing stipends (which are \$4,000 less than at UIUC) and getting family benefits with their health care.

The Price of a President

The Southern Illinoisan reported that Southern Illinois University spent \$161,230.93 in the search for a president last year, including \$117,642.17 paid to the search

firm Baker-Parker, Inc. Meanwhile, SIU-Carbondale is planning a 9.4% tuition increase this fall and a \$485 increase in annual student fees per student to pay for a \$42 million football stadium and \$33 million in renovations at SIU Arena. SIUC Faculty Senate President Rob Benford noted, "What I'm very concerned about is what this is going to do to accessibility and affordability."

Consent Decrees on Fellowships

In February 2006, SIU signed a consent decree with the federal Justice Department to open up graduate fellowships originally created to help minorities and women gain more equal access to advanced degrees. In the wake of the 2003 Supreme Court case

Gratz v. Bollinger, which banned separate undergraduate admissions pools based on race, colleges have been eliminating programs for underrepresented minorities. In response, the Illinois General Assembly's Black Caucus is proposing legislation (supported by SIU) to require that SIU submit annual reports on minority recruitment to the legislature.

The Faculty Dissident

The *Chicago Tribune* editorialized on March 3 about "a mystery at SIU." The mystery was Mike Lawrence's decision to suspend writing occasional columns for the *Tribune*. Lawrence runs the Paul Simon Public Policy Institute at SIU, and had mentioned to SIU president Glenn Poshard that he was writ-

ing a column criticizing Gov. Rod Blagojevich's plan to give a tax credit to the parents of Illinois college students with good grade and pay for it by selling the state's student loan portfolio. (This plan has been criticized for fear it would lead to higher interest rates, and because it would cause more pressure for grade inflation.) However, Poshard supports the idea, and fearing that it would look bad to have one of his faculty attacking it, he asked an SIU trustee to contact Lawrence and try to persuade him not to write about it. Perhaps it's one of the dangers of a college president who has a political rather than an academic background, and assumes that faculty shouldn't be disagreeing with the president.

IL AAUP Speakers Bureau

John K. Wilson, editor of *Illinois Academe*, and the coordinator of the Independent Press Association's Campus Journalism Project, will publish his newest book, *Patriotic Correctness: Academic Freedom and Its Enemies* (Paradigm Publishers) in Fall 2006. All Illinois AAUP members are invited to bring him to your campus as part of his book tour. For more information, email collegefreedom@yahoo.com.

Ken Andersen, Speech Communication, University of Illinois at Urbana-Champaign, past president, ILAAUP:
1) Shared Governance and Due Process; 2) Academic Freedom & Tenure.

Joe Berry, Roosevelt University. Author, *Reclaiming the Ivory Tower* (Monthly Review Press, 2005). Visit his website at www.reclaimingtheivorytower.org.

Joseph Felder, Economics Bradley University, Secretary, IL AAUP (member of AAUP National Council):
1) Academic challenges of the national AAUP office; 2) Types of services and assistance from the national AAUP office.

Peter Kirstein, History, St. Xavier University.

Jack Leahy, Religious Studies, DePaul University, and past president, IL AAUP:
1) Academic issues in religious affiliated institutions; 2.) Contingent faculty.

Pan Papacosta, Columbia College in Chicago, and president, ILAAUP:
1) Academic Freedom & Tenure; 2) The significance of the Faculty Handbook.

Lawrence Poston, English, University of Illinois at Chicago:
1) Academic freedom and tenure; 2) Academic governance.

Leo Welch, Biology, Southwestern Illinois College, and past president, IL AAUP:
1) Legislation and academia; 2) Collective bargaining issues in academia.

IL AAUP speakers are generally available free of charge to AAUP chapters, and the Illinois AAUP can cover most expenses. We invite all our chapters and members to make use of this Speakers Bureau.
Contact IL AAUP President Michael McIntyre at (773) 510-5923, mmcintyr@depaul.edu. We are accepting nominations and proposals from experienced AAUP members who wish to serve on this bureau.

AAUP Meetings Coming Soon

The national AAUP Annual Meeting will be held June 8-11, 2006 in Washington, D.C. The AAUP's Summer Institute will be held in July in Portland, Oregon. Go to www.aaup.org to learn more and register for these events. The Illinois AAUP's Annual Meeting will be Saturday, April 22, 2006 at 1pm at St. Augustine College in Chicago. For free registration to the meeting, and info about parking and directions, email Lee Maltby at lmaltby@staugustine.edu. This meeting is free and open to the public, including non-AAUP members. Cary Nelson will be the keynote speaker, discussing "Contingent Academic Labor and Academic Freedom."

Supreme Court Rejects Hosty

In February, the U.S. Supreme Court refused to hear an appeal in the case of *Hosty v. Carter*, letting stand a 7th Circuit ruling that gives college administrators near-total power over the content of subsidized student newspapers. The case was sparked by Governors State University in south suburban Chicago, which demanded prior review of the student newspaper, the *Innovator*, in 2000. Since then, the newspaper has never appeared again. Legal experts fear that the denial of fundamental student rights may also lead to taking away academic freedom from their teachers. The Student Press Law Center (www.splc.org) is asking college administrators in the 7th Circuit (Illinois, Indiana, and Wisconsin) to designate student publications as a "public forum" where students have sole responsibility for determining the content.

WWW.ILAAUP.ORG

Join the AAUP

The American Association of University Professors (AAUP) is the only faculty organization devoted solely to higher education. We address the issues that concern you as a teacher and as a scholar. Our policies ensure that faculty members are afforded academic due process. The AAUP protects and defends your rights. If you are a member of the faculty, you need to be a member of the AAUP.

Yes, I would like to join the AAUP

Please complete this form and mail it to the AAUP, P.O. Box 96132, Washington, DC 20077-7020. For details, go to www.aaup.org or call our membership department at 1-800-424-2973, ext. 3033.

Name _____
(Please Print) Last First Middle

Mailing Address Home Work _____

City: _____ State: _____ Zip: _____

Daytime tel.: _____ Fax No.: _____

Email: _____ Tenured: Yes No

Institution: _____

Academic Field: _____

2006 Illinois AAUP Dues

- \$167** Full-Time Active Faculty Membership
- \$84** Entrant Active Faculty (new to the AAUP, non-tenured, first four years)
- \$43** Part-Time Faculty/Graduate Student Membership
- \$126** Associate/Public Membership (administrators/others)

Please do not include my name on non-AAUP mailing lists.

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The Illinois AAUP is a 501(c)4 organization.

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